



## PRESS RELEASE

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### Russian Free Speech Advocate and ARTICLE 19 Board Member Wins Defamation Case against Russia in Strasbourg

**The European Court of Human Rights found Russia guilty of violating Article 10 (freedom of expression) of the European Convention on Human Rights in its judgement on the case ‘Chemodurov v. Russia’, made public 31 July 2007.**

**Lawyer Galina Arapova, Director of the Mass Media Defence Center (MMDC) in Voronezh (Central Russia) and ARTICLE 19 board member, and MMDC lawyer Margarita Ledovskikh represented the interests of journalist Viktor Chemodurov.**

*“ARTICLE 19 welcomes the decision of the European Court. This is a victory for human rights and for freedom of expression, in a country where the protection of both has been steadily deteriorating. The decision of the European Court once again stresses that defamation cannot be used to shield powerful individual or public officials from criticism”* said Dr. Agnes Callamard, Executive Director of ARTICLE 19

The original defamation case was brought against journalist Viktor Chemodurov for an article published in the regional newspaper *Kurskiy Vestnik* in 2000, in which the author called the attitude of the Kursk Regional Governor (and former Russian Vice-President), Mr. Ruts koy, ‘abnormal’. The author used this expression after the governor reacted to the auditors’ report on irregularities in the regional budget (involving misappropriation of funds), by requesting them to cover up the discrepancy between the amount allocated and expenses incurred.

Mr. Ruts koy lodged a civil suit to the Kursk district court against the author of the article and newspaper’s editors, stating that the article had damaged his honour, dignity and professional reputation. This claim was upheld by the Russian courts – a decision the European Court now unanimously found to be a violation of the journalist’s right to free expression.

Among other things, the Court noted that the expression ‘abnormal’ was indeed used in the context of an extremely inappropriate conduct by a public official. The domestic courts’ decision was not based on an accurate assessment of the facts, and had failed to acknowledge that the interference in the applicant’s freedom of expression was not ‘necessary in a democratic society’.

*“The importance of the case and of the European Court’s decision cannot be overstated. Domestic courts in Russia often rule on defamation cases in favor of politicians and public officials. They issue judgments ordering that journalists refute extracts of their articles and pay relatively small amount of compensation, as was the case for Mr Chemodurov. Because the*

*proceedings are civil rather than criminal and the fine relatively small, journalists rarely appeal against the judgments. This has resulted in the creation of a negative case-law on defamation throughout Russia, which is contributing to entrench disrespect for freedom of expression in Russia, including in domestic courts. The European Court has now clarified that domestic judgements should be based on an accurate assessment of all relevant facts and that the relatively small awards should not detract from this principle”* says Galina Arapova, Director of MMDC and ARTICLE 19 board member.

## **NOTES TO EDITORS**

- The judgement *Chemodurov v. Russia* (no. 72683/01) can be downloaded at: <http://cmiskp.echr.coe.int/tkp197/view.asp?item=19&portal=hbkm&action=html&highlight=&sessionid=1617860&skin=hudoc-en>
  - For more information, please contact: Federica Prina, Senior Programme Officer (Europe Programme), [federica@article19.org](mailto:federica@article19.org), tel: +44 (0)20 7278 9292.
  - The European Court also made the following points:
    - It recalled that the “[t]hrust of the criticism in the applicant’s publication was directed against the regional governor Mr. Ruskoy, a professional politician in respect of whom the limits of acceptable criticism are wider than in the case of a private individual... As a prominent actor on the political scene... he should have displayed a greater degree of tolerance to critical publications”.
    - It emphasised that the article treated the issue of expenditure of public funds, which is clearly “a matter of general and public concern”.
    - It stated that ‘abnormal’ is a value judgment, rather than statement of fact; consequently, the journalist was not obliged to prove its truthfulness.
    - The journalist had clarified that he expressed an opinion on the governor’s conduct in fulfilling his professional duties than in his private life.
    - Overall, the expression ‘abnormal’ in this case had not overstepped the boundaries of acceptable criticism.
- The applicant was awarded €50 for pecuniary damage and €1,026 for costs and expenses
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees freedom of expression.