Internet Freedom 2015: Triumph of Censorship

> Governments of the industrial world <…> on behalf of the future, I ask you of the past to leave us alone <…> I declare the global social space we are building to be naturally independent of the tyrannies you seek to impose on us. You have no moral right to rule us nor do you possess any methods of enforcement we have true reason to fear.
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> *A Declaration of the Independence of Cyberspace*
> *by John Perry Barlow*

The present report, which sets out an overview of the restrictions imposed on freedom of Internet in Russia, has been compiled on the basis of the ongoing monitoring of the events and developments that occurred during 2015. It comprises two main sections – the first containing the author's appraisal of the freedom of Internet and the second – a description of the results of the monitoring along with certain telling examples.

Methodology

The results of the monitoring on which this report is based include examples of restrictions of the freedom to receive and disseminate information via the Internet, which the authors have researched using open sources of information (published reports on the activity of government institutions, media articles and blogs). The annex contains a summary table setting out the known dates, sources, regions and types of restrictions imposed in each case for which information is available.

As in the past, the underlying premise of the authors is that free and uncensored access to the Internet is a fundamental human right and that the State has an obligation to guarantee to each individual freedom to receive and impart information and disseminate ideas via the Internet. The authors acknowledge that freedom of information is not an absolute right and that according to the Russian Constitution and the European Convention on Human Rights it may be limited, provided that the limitation satisfies to the "triple test" of being prescribed by law, pursuing a legitimate aim and being necessary in a democratic society.

The authors emphasize that the monitoring does not assess the *legality* of certain restrictions and as such the monitoring results include *inter alia* the shutdown of the banned Islamic State pages on social media and censorship in the public media providing social and political commentary, the criminal prosecution of users for re-posting content, the presentations made by prosecutors in respect of the ineffectiveness of content filtering at schools, and *any* other action on the part of government bodies, non-governmental organisations and corporations that hinder users who wish to receive or

impart and disseminate information online.

We consider the threats and acts of violence against bloggers, journalists and owners of the web resources an absolute and unjustifiable *violation* of the freedom of Internet, the responsibility for which ultimately lies with the State.

As the authors find the classification developed and used in previous years highly informative, they have chosen to retain it in the present report. The summary table contains references to acts of violence (information about murders is provided separately) associated with online activity, criminal prosecutions, different types of administrative pressure, imposing bans on information and access restrictions, and cyber-attacks. Incidents that do not fall under any of these categories are recorded in the *Miscellaneous* section of the report.

It is obvious that criminal prosecution with a view to imprisonment or the levying of substantial fines have consequences than that are far more serious than disbanding social media groups with a handful of members and followers. Nonetheless, due to the impossibility to assign unequivocal 'weights' to each particular restriction, we decided to not apply weight factors and did our monitoring on basis of the principle 'one event – one rating point'.

Given the global nature of the World Wide Web, it is difficult to identify the province responsible for the restrictions imposed in individual cases. However, where it is possible to incontrovertibly pin down such restrictions to a particular area, i.e. the location of the editorial board of a local media or the permanent residence of a website owner or user against whom criminal charges have been brought, the monitoring database contains a reference to the responsible region.

At the same time, we try to take into account the place where the decision affecting the freedom of Internet was taken. The naming of a banned website disseminating extremist content in a judgment delivered by a court in the Vladimir Region meant that the website in question had to be blocked by all Russian ISPs. The authors consider it important that the judgment in question was adopted in the Vladimir Region hence the reference to the specific location. On the other hand, legislative initiatives affecting the whole country or imposing a requirement to block a particular resource put forward by the federal government, are included in the summary table without reference to a specific province or area.

The monitoring report also includes information about restrictions imposed on the freedom of Internet in Crimea, including Sevastopol as the the peninsula effectively controlled by the Russian authorities who are responsible for ensuring respect for human rights and freedoms within the territory.

As compared to the previous year, the specific method of classifying episodes into the different categories has been modified. Thus, in 2015 the summary table first takes into account the restricted access to websites under the so-called Law on Blacklist of

Websites (Articles 15.1 to 15.6 of Federal Law No 149-FZ adopted on 27 July 27 2006 'On Information, Information Technologies and Protection of Information'). This is due to the fact that the Prosecutor's Office and the Roskomnadzor (The Federal Service for Supervision of Communications, Information Technology, and Mass Media) began publishing more detailed and comprehensive reports on their activities, including statistics on the number of cases included into the relevant registers and the instances of deletion of information at the request of the authorities.

Overview

According to a study conducted by GfK at the end of 2015 there were 84 million Internet users in Russia, i.e. 70.4% of the population aged 16 years plus[1]. Notably, growth has been achieved through older users. These figures are much more optimistic than earlier data published in October 2015 by the Public Opinion Foundation, which reported 77.5 monthly audience and 62 million daily audience (respectively 66% and 53% of the population aged 18 years plus)[2]. In any case, it is certain that more than half of the adult population uses the Internet on a regular basis.

This is despite the fact that the price of access to the Internet has increased for the first time in a very long period. According to *Yandex* in the spring of 2015 the national average cost of access to broadband Internet at a speed of 1 Mbit/s was 38 RUB—a price that is significantly higher as compared to that reported in the spring of 2014 (22 RUB for 1 Mbit/s[3] on average).

According to the *Russian domains* the .ru-zone, following a significant decline in 2014, returned to a growth trajectory with 5 040 278[4] domain names as at December 31st, 2015.

Although the share of people following the national and international news on TV is gradually decreasing, according to *the Levada Centre* survey for 85% of respondents television remains the main source of information[5]. Coupled with the continued increase in the number of Internet users, this means that the authorities, willing to preserve their relative monopoly on information, cannot easy the pressure on *RuNet*.

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[1] Internet use in Russia increased up to 70.4% of adults and senior citizens. // [Cnews.ru. 28.01.2015]. URL: http://www.cnews.ru/news/top/2016-01-28_proniknovenie_interneta_v_rossii_vyroslo_do_70 (accessed on: 01.02.2016)

[2] Internet in Russia: penetration dynamics. Summer 2015. // [Website of the Public Opinion Association. 30.10.2015]. URL: http://fom.ru/SMI-i-internet/12369 (accessed on: 01.02.2016)

[3] See Development of the Internet in the different Russian Provinces. Spring 2015. [Yandex]. URL: https://yandex.ru/company/researches/2014/ya_internet_regions_2014/ and Development of the Internet in Russian Provinces. Spring 2014 [Yandex]. URL: https://yandex.ru/company/researches/2014/ya_internet_regions_2014/#chap2.1 (both accessed on: 01.02.2016)

[4] See http://statdom.ru/

[5] Television becomes less popular. // [*Kommersant.ru*. 16.12.2015]. URL: http://www.kommersant.ru/doc/2878258 (accessed on: 29.01.2016)

Last year the repressive practices employed against *RuNet* has begun to stabilize. Since 2008 (when monitoring began) the Russian authorities have proposed 286 different regulations seeking to establish control over the Internet. This trend peaked during the period 2013-2014 when 162 proposals or 57% of the total were made. Last year saw a decline, for the first time, in the number of proposed legislative interventions by 50%, with the total number decreasing from 87 legislative initiatives in the previous year to 48 in the last period (see table).

This yet again hints at the government's preferred method of responding to online activity. New proposals for the most part were reduced to clarifying the methods of content blocking and filtering to be employed and increasing the number of agencies authorized to do this while, in parallel, expanding the areas subject to blocking or the use of additional controls.

Proposals to regulate the Internet
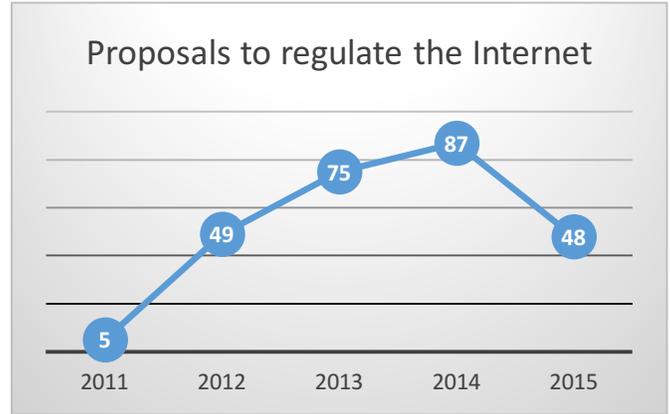
Content blocking and filtering

Having defined the general method of adjusting and fine tuning the mechanism of blocking IP-addresses through telecom operators, the authorities have now shifted their focus to execution. In 2015, the various departments and provinces began to compete for the first time, reporting an increase in activity as compared to the same period in the previous year and openly demonstrating demand for innovation in the area of blocking and filtering, coupled with attempts to invent the simplest and most efficient mechanisms for unwanted content identification.

The General Prosecutor's Office, following the example of the Tatarstan, where an automated content monitoring system was tested: 'Since July this year the system has identified 17 365 webpages that potentially disseminate information about prohibited substances, extremism, suicide, child pornography and gambling, of which 3 856 were referred to Roscomnadzor for the purpose of blocking inappropriate content'[6].

Censorship

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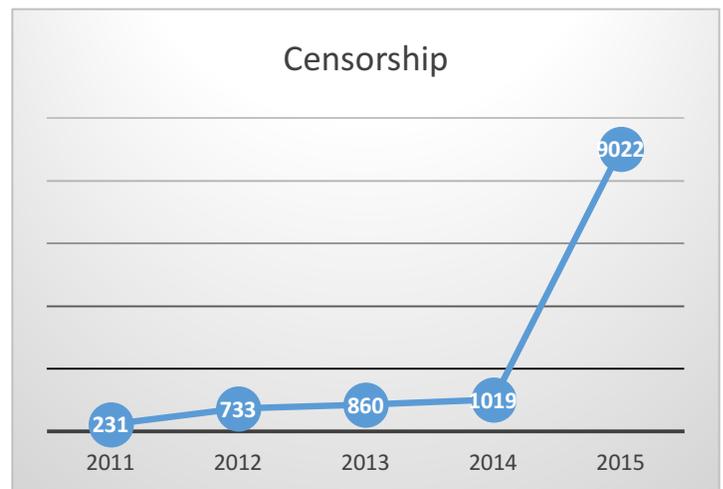
[6] The Prosecutor's Office of Tatarstan is implementing a nation-wide project to combat crimes committed on the Internet // [Website of the General Prosecutor's Office. 16.12.2015]. URL: http://genproc.gov.ru/smi/news/genproc/news-999744/ (accessed on: 01.02.2016)

IT-watchdog Roskomnadzor, in response to reports alleging that an automated system for collection and analysis of online media content is being tested, confirmed that 'the project will be completed by the end of 2016'. Data from 19 regions is currently available. The number of reported violations has increased at least twice'[7].

It is obvious that the authorities do not have the resources to manually process and evaluate tens of thousands of webpages, hence the step toward automated content control is the only workable solution. Courts, which have consistently upheld judgments recognizing the government's right to ban and suppress information[8], are the next element in the conveyor. To date, Roskomnadzor has reported 7 300 court judgments upholding information bans and prosecutors have informed that extremist content has been removed from 4 500 websites[9]. With such volumes no one thinks about the quality. To wit, in the summer of 2015 the Soviet District Court of Bryansk ruled that the following files had extremist content: GTbGQMCKSnE.jpg, ObgCxSi-adl.jpg, NyYWjqTDJOc.jpg, rIJmEgcsv.jpg [10]

Torrents

But the most glaring example of the ineffectiveness of public authorities in their chosen approach to Internet regulation was the story of the 'eternal' blocking of torrent trackers. On 1 May 2015, Article 15.6 of the Federal Law on Information, Information Technologies and Protection of Information entered into force according to which websites, which repeatedly put online content protected by copyright or 'the information necessary to make such content available to unauthorised users' (!) are subject to t blocking *for* perpetuity without the possibility of access to their content being restored.

In October, the Moscow City Court delivered its first judgment on 11 resources blocked for perpetuity, including one of the largest torrent trackers *Rutor.org*[11]. In response, the website owners called on users to resort to civic defense tactics. On December 6, the home pages of the web portals RuTracker.org, Rutor.org and Kinozal.tv displayed a stub advising users that in order to gain access to the respective websites during the day they needed to install a lock bypass. Also users were provided with the links to pages containing more detailed information[12].

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[7] Media: Roskomnadzor commences tests on Internet control systems—media report. // [*Novosti* News Agency. 25.12.2015]. URL: http://ria.ru/society/20151225/1348503122.html (accessed on: 01.02.2016)

[8] Report on the activity of Roskomnadzor in 2015 // [Website of Roskomnadzor. 22.12.2015.] URL: http://rkn.gov.ru/news/rsoc/news36789.htm (accessed on: 01.02.2016)

[9] *Ivan Egorov*. Online recruitment. // [RG.ru. 27.08.2015]. URL: http://www.rg.ru/2015/08/28/chaika.html (accessed on: 31.01.2016)

[10] Federal List of Extremist Materials // [Website of the Ministry of Justice of the Russian Federation] URL: http://minjust.ru/ru/extremist-materials?field_extremist_content_value=2953 (accessed on: 02.02.2016)

[11] *Alena Suharevskaya, Elizaveta Foht*. Russia becomes the first country to introduce website blocking for perpetuity // [*RBC*. 14.10.2015]. URL: http://www.rbc.ru/technology_and_media/14/10/2015/561e659c9a79477fb862567d (accessed on: 02.02.2016)

[12] *Artem Kozlyuk*. Torrent trackers hold civil defence training. // [*RuBlacklist*. 06.12.2015]. URL: http://rublacklist.net/13749/ (accessed on: 02.02.2016)

On October 29 at RuTracker.org forum administrators published a survey, inviting users to decide the fate of the portal by answering the question 'Delete or not torrents on Rutrekere?' Several hours after the start of voting 67% of more than 45 thousand voters had chosen the option 'Do not delete. Let the block be, I will look for ways to bypass it'. A total of 1 301 362 users completed the survey 68% of which were against censorship[13].

A day after the judgment upholding the 'eternal' blocking entered into force at the end of January 2016 web-portal administrators deprived the copyright holders of the possibility to delete torrents that they had previously enjoyed[14]. In the first few days after the blocking the number of users, according to LiveInternet, decreased by less than one quarter.

Anonymity

In addition to website blocking becoming a routine response, Russian authorities are trying to bring more advanced technologies under their control. Although cryptocurrency is still a matter of discussion, to the extent of being a business, two approaches are currently vying for dominance. The first is to prohibit even its mention 'because of te terrorists'[15] and the second is calling for control of the process on account of Bitcoin already being in global use[16].

Discussions of cryptocurrency are an element of the broader debate about anonymity in general. In May 2015, the UN Special Rapporteur on freedom of expression David Kaye presented a report, stating that anonymity and encryption[17] are important guarantees for the exercise of the right to freedom of speech and called on governments not to interfere with the development of encryption and anonymity. Three months earlier the Chairman of the Duma Committee on Information Policy, Information Technology and Communications urged that 'extra-judicial blocking of anonymizers and the means of accessing anonymous Tor-type networks be studied in greater detail'[18].

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[13] http://rutracker.org/forum/viewtopic.php?t=5106232 (accessed on: 02.02.2016)
[14] RuTracker disables torrent download by right holders // [*Meduza*. 26.01.2015]. // URL: https://meduza.io/news/2016/01/26/rutracker-zapretil-pravoobladatelyam-udalyat-torrenty (accessed on: 02.02.2016)
[15] *Artem Kozlyuk*. Public consultation launched on the draft law proposing to ban mentions of cryptocurrency // [*RuBlacklist*. 11.02.2015]. URL: http://rublacklist.net/10307/ (published on: 01.02.2015)
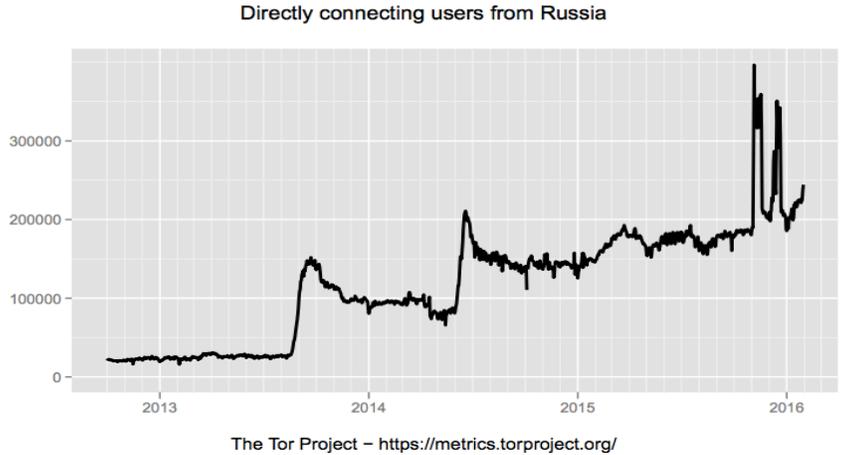[16] Senator: Bitcoins must be regulated, not banned // [*Novosti* News Agency. 14.01.2016]. URL: http://ria.ru/society/20160114/1359876959.html (published on: 01.02.2016)
[17] Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye. // [Human Rights Council. 29th session, Agenda item 3]. URL: http://ru.scribd.com/doc/266938105/A-HRC-29-32-AEV (published on: 01.02.2016)
[18] *Darya Luganskaya, Irina Yuzbekova, Svetlana Bochrova, Cyril Petrov*. The National Parliament calls for pre-trial blocking of anonymisers // [*RBC*. 05.02.2015]. URL: http://www.rbc.ru/technology_and_media/05/02/2015/54d331379a79474a7f17c8dd (published on: 01.02.2016)

At the same the Central Research Institution on the Economy, Informatics and Control Systems commissioned by the Ministry of Interior had already attempted and failed to break down Tor defences in order to identify the system users[19]. We recall that since November 2012, when Russia began to actively block access to websites on the basis of IP-addresses, the number of daytime Russian users of Tor increased from 20 682 (1 October 2012) to 262 770 (31 January 2016) or from 2.76% to 12.82%, causing the country to rise from 9th to 2nd place.

After failing to deanonymize Tor users the authorities decided to continue blocking access to websites — on April 13 the Anapa City Court, ruling in a lawsuit filed by the prosecutor's office, delivered a judgment to ban one of the pages of non-profit project *RuBlacklist* website[20]. Banned webpage provided users with the manuals for bypassing the blockings and restoring access to the information.

Directly connecting users from Russia

The Tor Project – https://metrics.torproject.org/

Despite this, Roskomnadzor has indirectly confirmed that encrypting communications and bypassing blockages remain legal in Russia[21].

Putting users under pressure

The government is gradually becoming aware of the ineffectiveness of the chosen strategy, a key instrument of which is limiting access to websites while remaining reluctant to impose severe restrictions on the use of social networks.

Not without the reason Roskomnadzor complained that foreign social networks refuse to comply with requests and requirements of the Russian authorities[22]. For example, between 1 July 2014 and 30 June 2015 Russian government agencies submitted 152 requests for Twitter user information and received 152 refusals[23]. In the first half of 2015,

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[19] *Maria Kolomichenko*. Impenetrable Tor. // [*Kommersant*. 09.09.2015]. URL: http://www.kommersant.ru/doc/2805960 (accessed on: 01.02.2016)

[20] *Artem Kozlyuk*. Court judgment on the blocked website of *RuBlacklist* «Instruments». Crowdfunding in law proceedings // [*RuBlacklist*. 28.05.2015]. URL: http://rublacklist.net/11503/ (accessed on: 01.02.2016)

[21] *Nikita Likhachov*. According to Roskomnadzor lock bypasses are not illegal. // [*TJournal.ru*. 27.01.2016]. https://tjournal.ru/c/21826-roskomnadzor-poschital-instrumenti-obhoda-blokirovok-ne-narushaushimi-zakon (accessed on: 01.02.2016)

[22] Roskomnadzor asks Twitter to explain its stand on Russian legislation // [*Vedomosti*. 17.02.2015]. URL: http://www.vedomosti.ru/politics/news/2015/02/17/roskomnadzor-poprosil-twitter-razyasnit-ego-otnoshenie-k-rossiiskomu-zakonodatelstvu (accessed on: 02.02.2016)

[23] https://transparency.twitter.com/country/ru (accessed on: 02.02.2016)

Google complied with only 5% of the 207 requests for disclosure of users data[24]. Regardless of the formal pretexts to block foreign social networks following their demonstrative refusal to remove groups of support for the Navalny brothers at the end of 2014 and the beginning of 2015, the Russian authorities ultimately refrained from imposing a full ban on their activity.

This is undoubtedly related to stepping up pressure on individual users in order to limit the creation and distribution of inappropriate content. The main instrument used here are the provisions on anti-extremism contained in the Criminal Code and the Administrative Code. A clear trend towards more vigorous prosecution of individuals for free speech was observed last year.

In previous years, the punishments imposed for online statements, albeit by exception, have been influenced by considerations relating to both criminal law and the prevailing socio-political environment. For example, the neo-Nazi Maxim Marcinkiewicz, who had a prior conviction for extremism, in August 2014 received the maximum 5-year punishment under Article 282(2) of the Criminal Code for publishing three videos on the Internet (on appeal the sentence was commuted to 2 years and 10 months in prison)[25]. Given the personality of Marcinkiewicz, his tendency to violence and extreme right-wing political views, the authorities could reasonably expect that his prison sentence would not receive wide publicity (the authors are convinced that prosecution for freely expressing one's views, whatever these may be, and particularly imprisonment, are disproportionate as a number of alternative methods to respond are available to the State).

Unsurprisingly, in 2015 these exceptions exacerbated and multiplied. For example, having already been sentenced for extremism, after his conviction was overturned the Tatar nationalist Rafis Kashapov did not attract the attention of federal authorities despite his open support for the Crimean Tatars and criticism of Russia's actions in Ukraine. As well he did not raised a single call to violence. But during the last 25 years Kashapov has consistently criticized the actions of Tatarstan authorities in the field of national and religious policy, building relations with Moscow, at the helm of the office of the Tatar Public Centre *in Naberezhnye Chelny*. The effective prison sentence Kashapov received, despite his advanced age, for statements he made in the Internet, was the first of its kind in Tatarstan and clearly shows that regional authorities, feeling the wind change, decided to use it to deal with the opposition to their own regime.

Almost immediately after the Kashapov's sentence came into force the investigative authorities in Kazan opened criminal proceedings against another representative of the Tatar national intelligentsia — Aydar Khalim (Boris Khalimov) — solely on account of having voiced his views, albeit not online, but at a public rally[26].

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[24] http://www.google.com/transparencyreport/userdatarequests/RU/ (accessed on: 02.02.2016)

[25] Court commutes the sentence of the nationalist Marcinkiewicz by half // [*Novosti* News Agency. 11.11.2014]. URL: http://ria.ru/incidents/20141111/1032766560.html (accessed on: 02.02.2016)

[26] Grigoriy Tumanov. Tatar nationalists distort the past. // [*Kommersant*. 21.12.2015]. URL:

It is obvious that the precedents at the federal level are beginning to filter down to regional one, resulting in more convictions, with a markedly higher number of effective prison sentences for the expression of opinion online.

Results of the monitoring

In 2015, a total of **15 022** instances of restrictions imposed on the freedom of the Internet were registered in Russia. This significant increase as compared to 2014 year is largely due to two reasons. Firstly, the government agencies commenced publishing detailed reports on website blocking, and secondly, there was a significant increase in the number of blocked websites and orders for content deletion. As a result, information about almost half of the reported incidents is based on court judgments banning information from being published online, with most cases of administrative pressure comprising orders to remove or edit certain materials. The consolidated register of such cases shows a total number of **11 800** (according to the General Prosecutor's Office and Roskomnadzor), and **3 222** of other types of restrictions taken into account.

In previous years, consolidated statistics was not available and we had to rely on infrequent updates of the Federal List of Extremist Materials and selected media reports.

Types of restrictions		2011	2012	2013	2014	2015
Killings		1	-	1	1	-
Use of violence		10	3	23	26	**28**
Proposals to regulate the Internet		5	49	75	87	**48**
Criminal prosecution / incl. actual imprisonment		38	103	226	132	**203/18**
Administrative pressure		173	208	514	1448	**5071**
Censorship	Restriction of access[*]	231	609	236	947	**1722**
	Court banning of information	-	124	624	72	**7300**
Cyber-attacks		31	47	63	10	**30**
Civil claims		11	26	37	60	**49**
Miscellaneous		-	28	34	168	**571**
		500	**1197**	**1832**	**2951**	**15022**

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http://www.kommersant.ru/doc/2882424 (accessed on 02.02.2016)

[*] When calculating this indicator, we try to take into account the blocks pursuant to Articles 15.1 to 15.6 of the Law on Information, Information Technologies and Protection of Information, building on the data published by government agencies involved in the blocking procedure. At the same time, according to *RuBlacklist*, for all the time of the implementing of these standards more than 1.2 million information resources have been blocked (http://reestr.rublacklist.net/visual).

In 2015, the number or regions in which Internet users were under severe pressure has doubled as compared to 2013 (9). In 2014 there were 14, in 2015 – 31 such regions (including Crimea and Sevastopol, which after joining the Russian Federation unhesitatingly embraced Russian practices of controlling the Web). An equally significant development was the decrease in the number of *green zone* provinces—only 19 of the left in 2015 as compared to 32 in 2014.
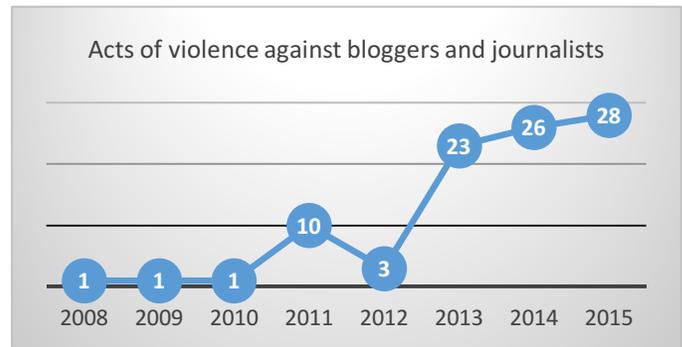
Last year, Moscow, Saint-Petersburg and Tatarstan, which routinely display extremely high levels of pressure, were joined by Mordovia, Ulyanovsk Region and Chechnya. This increase, as in the previous year, is due to provincial prosecution offices stepping up their activity. In Mordovia this spike in activity stemmed from efforts to combat drug propaganda; in Ulyanovsk - the sale of a variety of documents, alcohol and devices, supposedly used to alter the readings of metering devices. In Chechnya special attention was paid to materials insulting the feelings of Muslims.

The abnormal activity of prosecutors in some provinces against the backdrop of relative calm in others may be due to the fact that fight against the proliferation of prohibited materials is not included in the scope of the mandatory reports to be presented to General Prosecutor's Office. An alternative explanation may be that the information is simply not made public knowledge.

Acts of violence

The level of violence against online activists and journalists in 2015 remains significantly high. At least 28 bloggers and online journalists have been the victim of attacks or received threats (in 2014 there were 27 victims). Furthermore, the geography of violence is expanding. If in 2014 attacks or threats were reported in 12 provinces, in 2015 their number stood at 19. In the last 5 years alone, there were at least 90 reported cases of violence relating to Internet activity (see table).

We must yet again emphasize the failure to conduct effective investigations of attacks on journalists and Internet activists, which provoke new attacks that also goes unpunished. The investigation of the murder of Magomed Yevloyev (2008) raised serious doubts. The murder of the editor of the Dagestani daily *Chernovik* Gadzhimurad Kamalov (2012), of the Deputy Chief Editor of the weekly *Novoye Delo* and of a correspondent of the *Caucasian Knot* Akhmednabi Akhmednabiyev (2013) remain unsolved. In the summer of 2014 the journalist Timur Kuashev was found dead in a suburb of

Acts of violence against bloggers and journalists

2008	2009	2010	2011	2012	2013	2014	2015
1	1	1	10	3	23	26	28

Nalchik (Kabardino-Balkaria) and no reliable information about the progress of the investigation is available[27].

The investigation of the attack on Oleg Kashin, which occurred on the night of November 6th 2010, is being overtly sabotaged. Nearly 5 years after the attempted murder of the journalist information was published in the media that the charges of assault have been brought against Danil Veselov and Mikhail Kavtaskin - employees of security service of the company *Mechanichesky Zavod* – a part of the holding *Leninetz* owned by the family of the Pskov Governor Andrei Turchak[28]. Veselov is said to have testified that the crime was arranged by the manager of the *JSC Zaslon* (also a part of *Leninetz*) Alexander Gorbunov on commission from the Pskov Governor Andrei Turchak[29] who called the accusations a 'provocation'. Turchak was never questioned[30] and Gorbunov was soon released from custody.

In 2015, attacks on journalists and **bloggers** continued. On January 13th in **Saratov** the journalist Sergei Vilkov was beaten — the second attack in six months on an employee of the *Public Opinion Agency*[31]. After the victim announced that he suspected the attack was commissioned by the local MP Sergei Kurikhin he was charged with slander[32].

On January 15th in **Irkutsk** the chief editor of the portal BABR.ru Dmitry Taevsky[33] sustained heavy trauma following ат attack with a non-lethal weapon. On the same day in **Moscow** during the anti-maydan event the correspondent of *OpenRussia* Egor Maksimov was beaten by the police[34].

On January 16th in **Omsk** the press officers of the organization *Public Control*[35] were attacked. On February 1st in **Grozny**, the owner of the website *Ingushetiyaru.org* Magomed Khazbiev was shot in a hospital[36]. Two weeks later the Khazbiev house in **Nazran** came under fire. *Caucasian Knot* draws attention to the fact that on January 31st Khazbiev had posted a video on YouTube in which he accused the head of Ingushetia

[27] *Nikolai Kavkazskiy*. The Murder of Timur Kuashev: The Investigation Grows Cold? // [Personal blog on *OpenRussia*. 26.03.2015]. URL: https://openrussia.org/post/view/3783/ (accessed on: 29.01.2016)

[28] *Elizaveta Surnacheva, Farida Rustamova*. Governor Insulted. // [*RBC Daily*. 08.09.2015]. URL: http://rbcdaily.ru/politics/562949997036038 (accessed on: 29.01.2016)

[29] He simply blamed it on me // [*Pskovskaya Gubernia*. 07.10.2015]. URL: http://gubernia.pskovregion.org/number_760/03.php (accessed on: 29.01.2016).

[30] Turchak considers allegations that he commissioned the murder of Kashin a provocation. // [*Mediazona*. 03.12.2015]. URL: http://zona.media/news/turchak-provokatsiey/ (published on: 29.01.2016)

[31] *Egor Skovoroda*. Story without end. // [*Mediazona*. 28.05.2015]. URL: https://zona.media/story/vilkov/ (accessed on: 29.01.2016)

[32] Vilkov, the Saratov journalist, yet again accused of defamation by the member of parliament Kurehin. // [*Mediazona*. 17.07.2015]. URL: https://zona.media/news/vilkov-3/ (accessed on: 29.01.2016)

[33] Armed assault of the editor-in-chief of a respected online media. // [*Gorod*. 17.01.2015]. URL: http://tkgorod.ru/news/5515 (accessed on: 29.01.2016)

[34] Polices use physical force on Egor Maksimov, a journalist of *OpenRussia* // [*TV Dozhd'*. 15.01.2015]. URL: https://tvrain.ru/news/politsejskie_izbili_zhurnalista_otkrytoj_rossii_egora_maksimova-380637/ (accessed on: 29.01.2016)

[35] In Omsk province journalists and human rights activists Alexander Sedelnikov and Ruslan Alehin brutally beaten. // [*Russia — conflicts in the media*. 16.01.2015]. URL: http://mediaconflictsinrussia.org/card/3571/ (accessed on: 29.01.2016)

[36] Thunder: Shots fired at Magomed Khazbiev in Grozny, his lawyer stated. // [*Caucasian Knot*. 01.02.2015]. URL: http://www.kavkaz-uzel.ru/articles/256572/ (accessed on: 31.01.2016)

Yevkurov of political repressions[37].

On April 9th in **Sevastopol** the editor of the online magazine *Informer* Irina Ostashenko was beaten and received severe craniocerebral injury[38].

Often the police officers present at the attacks on journalists refuse to defend them, effectively encouraging the attackers. Thus, on April 13rd in **Kaliningrad** the workers of Car Evacuation Service tried to strangle with a camera belt the *Klops.ru* correspondent Victor Buzdin, filming their work. The traffic police officer present at the scene of the attack later denied that he had seen the beating as allegedly on account of official vehicle video-recording device being disabled[39].

On May 31st in **Moscow**, pro-government activists attacked participants of the anti-war rally and journalists. The correspondent of *Grani.ru* Daria Kostromina was injured[40].

Windows in apartment of Alexander Byvshev in **Kromi** (Orel Region) have been broken during the night. Prior to the attack Byvshev was accused of extremism because he had published poems in support of Ukraine and had received a threatening letter[41].

Colleagues of the journalist from *Novaya Gazeta* Elena Milashina, who had published a series of reports about the wedding of 17-year-old Kheda Goylabiyeva and chief of Nozhai-Yurt Police Station Nazhud Guchigov, considered a threat on account of the publication on the portal *Grozny-Inform*, in which the reporter had predicted the fate of Anna Politkovskaya and Boris Nemtsov[42]. Earlier Milashina had received friendly 'advice' to keep an eye on her personal security on account of the interest in her on the part of the Chechen police[43].

The **Chechen** resident Adam Dikayev, who had decided to criticize Ramzan Kadyrov's Instagram[44], was subjected to public humiliation. According to *Caucasian Knot* in Chechnya there is "a growing trend of harassment and abuse as a deterrent against against critics of Kadyrov". Elena Milashina of *Novaya Gazeta* adds: "In recent years,

[37] In Ingushetia shots fired at the house of Magomed Khazbiev. // [*Caucasian Knot*. 17.02.2015]. URL: http://www.kavkaz-uzel.ru/articles/257406/ (accessed on: 31.01.2016)

[38] In Sevastopol the journalist Ostashenko dies. // [*Lenizdat.ru*. 01.09.2015]. URL: https://lenizdat.ru/articles/1132299/ (accessed on: 31.01.2016)

[39] Investigation of the attack on the Kaliningrad journalist begins. // [*Klops.ru*. 14.04.2015]. URL: http://klops.ru/news/obschestvo/107720-po-faktu-napadeniya-na-kaliningradskogo-zhurnalista-nachalas-proverka (accessed on: 31.01.2016)

[40] *Anastasia Zotova*. Green paint poured on *Solidarnost* activists who were also pelted with excrements and beaten during a rally: in pictures. // [Personal blog on the *OpenRussia* portal. 31.05.2015]. URL: https://openrussia.org/post/view/7575/ (accessed on: 31.01.2016)

[41] Window broken in the apartment of the author writing pro-Ukrainian poems // [*OVD-Info*. 16.06.2015]. URL: https://ovdinfo.org/express-news/2015/06/16/v-kvartire-avtora-proukrainskih-stihov-vybili-okno (accessed on: 31.01.2016)

[42] Elena Milashina, a *Novaya Gazeta* journalists receives death threat. // [*Novaya Gazeta*. 09.06.2015]. URL: http://www.novayagazeta.ru/politics/68758.html (accessed on: 31.01.2016)

[43] Elena Milashina, special correspondent of the *Novaya Gazeta* in Chechnya advised to take better care of personal safety // [*Novaya Gazeta*. 14.05.2015]. URL: http://www.novayagazeta.ru/news/1693767.html (accessed on: 31.01.2016)

[44] Chechen citizen humiliated on account of criticising Kadyrov. // [*Caucasian Knot*. 21.12.2015]. URL: http://www.kavkaz-uzel.ru/articles/274719/ (accessed on: 31.01.2016)

self-censorship has become rampant on Chechen accounts on Facebook. Users carefully remove or clean their pages. 'Dangerous' posts are deleted, personal information and friends lists are closed for safety reasons. Also, residents of Chechnya are switching on a large scale from WhatsApp to Telegram as the preferred messenger, where the degree of protection is much higher, forwarding information in secret chats and then removing the content"[45].

Criminal prosecution

After a relative decline in 2014 the number of criminal prosecutions of Internet users yet again increased from 132 to 203[*]. Wherein at least 18 people were sentenced to actual prison terms for a total period of 36 years and 5 months.

The vast majority of criminal prosecutions concern the publication of ultra-right xenophobic and racist material but topics such as Ukraine, the annexation of Crimea, and criticism of the authorities continue to stay in a high risk zone. In 2015, the first sentences were handed down under the new provision on public calls for separatism (Article 280.1 of the Criminal Code). The Russian authorities consider as separatism criticizing the including of Crimea in the Russian Federation, especially when using the words *annexation* and *occupation* in this context.

Criminal prosectuion of bloggers

2008	2009	2010	2011	2012	2013	2014	2015
1	10	8	38	103	226	132	203
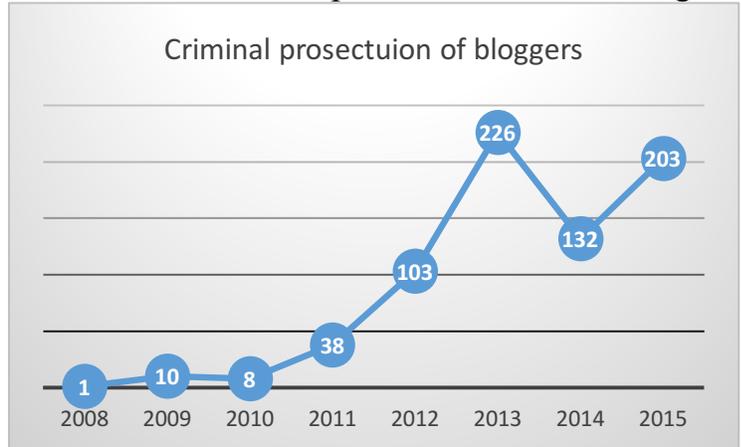
Yekaterina Vologzheninova, a resident of **Yekaterinburg**, was charged with inciting hatred and enmity (Article 282 of the Criminal Code). The reason was that she has followed publics of *the Ukrainian People's Self-Defense* and *the Russian Right Sector* in *VKontakte* as well as reposted on social network materials about the *Euromaydan*[46].

The Tatar activist from **Naberezhnyeye Chelny**, Head of the Tatar Public Center Rafis Kashapov, received the first sentence of 3 years in prison under the new article on call for separatism for publishing in *Vkontakte* six articles about violations of the rights of the Crimean Tatars and declaring the annexation of Crimea by Russia illegal. Criticizing

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[45] Elena Milashina. «*Factor KRA*». // [*Novaya Gazeta*. 01.02.2016]. URL: http://www.novayagazeta.ru/inquests/71652.html (accessed on: 01.02.2016)

[*] It should be noted that this category also includes cases of questioning as witnesses, conduct searches and other investigative actions in respect of persons who have not faced formal charges, if there is reason to assume that they can subsequently be prosecuted.

[46] In Ekaterinburg *Vkontakte* readers accused of extremism. // [*Radio Svoboda*. 04.01.2015]. URL: http://www.svoboda.org/content/article/26775900.html (accessed on: 31.01.2016)

Vladimir Putin's foreign policy Kashapov compared Russia's actions in Donetsk to the nazification of Danzig[47].

Civic activist Darya Polyudova accused of organizing the *March for the federalization of Kuban* and reposting a call 'to take to the streets in protest was sentenced to two years in a penal colony in Krasnodar under the same provisions of the Criminal Code. During the investigation Polyudova spent six months at the detention center before being released on bail[48].

During the reported period another prison term received Boris Stomakhin, a publisher of '*The Radical Policy'* outlet from **Moscow**. Already serving a six and a half years in prison for publishing on the web a few dozen commentaries with sharp criticism of the Russian authorities, Stomakhin was accused of having committed a crime from the detention center by sending a statement in support of the terrorist attacks committed in Volgograd at the end of 2013. In April 2015, the Moscow district military court sentenced a journalist to 3 years in prison. With three separate criminal cases he shall spend in total 12 years in prison[49].

On New Year's Eve the **Tomsk** activist and blogger Vadim Tyumentsev was sentenced to 5 years in prison for posting online two videos which, according to the prosecution service, incited hatred and enmity towards the residents of Donetsk and Lugansk provinces of the Ukraine[50].

A resident of the **Sverdlovsk Region** who called on Muslims to neither wear 'Saint George ribbons' nor paint Easter eggs or celebrate the New Year was sentenced to 120 hours of compulsory work for extremism[51].

Administrative pressure

*In 2015 at least **5 071** incidents of bringing users to administrative liability, requests to remove or edit content, cautions from the prosecutor's office or warnings from Roskomnadzor (this applies to website owners or editors of online media) on the grounds of alleged infringements of laws were registered. Out of the total number in **4 500** cases*

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[47] Tatar activist Rafis Kashapov imprisoned for 3 years. // [*Radio Svoboda*. 15.09.15]. URL: http://www.svoboda.org/content/article/27249237.html (accessed on: 31.01.2016)

[48] Court sentences Kuban activist Darya Polyudova to two years in a penal colony // [*Mediazona*. 21.15.2015]. URL: http://zona.media/news/za-posty-i-piket/ (accessed on: 31.01.2016)

[49] *Egor Skovoroda*. Russian authorities can teach you anything. // [*Mediazona*. 20.04.2015]. URL: https://zona.media/story/stomakhin/ (accessed on: 31.01.2016)

[50] Court sentences Vadim Tyumentsev to five years in a penal colony. // [TV-2 News Agency. 30.12.2015]. URL:http://www.tv2.tomsk.ru/news/sud-prigovoril-vadima-tyumenceva-k-5-godam-kolonii-obshchego-rezhima (accessed on: 31.01.2016)

[51] Court hands down a sentence of compulsory labour for call not to celebrate New Year. // [Website of SOVA Centre 18.05.2015]. URL: http://www.sova-center.ru/misuse/news/persecution/2015/05/d31997/ (accessed on: 31.01.2016)

users were ordered to remove allegedly extremist content as reported by the General Prosecutor Chaika[52].

Earlier this year, the Russian authorities responded in an unexpectedly forceful manner to the terrorist attacks in Paris against the editors of the satirical magazine *Charlie Hebdo*. Roskomnadzor regional branches started to distribute warnings for editorial boards about the inadmissibility of reprinting cartoons from the magazine[53]. An official announcement of the Service soon followed that any cartoon with a religious theme will be considered as an abuse of media freedom[54].

The practice of prosecution of the media and users for publishing different cartoons, collages and other materials with satirical commentary of current events has continued. As a rule, this is done under the pretense of prosecuting images such as the swastika or the dissemination of materials that offend the feelings of believers.

Thus in March the editor of the online media *Sib.fm* received from Roskomnadzor a warning on account of an alleged violation of anti-extremist legislation, because the news article about the petition calling for a secular society was accompanied with a collage that contained images of three men — Jesus Christ, Alexander Pushkin and Vladimir Putin[55].

In **Smolensk**, the journalist Pauline Danilevich was fined under Article 20.3 of the Administrative Code for posting, on her wall in *Vkontakte*, a photo from her personal archive showing the flag of the Third Reich in her front yard during Nazi occupation of the city[56].

In **Izhevsk**, the activist of *the Progress Party* Timothy Klabukov was fined for a post on Facebook criticizing the ultra-right forum held in St. Petersburg. The post was accompanied by photographs showing some of the participating organizations in which Nazi symbols are visible[57].

Two residents of the **Tomsk Region** were fined for publishing on social networks a cartoon with the caption *The Fuhrer's Face* as part of the Donald Duck[58] series. Several years ago an anti-fascist cartoon, filmed by Walt Disney in 1942, was added to the

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[52] *Ivan Egorov*. Online recruitment. // [*RG.ru*. 27.08.2015]. URL: http://www.rg.ru/2015/08/28/chaika.html (accessed on: 31.01.2016)

[53] This type of warnings intimidates mass media and instils fear of possible repercussions". // [*Kommersant.ru*. 13.01.2015]. URL: http://www.kommersant.ru/doc/2645366 (accessed on: 31.01.2016)

[54] Guidance published by Roskomnadzor on cartoons mocking religion. // [Website of Roskomnadzor. 16.01.2015]. URL: http://rkn.gov.ru/news/rsoc/news29705.htm (accessed on: 31.01.2016)

[55] *Roskomnadzor* sends formal warning to *Sib.fm* over the cartoon depicting Jesus Christ alongside Putin. [*Bumaga*. 27.03.2015]. URL: http://paperpaper.ru/papernews/2015/03/27/jesus-putin/ (accessed on: 31.01.2016)

[56] *Dima Schwetz*. According to the Smolensk court the photograph of the flag constitutes Nazi propaganda. [*Slon.ru*. 02.03.2015]. // https://slon.ru/fast/russia/smolenskiy-sud-priznal-foto-vremen-nemetskoy-okkupatsii-propagandoy-natsizma-1221130.xhtml (accessed on: 31.01.2016)

[57] The Izhevsk Court fines the Progress Party for a post against the ultra-right forum in Saint Petersburg // [*Mediazona*. 23.06.2015]. URL: https://zona.media/news/shtraf_klabukov/ (accessed on: 31.01.2016)

[58] Donald Duck—antifascist prohibited for distribution. // [Website of SOVA Centre. 03.09.2015]. URL: http://www.sova-center.ru/misuse/news/persecution/2015/09/d32717/ (accessed on: 31.01.2016)

Federal List of Extremist Materials.

At the same time, both bloggers and their helpers became the victims of persecution. Thus, the *Foundation for Support of Investigative Journalism 19/29* was fined 300 000 RUB for failing to voluntarily join the list of the so-called 'foreign agents'. The authorities accused the foundation with doing political activities, such as organizing workshops on investigative journalism and creating a school for investigative bloggers[59].

Cyber-attacks

During the reporting period there were 30 instances of registered hacker attacks against the independent media and individual blogs, and hacked email and social network profiles.

The ddos-attacks were exposed by the websites of *The Moscow Times*, local media in Karelia (*Capital of Onego*) and the Altai Krai (*vRubtsovske.ru*) [60], Alexey Navalny's blog[61], and by the news agencies *FlashNord* and *FlashSiberia*[62]. On the day of official presentation of Boris Nemtsov's report 'Putin.The War' dedicated to the armed conflict in Eastern Ukraine, a ddos-attack began on website www.putin-itogi.ru[63]. On May 25th, the website *Kasparov.ru*, access to which had previously been blocked by ISPs on the grounds of the 'Lugovoi Law', went down and remained unavailable during the day[64].

During the year, the mailbox of Mikhail Khodorkovsky's press secretary and his *VKontakte* account were hacked, gaining access to his correspondence with the writer Lyudmila Ulitskaya[65]. A link to a large archive containing the correspondence of RBC Vice-President Elena Myasnikova was posted on Twitter in June[66].

In August, the results of the investigation conducted by Trend Micro, a company dealing with cyber security, were published. The experts focused on a hacker group *Pawn Storm*, considered to be behind the attacks against *Slon.ru*, *The New Times*, the TV channel

[59] The Association for Support of Investigative Journalism fined 300 000 RUB under the Law on foreign agents // [*Mediazona*. 04.06.2015]. URL: https://zona.media/news/rassledovanie-za-300/ (accessed on: 31.01.2016)

[60] Once again, owing to the meddlesome tricks of 'well-wishers' the *vRubtsovske.ru* web portal down for two hours // [*vRubtsovske.ru*. 26.05.2015]. URL: http://vrubcovske.ru/news/electron/7438-v-ocherednoy-raz-iz-za-prodelok-dobrozhelateley-portal-vrubcovskeru-v-techenii-dvuh-chasov-byl-ne-dostupen.html (accessed on: 31.01.2016)

[61] Website navalny.com subjected to a ddos-attack. // [*DDosForum.com*. 12.03.2015]. URL: http://ddosforum.com/threads/336/ (accessed on: 01.02.2016

[62] Posted on the Facebook profile *FlashNord*. 25.08.2015. URL: https://www.facebook.com/flashnord/posts/1157819277565520 (accessed on: 01.02.2016)

[63] Website that published Nemtsov's report on the Ukraine under a ddos-attack. // [*Kasparov.ru*. 12.05.2015] http://www.kasparov.ru/material.php?id=5551F05ADD7CE (accessed on: 31.01.2016)

[64] A fifteen-hour DDoS-attack targeting Kasparov.ru overcome. // [*Kasparov.ru*. 26.05.2015]. URL: http://www.kasparov.ru/material.php?id=55638BDB16570 (accessed on: 31.01.2016)

[65] The e-mail of the Press Secretary of Mikhail Khodorkovsky hacked. // [*Meduza*. 30.03.2015]. URL: https://meduza.io/news/2015/03/30/u-press-sekretarya-mihaila-hodorkovskogo-vzlomali-pochtu (accessed on: 01.02.2016)

[66] The e-mail of RBC Vice-President Elena Myasnikova was hacked. // [*Roem.Ru*. 02.06.2015]. URL: https://roem.ru/02-06-2015/196919/myasnikova-hacked/ (accessed on: 01.02.2016)

Dozhd', *Novaya Gazeta*, the organization *Rus' Sidyaschaya,* and *Pussy Riot* member and co-founder of human rights organisation *Zona Prava* Maria Alekhina — and, by all appearances, a number of activists and opposition politicians[67].

Summary

In 2015, the conflict between the State and users that had been seething during the last three to four years, came to a head. Users and IT-businesses being forced to choose between total humility and fighting for their rights and interests, gradually are becoming more aware of the possibilities available to them and starting to learn.

The authorities, on their part, keep up the effort to take the upper hand by altering the areas of regulation. Largely by reason of inertia, content filtering and blocking remain the main means of public policy regarding the Internet as evidenced by the dramatic increase in the number of individual acts of censorship. Despite this, they are largely regarded as an ineffective method, but still used by prosecutor's office, Roskomnadzor and other agencies which are trying to demonstrate their activity and a need for more funding.

In parallel, the list of involved agencies has continued to expand. Thus, in the summer of 2014 the Federal Tax Service received extrajudicial powers to block online gambling websites and promptly began to actively exercise them. Other government agencies, such as the Ministry of Natural Resources and Federal Service on Control the Alcohol Market are also seeking to obtain rights to block websites on which rare animals are offered for sale and alcohol is sold online, respectively.

Yet against the backdrop of the economic crisis and attending austerity and downsizing, which, for example, affected Roskomnadzor[68], pressure on employees will continue to mount and the quality of their work (and thus retaining at least a semblance of legality) — to deteriorate.

Apparently, the government is aware of the failure of its efforts to suppress the dissemination of information and thus pressure is currently being shifted onto users. The effective prison sentences handed down for liking and sharing information published on social media aim to intimidate users and deter them from discussing sensitive social problems. The topics that present a particularly high risk in this regard include, *inter alia* annexation of Crimea, Russian military manoeuvres in Eastern Ukraine, religion, LGBTI, corruption, and anti-government protests.

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[67] Pawn storm. How Kremlin hackers attack the Pentagon and members of the Russian opposition. // [*The Insider*. 26.08.2015]. URL: http://theins.ru/politika/12439 (accessed on: 01.02.2016)
[68] Layoffs at Roskomnadzor. // [*Digital Report*. 20.03.2015]. URL: https://digital.report/v-rossii-sokratili-chislo-internet-kontrolerov-i-snizili-im-zarplatu/ (accessed on: 01.02.2016)

Another noteworthy development is the high level of violence against online activists and the growing number of provinces where violence is used as an instrument of pressure on Internet users. In this respect, Chechnya is a case in point. The online activity of Ramzan Kadyrov is a rare phenomenon that will undoubtedly spark the interest of researchers. Enthusiasm for social networks, gaining popularity among Internet users, growing attention paid to his image among them and his status as one of the most prominent representatives of the Russian blogosphere has matched with Kadyrov's lifestyle, previous experience and outlook of the current Head of the Chechen Republic. What we see as a result is Kadyrov's hyperactive online presence seeking to demonstrate subservient loyalty to Vladimir Putin, including by means of threats of violence and abuse, open hostility to opposition, and vehement enmity toward civic activists critical of his stance. Tacit encouragement of such behavior on the part of the Kremlin emphasizes the dangerous idea of impunity for government officials who use hate speech.

In late December, at a meeting with representatives of the IT industry held within the framework of the Internet Economy Forum, Herman Klimenko, a businessman of a strongly conservative persuasion[69] and owner of *LiveInternet*, volunteered to become President Putin's adviser on issues relating to the Internet. Earlier Klimenko had proposed to ban foreign social networks in Russia and to block *Telegram*, if it refuse to provide security services with backdoors and generally strengthen the control over the Internet.

After the forum Putin gave orders to a number of government agencies. In particular, the Federal Security Service, the General Prosecutor's Office, Ministry of Justice and the Ministry of Communications were instructed to submit, not later than June 1st 2016, proposals for the monitoring of information threats and draft amendments to legislation on personal data protection and formulate the requirements for encryption, including the determination of responsibility for breach of the new rules to be put in place.

A few days ago, the Ministry of Communications announced that it has drafted a Bill seeking to establish total control over Internet traffic and creating an alternative DNS registry with a special focus on cross-border communication channels[70].

The government firmly considers the Internet a priority area for regulation and believes that it is able to establish control using a model similar to that employed by China. This means that in the very near future citizens may have to face limited access to outside services and tightening of prosecutions for expressing their opinions online.

These developments are taking place against the backdrop of ever higher rates of Internet penetration, including among older Russian citizens, higher technical literacy of users

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[69] IT Professional. Who is German Klimenko and what advice will he give to Putin. [*Meduza*. 04.02.2016]. URL: https://meduza.io/feature/2016/02/04/internetchik (accessed on 12.02.2016)

[70] *Anastasia Golitsina. Elizaveta Sergina, Piotr Kozlov*. The State to establish control over data transmission channels. [*Vedomosti*. 11.02.2016]. URL: http://www.vedomosti.ru/politics/articles/2016/02/11/628508-gosudarstvo-hochet-kontrolirovat-rossiiskii-zarubezhnii-internet-trafik-strane#/.VrwKYPcV7mc.twitter (accessed on 12.02.2016).

and active exploration of ways to circumvent censorship and a new culture of safe communications gaining traction by means of using secure instant messenger applications, e-mail providers and browsers, lock bypass functions or anonymous surfing, and the continued migration of users to foreign services – social networks, e-mail providers, web hosting, domain name registrars, etc. Users are clearly prepared to resist censorship and defend their right to access to information.

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