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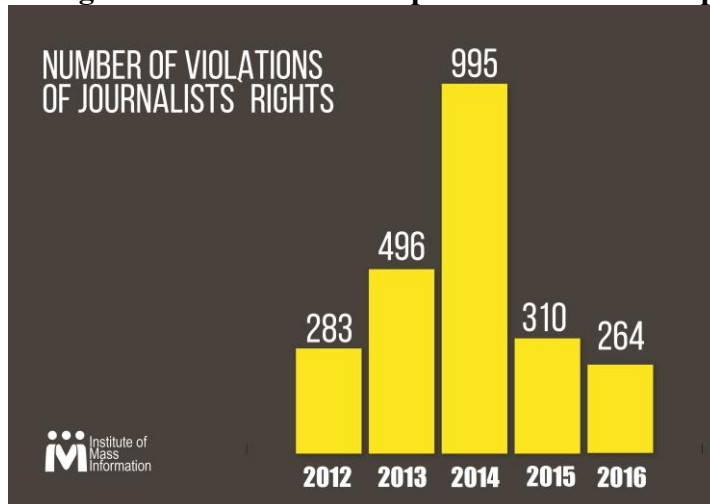
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Contribution to UPR on Ukraine

by Ukrainian media-NGO "Institute of Mass Information" (IMI)

Background situation in the sphere of freedom of speech in Ukraine (2013-2016)



Before the Maidan Revolution began, at the end of 2013th, the most influential media (big TV-channels) were under factual control of the government of ex-president Yanukovich. Censorship, positive or neutral coverage of the actions of government and negative and neutral coverage of those of opposition were typical.

During the Revolution (end of 2013 and beginning of 2014) number of attacks on journalists increased drastically – by 3 times 2013

comparing 2014 (97 and 286 respectively). But after the Revolution, the system of censorship and virtual reality in the media was destroyed, and the number of attacks dropped to previous level (except for the Crimea and the conflict areas).

In 2014, the Russian annexation in the Crimea and the armed conflict in the Eastern Ukraine caused a new type of threat – Ukrainian and foreign journalists became victims of the armed conflict. Hundreds of journalists had to flee from both regions, and it left the Crimea and the non-government controlled areas of Donbas without coverage of independent media. The slow freezing of the conflict decreased number of victims among journalists, but the active fighting may be renewed any time. The population of the annexed Crimea and the NGCA Donbas is still deprived of reliable and alternative sources of information. In 2014, such international organizations as «Reporters Without Borders» and «Committee for Protection of Journalists» **included Ukraine to the list of the world's top three countries that are the most dangerous for journalists** (after Syria and Palestine). During the year 2014, in Ukraine 7 journalists died, one of them was killed during the events on Maidan, and 6 died in the ATO zone; in 2015 – two journalists died, one shot in the center of Kyiv (the aggressors were arrested, the trial is going on); another died from shelling in the conflict area in the east of Ukraine. IMI's data objectively shows that murders of journalists and increase of physical aggression are related to two key factors – the events on Maidan, and, later — to the Russian aggression and hostilities on the territory of Ukraine.

At the same time, the issue of self-censorship in Ukrainian media is also debated among journalists and media NGOs.

The Revolution pushed 3 key media reforms in Ukraine: privatization of state and municipal printed media, transformation of state TV into a public service broadcasting, and media ownership transparency implementation.

A slow progress in combatting impunity also is evident: the number of criminal investigations on prevention of journalism increased almost 10 times in 2016, compared with previous years (in 2013 – 3 cases on attacks on journalists were investigated, in 2016 – 31 attacks were investigated and passed to court). However, still only around 15% of attacks on journalists are investigated, and more progress is necessary in this sphere.

Key cases of FOE violations during the reporting period (2013-2016)

1. Mass attacks on journalists during the EuroMaydan Revolution (2013-2014).

By the data of IMI, during the period November 2013 - February 2014, on the whole, 206 attacks on journalists were reported. The detailed list of those suffered journalists is available at the IMI web site ([in Ukrainian](#), all cases were checked by IMI experts, and all cases in the list are connected with professional journalistic activities). Since the times of Maidan Revolution, not more than 10 cases were investigated and passed to court, and the overwhelming majority of aggressors enjoy impunity. Some most important cases from Maidan times:

- During the night of 18 to 19 February, journalist **Vyacheslav Veremiy** was cruelly beaten and murdered in the center of Kyiv. The journalist died from loss of blood to a deadly wound. The main suspect in the case, 45-year old Jalal Aliyev, was the head of a group of sportsmen working as “titushki” – so-called “criminal security guards”. He was put on a wanted list since April 9, 2014, and is still wanted. Another suspect on the case, 41-year old Yuri Krysin, was detained in 2014, yet the court released him to stay at home, against guarantee of appearance with criminal responsibility for non-appearance. For the moment, the trial on Krysin continues in a closed regime.
- An example of mass beating of journalists during Maidan Revolution: on December 1, in Bankova Street in the center of Kyiv, the Berkut police squad officers attacked and clubbed almost 50 journalists. In particular, Berkut police clubbed the Polish Journalist **Pawel Pieniżek**: at least ten times on his head; *UNIAN News Agency* photographer **Yevhen Maloletka** – they Berkut police broke his hand, smashed his camera lens; the LIGA Business Information news photographer **Oleksandr Perevoznyk** was attacked by 8 Berkut police officers, they clubbed him on the head and damaged his video camera; cameraman **Oleksandr Zakletskyi** was clubbed and kicked by the Berkut policemen who tried to seize and smash his cameras; , the *Segodnya* newspaper photographer **Anton Chernysh** was clubbed by the Berkut police on his legs, hands and back, the policemen snatched and smashed his camera; *Censor.net* editor-in-chief **Yuriy Butusov** was wounded in the head by a stone thrown by policemen, and many other cases (see the whole list [here](#)). The cases of attacks on journalists during Maidan still lack any progress of investigation.

2. **Journalist of "Ukrainska Pravda" and radio "Vesti" Pavlo Sheremet was killed** by a bomb planted under the car, on July 20, 2016 in Kyiv. Sheremet was an immigrant from RF/Belorus' who preferred to work in much more liberal Ukrainian conditions. The owner of the car was Olena Prytula, ex-editor-in-chief and owner of popular news website "Ukrainska Pravda" (<http://www.pravda.com.ua>). So, his and her professional activities are among the main versions of the murder, alongside the versions not involving journalism as a motive. Ukrainian police published video of the persons who supposedly planted the bomb but they are still not found. There is no much progress in

investigation of the case since mid of 2016th. Any suspects have not been identified as yet.

3. **Founder and owner of "Ukrainska Pravda" Georgiy Gongadze was murdered on September 17, 2000th.** Over 15 years have passed since the murder of journalist Georgiy Gongadze, and still there is no information about who ordered the murder of journalist, and the names of main suspects. Journalist Gongadze disappeared the day before and his body was found on November 3rd, 2000 in forest in Kyivan region. On November 28 opposition politician O.Moroz revealed secret tape recordings with the voice similar enough to the president Kuchma's and claimed the president ordered Gongadze's murder, which caused political crisis in the country. Only in 2005, after Kuchma's presidential term resumed, 3 policeman were arrested on charges of perpetrating the journalist murder. In March 2008th the three former policeman were sentenced to serious terms in prison. In addition, Olexiy Pukach, ex-police officer was arrested in 2009th and believed to be the main organizer of Gongadze's murder. In 2013, Pukach was sentenced to life imprisonment. **However, there is still no progress in revealing the instigators of the journalist murder –only executors were punished.**
4. **The Myrotvorets case.** On May 7, 2016, Myrotvorets website ("Peacemaker", or the Center for investigation of crimes against national security of Ukraine), published a list of over 4 thousand names and personal data of journalists who received accreditations from the armed group "DPR" for work in the non-government controlled areas of Ukraine. The website administration branded these journalists (among whom there are Ukrainian, Russian, and foreign reporters) as "collaborators with a terrorist organization". The journalists expressed their concern about publication of names of their colleagues, who were forced to register with "DPR" to avoid capture, imprisonment, and torture – it is literally impossible to work in those territories without such kind of registration. There were already reports from some Ukrainian journalists, who received calls with threats to their published phone numbers. The Ukrainian government opened a criminal case on the fact of data publication, however, nobody was punished, and Myrotvorets continued to blame journalists for their work in the NGCA areas.
5. On October 2, 2015 in Kyiv, officers of the Security Service of Ukraine (SBU) detained **journalist Mykhailo Tkach and cameraman Kyrylo Lazarevych** of the program of anti-corruption investigations "Skhemy" (*Schemes: Corruption In Details*), broadcast by "Radio Liberty and «UA:First»". The officers used force and broke their camera. The journalists had their journalists ID on them but it did not help. According to Tkach, they were taking some footage for their materials on super-expensive cars that SBU officers and officials use. Later, the journalists were released and their camera and records were returned to them. They filed a complaint to the police on obstruction to their lawful journalist activities. On December 31, the prosecutor's office closed the case, failing to see a legally defined crime in this footage (journalists were taking footage for their material on corruption in the Security Service, and were detained with use of force, their equipment was damaged). In April, the court judged to re-open the case, yet the Military prosecutor's office closed it again right on the next day. On June 30, 2016, for the second time, the court bound the Military prosecutor's office to resume the criminal investigation procedure on the fact of impediment by the officers of the Security Service of Ukraine to the professional activities of the filming crew of the program "Skhemy". However, the Military prosecutor's office closed the case for the second time. On October 25, 2016, for the third time, the Pecherskiy district court of Kyiv again bound the Military prosecutor's office to resume the criminal investigation. And still, nobody has been punished for the attack on journalists.

Recommendations by Ukrainian media-NGO Institute of Mass Information

- 1) The Ukrainian public authorities should fulfil their obligations of promoting observance and protection of journalists' rights according to the international commitments of Ukraine;
- 2) The Ukrainian government should apply all efforts to combat impunity for attacks on journalists, increase the number of successfully investigated cases, and ensure further investigations into the deaths of journalists, including those committed under the previous government. The government should ensure a proper, timely, and independent prosecution of high quality.
- 3) The Ukrainian government should help create a secure working environment for journalists and also take appropriate measures to prevent violence, threats and attacks on journalists and media professionals.
- 4) The Ukrainian government should ensure a proper implementation of the following media reforms:
 - To ensure the budget funding of Public Service Broadcasting in line with the Law on PSB; and apply all efforts to put the PSB reform into practice.
 - To take further steps for introducing transparency of media ownership in Ukraine: the transparency should cover not only ownership but finances and editorial policy of TV-channels;
 - the National Council on TV&Radio Broadcasting must be independent from the executive branch of power (including the financial sources) and deal with not only formal issues but also with content of the media (protection of the minors, xenophobia, hidden ads etc.);
- 5) The criminal legislation protecting journalism should be improved and should focus not on formal journalistic status, but on the essence of journalistic activity, which should be protected. Persons guilty based on a decision by a court or another authorized agency – should be held liable for crimes or any other illegal acts committed against journalists and media professionals and other persons carrying out the journalistic activity or other activity that may amount as such;
- 6) The government should strengthen institutional mechanisms and legislation, as well as court and administrative practice, practice of the law enforcement agencies, that altogether ensure freedom of expression and freedom of information in accordance with international standards in this area;
- 7) An administrative liability for infringing journalists' professional activity should be introduced, in particular, for the "unlawful failure to provide access to information to journalists upon their requests”;
- 8) Public authorities should not unduly complicate the access of journalists to the ATO zone and should not unreasonably limit the journalists in their rights to interview civilians and move around in civilian areas. Journalists embedded in the military or security forces may only work in certain areas, restrictions on their reporting must be limited to the absolute minimum required to prevent the disclosure of confidential information which might endanger ongoing military operations;
- 9) The Ukrainian government should simplify the procedure of entering and exiting Crimea for foreign journalists, by providing them with an opportunity to receive online special permits to enter Crimea as well as through consular offices. As of now, according to the Resolution of the Cabinet of Ministers of Ukraine d/d 04.06.2015, No 367, foreigners

and stateless persons can enter and exit the temporarily occupied territory of Ukraine through checkpoints (the list of which is given in the Annex to the Resolution) by showing a passport and special permits issued by the regional branch of the State Migration Service or its regional division in Novotroyitsk or Henichesk districts of the Kherson region.

Background information about NGO “Institute of Mass Information”

The Institute of Mass Information (IMI) is a leading Ukrainian media-NGO, which was founded in 1995. IMI develops the only Ukrainian Freedom of Speech monitoring – Barometer of Freedom of Speech, which serves as the main indicator of developments in the media sector inside and outside Ukraine. Findings of the monitoring are used as a basis for amendments to legislation, campaigns, protest actions, appeals to the government, statements and assessments by civic society and lawmakers inside Ukraine, as well as EU, OSCE, RSF, CPJ, and other international organizations and institutions. IMI media-lawyers participated as co-authors in developing amendments to the Law on the Access to Information (including amendments to the Law), the Law on Public Broadcasting, the Law of Ukraine on Information, the Law of Ukraine on Protection of Professional Journalistic Activities. IMI media-lawyers were the authors of the first draft law on transparency of media-ownership in Ukraine, participated in drafting the law on Public Broadcasting, and other media-reforms. IMI findings and expert conclusions are used as a basis for numerous campaigns, for instance, the campaign against impunity, within frames of which working groups with the new government were created; the Press Enemies campaign, the campaign to support journalism standards in regions, the Safety Campaign, and others. Executive director of IMI Oksana Romaniuk is the Ukrainian representative for Reporters Without Borders.