

# FREEDOM OF EXPRESSION IN UKRAINE – 2002

---

## CONTENT

COMMON	2
OPINIONS	
ELECTION-2002 AND MEDIA	
ACCESS TO INFORMATION	
SViP	
VIOLATIONS OF THE FREEDOM OF EXPRESSION. POLITICAL PERSECUTION	
CRIMINAL ATTACKS AT THE PRESS AND JOURNALISTS	
INTERFERING INTO PROFESSIONAL ACTIVITIES OF JOURNALISTS	
AND IMPEDING PUBLICATION AND DISTRIBUTION OF MASS MEDIA PRODUCTS	
CASES WHERE JOURNALISTS AND MASS MEDIA ARE ACCUSED	
CIVIL CASES	
CRIMINAL CASES	
INFORMATION SECURITY AND INTERNET	
SELF-REGULATION	

---

The book is published with assistance  
of the John D. and Catherin T. MacArthur Foundation,  
printed on the equipment donated  
by the National Endowment for Democracy

ISBN 966-03-1778-6

© Compiled by Yevgeniy Zakharov, 2002  
© Translated by Vladimir Rublinetskiy, 2002  
© Kharkiv Group for Human Rights Protection, 2002

Publisher: Kharkiv Group for Human Rights Protection  
Address: 27 Ivanova str., #4  
Kharkiv, 61002  
Ukraine

FOLIO PUBLISHER  
Address: 8 ARTIOMA str.,  
Kharkiv, 61002  
Ukraine

Circulation: 500 copies

### **Offenders of author's rights are sought in Ukraine**

The Agency of author's and related rights of Ukraine introduced the system of monitoring TV and radio programs. It is expected that these measures will prevent the use of non-licensed products. According to Sergey Bondarenko, the manager of the agency of author's rights, technical facilities of the monitoring system permit simultaneous recording of several electronic mass media. The records will be kept for three years. Explaining the necessity of this measures, Bondarenko told that the agency guard the rights of five thousand Ukrainian authors. However, only four radio stations and four TV companies agreed to pay royalties to the authors, whose production they use. The monitoring is introduced for the time being only in Kyiv. In future it is planned to include oblast centers, and to record all mass media in the capital around the clock. Valentin Chebotariov, the head of the State Committee in charge of intellectual property, is sure that it will be possible to use the monitoring data as evidence in court. The National Council in charge of TV and radio broadcasting will have to react fast after finding the violations.

*'Deutsche Welle' – Ukrainian department  
«Prava Ludyny», No. 1, January, 2002*

Yevgeniy Zakharov Balshoy Tekst

### OPINIONS

#### **Ukraine is blacklisted by 'Reporters without frontiers' for the second time on end**

For the second time Ukraine is mentioned in the report of 'Reporters without frontiers' in the list of seven European countries, where journalists were murdered in 2001.

This time Igor Aleksandrov is meant, whose brutal murder secured Ukraine a place side by side with such countries as North Ireland, Kossovo and the country of Basques.

The total sum up of the report is that the freedom of the press is deteriorating throughout the world. In most statistical indicators 2001 appeared to be much worse than the previous year. The only exception among the indicators is the number of murdered journalists, which is one less.

The freedom of the press in figures:

Murdered journalists: 31 (2001), 32 (2000); arrested journalists: 489 (2001), 329 (2000); threats and violence: 716 (2001), 510 (2000); acts of censorship: 378 (2001), 295 (2000); condemned journalists: 110 (by 2 January 2002), 77 (by 4 January 2001).

The dry statistics of the report testifies that the number of the arrested journalists grew by 50% during the year; the number of journalists, who became victims of threats and violence, grew by 40%.

For the first time during recent years in 2001 the cases of violating the freedom of the press were observed in the countries of stable democracy. This was a consequence of the terrorist act of 11 September and the consecutive anti-terrorist operation for the most mass media of the USA, Canada and Great Britain.

The tendency of the enhanced control over foreign journalists appeared in some countries. This tendency is observed in China, Saudi Arabia, Burma, North Korea and Vietnam.

The other dangerous tendency observed in many countries is the impunity of the crimes committed against journalists. The criminal investigations of the cases on murdered journalists are completed, as a rule, without any results, the organizers of these crimes remain unfound and unpunished. Ukraine also got into the list of such countries. The helplessness of the General Prosecutor's office and the Ministry of Interior in Gongadze's case forced the Council of Europe to approve the recommendations for carrying out the independent investigation with the participation of foreign experts.

*Institute of mass informationi  
«Prava Ludyny», No. 1, January, 2002*

#### **A new report of «Freedom House»: the situation with the freedom of speech in Ukraine deteriorated**

«Although the terrorist attacks of 11 September and the following global struggle with terrorism became a test for world mass media, the situation with the freedom of speech have not practically changed in 2001», affirm the authors of the new publication of «Freedom House». This publication presents an analysis of the freedom of the press in 187 countries.

The number of «free» countries have increased (40%), the proportion of the countries, where the freedom of the press is completely absent, makes 33%, and 50 countries are related to the category «partly free». Ukraine and Russia belong to the latter group.

Karin Deutch Karlekar, one of the authors of the publication, in her interview to the radio «Liberty» summed up the position of Ukraine: «Ukraine occupies more or less middle place among the East European countries and the post-Soviet countries, so it was included to the group with partly free press. The situation with the freedom of the press in Ukraine is better than in Belarus, Turkmenistan and Tajikistan. Yet, it is noteworthy», she added, «that this situation in Ukraine is much worse than, for example, in Czechia, Slovakia and even former Yugoslavia. This means that Ukraine is on the same level as last year, or maybe even lower, since the situation in other East European countries is improving».

According to Ms. Karlekar, the situation in Russia is similar: both Russia and Ukraine took the 60<sup>th</sup> place, and from the 61<sup>st</sup> place the group of the «un-free» countries begins, that is the countries where is no freedom of speech.

During the last year in Ukraine the acts of violence against journalists took place, for which the offenders were brought to responsibility very rarely. The murder of famous journalist Georgiy Gongadze is not unclosed until now, murders of other journalists are also investigated extremely slowly. The authorities frequently abuse the constitutional guarantees of the freedom of speech and the press, militia often carries out the searches of the journalists, who write about the corruption among state officials. The pressure on the mass media is also realized through tax agencies, the documents reads.

Ms. Karlekar considers that the only noticeable positive change in the sphere of the freedom of the press in Ukraine is the adoption of the new Criminal Code, according to which the libel may not be regarded as a crime.

UP, 23 April 2002

**«Prava Ludyny», No.5, May, 2002**

## **Journalism is a dangerous profession**

**Yuri Narbut**

78% of Ukrainian citizens are sure that the journalist profession is dangerous in our country. This is confirmed by the poll, which was conducted by the Ukrainian center of economic and political research named after Razumkov. Since the poll was conducted on 6 June, the Day of journalists in Ukraine, the poll was devoted to the problems of mass media.

The respondents believe that the most probable results of publishing critical materials are: physical violence against the journalist (68%), psychological pressure upon the journalist and the editor (57%) or economic sanctions against the mass medium (47%). Only 4% of the pollees do not regard publication of critical materials as dangerous. Almost 90% confidently answered «Yes» to a rather common sociological question «Does the Ukrainian society need the freedom of speech?» At the same time almost 70% of the respondents acknowledge that the political censorship exists in Ukraine now.

More than 50% of respondents in all regions of Ukrainian answered «No» to the questions: «Can Ukrainian mass media publish critical materials about the President (Supreme Rada, Cabinet of Ministers, local authorities, criminal clans) without negative consequences for themselves?»

The sociological center also made public the assessment of the leading political figures of Ukraine by common citizens. The first place is occupied by Viktor Yushchenko, the leader of the political party «Our Ukraine» (25% in March and 27% in May). He is followed by: communist leader Petro Simonenko (16% and 15% in March and May, respectively), Yulia Timoshenko (11% and 14%), Prime-Minister Anatoliy Kinakh (11% and 12%), social-democrat Viktor Medvedchuk (10% and 11%), socialist Aleksandr Moroz (8% and 9%) and new Parliament speaker Volodymyr Litvin (3.5% and 5%).

«Prava Ludyny», No.6, June, 2002

## **Ukraine got the 112<sup>th</sup> place in the rating by the level of the freedom of speech**

The international organization «Reporters without frontiers» made public the list consisting of 139 countries with their rating by the level of the freedom of speech. Interfax-Ukraine agency informs that the top ten places of the list are occupied by the countries, where this level is the highest: Finland, Iceland, Norway, The Netherlands, Canada, Ireland, Germany, Portugal, Sweden and Denmark.

Italy has the lowest rating among the countries of the European Union – the 40th place.

The United States got the 17th place because of the often arrests of journalists, who refuse to disclose their information sources.

Tajikistan is the leader among the CIS countries – the 86th place. Ukraine is on the 112th position, Russia – on 121st, Belarus – on 124th.

In the very end of the list are Iraq, Vietnam, Cuba, Butan and Turkmenistan. China and North Korea complete the rating list.

The rating was compiled basing on the results of the poll of journalists and experts, who were asked 50 questions each concerning the experience of their work in the 139 countries of the world, in particular, about the censorship and arrests they underwent.

According to the information given by korrespondent.net, Ukraine was included to the list of the countries, where

the rights of journalist are brutally violated. The list was compiled by the international organization «Reporters without frontiers» and the International criminal court. All in all, the list consists of 21 countries, where murders, disappearance and torture of journalist cause no reaction on the side of the authorities.

Vitaliy Dovgich, the deputy manager of the Institute of mass information, who is the representative of «Reporters without frontiers» in Ukraine, told that these organizations had compiled such a list for the first time.

«The list includes 21 countries, where murders, kidnapping and torture of journalists are not punished, completely or partially, by the authorities. Torture in these countries is frequently sanctioned by the law-enforcing organs. The court system is controlled by the executive power or the corrupted political leaders, who cover up the criminals», reads the foreword to the list.

Except Ukraine, the list contains the following countries: Algeria, Angola, Bangladesh, Brasilia, Burkina-Faso, Burma, Cambodia, China, Columbia, Haiti, Iran, Iraq, Kosovo, Nepal, Russia, Rwanda, Sierra-Leone, Somali, Syria and Tajikistan.

«The Black list of impunity» will be distributed by all representations of «Reporters without frontiers» in various countries throughout the world.

Source: <http://www.korrespondent.net/main/57989/>  
«Prava Ludyiny», No. 9, September, 2002

## ELECTION -2002 AND MEDIA

***Undoubtedly, the leading event in the political life of Ukraine is the coming election. The nearer the election approaches, the more tricks the administration invents to drive the voters in the needed direction. Many a trick concern pressure on mass media, so this rubric and the rubric about the freedom of expression are rather intermingled***

X

### **How Yulia Timoshenko met voters in Kharkov**

***Inna Sukhorukova, Kharkov***

On 26 February a meeting was planned of Yulia Timoshenko, the head of the bloc BYT (which is called «beauty» by some more educated people), with voters in the «Ukraine» hall in Kharkov. Kharkov election headquarters of Yu. Timoshenko concluded the contract in time and paid the rent – 3 thousand UAH. No one could anticipate any obstacles for the meeting – a week before Natalya Vitrenko also met with voters in the same hall. Yet, the doors of the hall appeared to be not penetrable for Ms. Timoshenko... According to Anatoliy Zdorovy, the head of the union of political prisoners, who is a member of Timoshenko's election headquarters, the hall administration cancelled the rent contract and refused Yulia Timoshenko on the order of the oblast authorities, who, in their turn, got the orders from Kyiv. There is another version that the meeting was cancelled after the decision of the conciliatory commission of the city executive committee.

We believe that it is not especially important who personally took this decision, which is very far from being called reasonable and well grounded. The meeting with the BYT representatives Yulia Timoshenko and Anatoliy7 Matvienko was held outdoors near the «Ukraine» hall. The meeting lasted almost the whole day long, and occasionally about 3 thousand persons were present.

Yu. Timoshenko must be obliged to the authorities for good advertisement, and we, for the umpteenth time, must state that we, Ukraine, still have a long way to go to a law-abiding state and honest election.

By the way, those, who came to the meeting being not sure that they would vote for Timoshenko's bloc, returned Timoshenko's fans. The reason is the attitude of the power not only to Yulia Timoshenko, but also to the citizens, who want to make their choice consciously.

Head of the Kharkov oblast administration Evhen Kushnariov commented the situation to the «Ukrinform» informational agency: «Timoshenko got the refusal to hold the meeting with voters in the «Ukraine» hall on because this hall is not suitable for holding the meetings with political figures». Now Kharkovites are at a complete loss, since everybody knows that the hall is regularly used for the concerts of Russian songsters.

So we wonder if E. Kushnariov regards Natalya Vitrenko, an MP and the head of one of Ukrainian socialist parties, not a political figure, but a music-hall singer, in contrast to Yulia Timoshenko?

«Prava Ludyiny», No. 2, February, 2002

### **Yulia Timoshenko's bloc demands equal access to mass media for all candidates**

The appeal of the bloc to the Central Voters Commission contains the request to take measures at once to guarantee the equal opportunities of the access to mass media for all political parties and election blocs. The bloc states that the TV channels «I+1», «YT-1», «Inter», «ICTV» daily broadcast positive information and demonstrate pre-election agitation clips of such parties and blocs: «For united Ukraine», Social-Democratic party (united), the Green Party of Ukraine, «Women for

future», «Democratic union», «Yabloko». The Timoshenko's bloc, as the document reads, sent the appeals to the National TV committee, to the administration of the TV channels «1+1», «Inter», «ICTV», «Novy kanal» and «STB» about placing its pre-election agitation. Yet, these appeals were in vain. «Such a position of the TV channel administrations deprives us of our constitutional rights, brutally violates election laws and confirms that the President Administration prohibited to place any positive information about our bloc on the all-Ukrainian TV channels», the appeal asserts. The documents also remarks that «the passivity of the Central Voters Commission concerning the brutal violations of election laws makes us turn to the Supreme Court of Ukraine and the corresponding international institutions». The bloc representatives intend to try to place their agitation in regional mass media, including radio channels.

*Interfax-Ukraine*  
*«Prava Ludyny», No. 2, February, 2002*

### **Odessa law-enforcers against Yulia Timoshenko's bloc**

On 24 February militiamen from the Kyivskiy district precinct of Odessa tried to impede holding of an agitation meeting of Yulia Timoshenko's bloc. The militiamen attempted to detain and take to the precinct Volodymir Gumeniuk, an activist of the bloc.

They failed only because of the interference of MP Viktor Shishkin.

In the opinion of Fedor Nariychuk, the deputy head of the election headquarters of Yulia Timoshenko's bloc, «the election campaign in Odessa is conducted in the conditions awful for opposition».

Political parties and blocs supporting the President and local authorities have much more opportunities in Odessa.

Unfortunately not a single TV channel agrees to accept agitation materials of Yulia Timoshenko's bloc, explaining the refusal with the prospect to be closed or deprived of license.

*«Prava Ludyny», No. 2, February, 2002*

### **ЪН ЕУЙБО ОПФЕД Ю П ЛМБЮЕ %ИВФНО ПЖЕНГ ФНО МЪ**

The American Center of strategic and international studies has remarked numerous violations of election laws in Ukraine. This is said in the report of the working group that has studied the situation in Ukraine at the eve of the parliamentary election.

As Deutsche Welle informs, the materials of the working group confirmed the serious anxiety of the West. The report reads that a long time before the election campaign started, state officials in many regions tried to influence the results of the future election.

Among violations they observed: free distribution of various goods and victuals, agitation for some political parties, pressure on independent mass media, coercive enlisting to some political parties, distribution of the materials discrediting competitors, etc.

The American Center of strategic and international studies has recommended to the governments of the USA, Canada and Europe to appeal to conduct transparent election at every meeting with Ukrainian representatives.

*1 February 2002*  
*Deutsche Welle*

### **Not a single mass medium obeyed the moratorium on political advertisement**

Yuri Nesteriak, the president of the Association «Spilny prostir» («Common space»), commented the results of monitoring mass media activities in January 2002. The monitoring was intended to determine to what degree citizens have the access to the political processes and obtain the information sufficient for make a conscious choice. Yu. Nesteriak pointed out that that by January most mass media have already made their choice and demonstrated it in a more or less open manner. Mr. Nesteriak said that the broader spectrum of political parties and blocs figured in the newspaper «Ukraina Moloda». Nonetheless, even this newspaper was not dispassionate: it preferred some political parties and blocs too. According to Oleksandr Chekmyshev, the head of the Committee «Rivnist vozmozhnostey» («Equality of opportunities»), during the moratorium for political advertisement those subjects of the election process won, who worked in the state power structures, since they were not prohibited to inform about their activities in this period.

*UNIAN*  
*«Prava Ludyny», No. 2, February, 2002*

### **Pre-election troubles in Odessa**

### **Igor Stoliarov, Odessa**

«We have all the grounds to reckon that the events that occur in Odessa are deliberate again», declared Natalya Chaychuk, a deputy of the city council, commenting the last events in the pre-election life of Odessa.

She told: «Odessa voters lost doubly. First, the city mayor violated the proper term, opening the work of the commission accepting all propositions and claims of candidates.

Secondly, when on 14 January it became known that the mayor lost his right to accept such claims without voting at the session, he passed the right to from the commission to the Odessa oblast rada.

The city council was pushed aside from the process of forming the election structures, the session of the oblast rada had only to confirm this decision. The composition of the commission, which was at last formed, raises astonishment and nothing else!»

Natalya Chaychuk said: «Not a single candidate suggested by such participants of the election process as People's Rukh of Ukraine, Ukrainian Popular Rukh, political party «Reforms and order» and others was included into the commission. The propositions handed by these political parties included the well-known lawyers, academicians, professors and other popular citizens of Odessa.

The only lawyer, who was admitted to the newly formed city election commission, appeared to be a privately practicing notary.

In the commission we see a housewife not belonging to any party. We see that the age limit was also not obeyed, since the representatives of party of pensioners are rather old.

What is also surprising, only one public organization (the fund named after Semen Kislina) was nominated out of numerous Odessa public organizations. So, the foreign charity fund got the right to suggest their candidates to the election commission.

I think that this is a law violation. Why foreign funds have the right to hand their propositions about the election process?

Thus, the city mayor realized the actions that were obviously deliberate and planned beforehand. He concentrated all his actions to force Odessa, city dwellers, representatives of political parties and blocs and of public organizations to be put aside from forming the city election commission – the organ that would influence the course of the election campaign.

First of all, I think that we will publish in mass media the lists of those people, whose names we handed to the election commission. We shall do it to make Odessa dwellers able to understand whom the mayor did not want to see in the election commission, and they are people well-known and respected in the city.

Secondly, the juridical service will work. I hope that we will find the proper solution of this problem. I do not know how we can coexist with such a commission! Free city of Odessa is made an obscure province, ruled by housewives. One cannot agree with this choice».

**«Prava Ludyny», No. 2, February, 2002**

\*\*\*

On 24 January the three-days-long trial finished in Odessa. The court considered the claim of several public organizations and political parties against city mayor Ruslan Bodelian. The plaintiffs believe that, while forming the city election commission, the city authorities violated a number of the operating laws. The claimants were represented in the court by Fedor Nariychuk, the head of the oblast branch of Yulia Tymoshenko's bloc, by Leopold Mendelson, a deputy of the city council, and Valeriy Kochetov, the president of the Odessa Academy human rights protection. Along with the claims already given to the court two more documents were added later: from the political party «Batkivshchyna» and from the Odessa Academy human rights protection. The authors declared that «the formed city election commission is not independent and it will endorse only one candidate to the mayor's post – Ruslan Bodelian».

The demands of the claimants were as follows: to bring to court the representatives of the oblast rada, to acknowledge Ruslan Bodelian's activities as illegal and contradicting the operating laws, to cancel the decision of the Odessa oblast rada about the creation of the Odessa city election commission, to prohibit the election commission to execute any procedural actions until the court decision. Valeriy Kochetov reminded the judge that all normative documents of the local self-rule organs must be issues in Ukrainian language. The documents published in the newspaper «Odesskiy Vestnik» is in Russian, and this «restricted the right of the native Ukrainian citizens, who live in Odessa, to understand this documents concerning the election process».

V. Kochetov declared that he demanded to regard the activities of the city mayor as illegal, and the normative act that regulates the terms and procedure of putting out candidates to the election commission, issued by the mayor, as disagreeing with the operating laws and contradicting the Constitution. One of the plaintiffs, Fedor Nariychuk, called the trial «a traditional perversion typical of Ukraine». «The political perverts, who belong to the so-called administrative resource, provoked this trial. This insolent behavior of the current power is based on the conviction that every sin will be pardoned. They believe that if the superior power may violate laws unpunished, then they, the local power, may do the same. This is not a new tactics. The Odessa mayor bred by the communist party preserved his old habits. The3 political parties, which remained outside the city election commission must demonstrate to the whole

world that such phenomena, as occur in Odessa, must not exist in a society».

The claim of political parties and public organizations was not accepted, and the court decision «must be executed at once».

V. Kochetov believes that «the judge of the Zhovtnevy district of Odessa demonstrated that our city is ruled not by the force of law, but by the force of power». The decision is illegal in toto, and the qualifying commission of the Supreme Court and the Supreme Council of justice would have to learn this decision by heart. This decision shamelessly abused the rights stipulated by Constitution and the Universal Declaration of human rights.

If the judge is sure that the decision of the state official, which is obligatory for execution by the inhabitants of an almost one-million city, is not a normative act, but an administrative documents, the qualification of the judge is to bad to be true.

As during the previous election, they formed Odessa the obedient election commission, whose main task is not guaranteeing honest and independent election, but the achievement of the results needed by the people at the top. This commission may have only one motto: «It does not matter how they vote – it matters how we count».

But this is not the end of problems...

V. Kochetov told that «according to the Civil-Procedural Code, a court has three days for preparing the protocol after having taking a decision. The decision was announced on 24 January, and we have not seen the protocol yet. I and my colleagues came to the court to familiarize with the protocol and learned that the main document, in which they had to register our visit (the journal for registering documents given out to visitors) was absent. It did exist all recent years and now it disappeared as if in the thin air. Thus, our presence and activities in the court office could not be fixed in writing».

The representatives of the political parties turned to the clerks of the Zhovtnevy district court with the request to solve the raised problem. During two hours the clerks actively searched the office for the register. The superior clerks explained that «Ukraine suffers from the shortage of paper and cannot afford to keep registers». The strange detail is that this shortage exists only in the Zhovtnevy district court, where the city election commission works.

The request of the claimants' representatives about compiling the protocol on the absence of the register was ignored for a long time. The chairman of the court refused to be present at compiling the protocol.

«I have suspects that the organs of the judicial power connive with Odessa mayor R. Bodelian, whose illegal activities we intend to denounce», said the president of the Odessa Academy human rights protection. Advocates V. Kochetov, V. Aseev and L. Mendelson wasted much time to meet with the head of the Zhovtnevy district court. His secretary tried not to admit them to chief's office and said that the judge's reception day is Monday, so any hope to see him before is unreal. The wrangle lasted about ten minutes.

When the judge appeared he demanded from the advocate to go away to the hall. «We have not and will not have the register. The Ministry of Justice does not supply us with enough stationery. We shall not compile any act with you present. And switch off your dictaphone!», head of the court Oleksandr Golovchenko said.

In the opinion of L. Mendelson, «in the Zhovtnevy district court they brutally abused the procedural norms of conducting civil affairs: they have no register of giving out the case materials. A great danger follows from the situation: it would be impossible to prove that somebody got familiarized with the case, that the case materials consisted of so many pages and that no changes were introduced later.

By today there are already several violations in the described case, which we cannot prove.

Moreover, the court decision has not been signed yet, the date of its compilation is not given. Thus, the neglecting the laws, which was observed during the trial, is continued.

**«Prava Ludyny», No. 2, February, 2002**

\*\*\*

Interesting TV features again disappear from the Odessa air. And again it happens before the election. The popular feature «Hotline» has become a consequent victim.

The disappearance of the feature «OKO» transmitted by the TV company «Odessa plus» with two showmen Igor Grinshteyn and Sergiy Kovalinski made a lot of noise in its time.

The journalists were refused in the further joint work after they took interviews from MPs Yuri Karmazin and Viktor Shishkin.

Now the TV company «Odessa plus» has another owner, who even created the fund and named it after Boris Derevianko, the murdered editor of the newspaper «Vechirnia Odessa». As it is known, the 26<sup>th</sup> TV channel is now controlled by Oleksiy Kostusev, the present head of the anti-monopoly committee of Ukraine.

This common participant of various elections in Odessa, while promising the better future and the best mayor in his own person to the city inhabitants, seems to treat in a rather queer way the freedom of the press concerning mass media he controls. A bright example is the 3 lot of the authors' collective of the popular TV feature «Hotline».

According to journalist Marina Kolmykova, «from the very beginning Oleksiy Kostusev actively endorsed the idea of the renaissance of the feature «Hotline», which once had been closed on the TV company «MOST». He certainly understood that in this way he could increase the rating of the TV company «Odessa plus» controlled by him.

We did not get any pay for our work. Producing the feature occurred for our expenses and on our equipment.

Yet, in a month Mr. Kostusev changed the policy of the TV company. We were told not to elucidate any positive events in the city, only crimes and drawbacks, to criticize all what was happening and to search negative aspects, and to tell how great and good is Oleksiy Kostusev and how lucky will Odessa be having his in the capacity of the mayor».

Marina Kolmykova informed that several meetings with Kostusev and his deputy were held, where the personnel was criticized for they did not do what they were told to.

«We formulated our position that we did not want to take part in this dirty policy, which was practiced on the 26<sup>th</sup> channel, in that flow of sewage that flooded the city. A Kostusev's representative visited us without warning and informed that they did not want to cooperate with us any more. They even did not permit us to go to air for the last time to inform the audience about our closure», told Ms. Kolmykova.

It became known about the anonymous threats to Ms. Kolmykova. She was warned that, if the information about the «internal» conflict that appeared spread, then not only her own life, but the life of her family might be endangered. By the way, Marina Kolmykova is a mother with many children.

She told that she was ready to turn to court and to seek another city TV channel to adopt the feature «Hotline».

**«Prava Ludyny», No. 2, February, 2002**

\*\*\*

The first victim of the Odessa voters commission was Fedor Nariychuk, the head of the oblast organization of the political party «Sobor» and an assistant of MP Viktor Shishkin. He is refused the right to be elected as a deputy of local rada in the 27<sup>th</sup> electoral district, since he «does not work and does not reside in this electoral district».

Representatives of many political parties and public organization in Odessa demonstrated their worry about the composition of the city voters commission, formed, in their opinion, by mayor Ruslan Bodelian with violations of the Ukrainian Constitution and operating laws. The Zhovtnevy district court considered the claim of the political parties «Fatherland», «Reforms and Order», Popular Rukh of Ukraine», «Congress of Ukrainian Nationalists», Odessa Human Rights Protection Academy. The claim was rejected.

And here is a result.

As Odessa advocate Volodymir Pasichny said, «It is the violation of the operating laws that regulate the elections to local radas».

Fedor Nariychuk himself called arbitrary the actions of the territorial voters commission.

«The behavior of and activities of the «pocket» voters commission was not difficult to forecast. I can risk predicting that, more probably, all candidates to radas of various levels will be pressed upon, if they are not liked by city mayor R. Bodelian», Mr. Nariychuk believes.

He intends to appeal against the mentioned decision of the voters commission in court, although there is not much hope for justice.

By the way, Fedor Nariychuk represented in the Zhovtnevy district court of Odessa, the claimants who demanded to change the composition of the city voters commission «formed with violation of law».

**«Prava Ludyny», No. 2, February, 2002**

## **Administrative resource is used in Nikolayev**

### **Igor Stoliarov, Odessa**

Nikolayev mayor Vladimir Chayka met with journalists. He informed the mass media about using against him the administrative resource (misuse of administrators' influence for election agitation), since some administrators did not want him to be the head of the city.

First of all the journalists were familiarized with the report of the mayor about the activities of power structures. As it became known, the mentioned report would be distributed among Nikolayev dwellers to enable everyone to read about the achievements and drawbacks of the local rule.

V. Chayka also made public his appeal, in which he confirmed the intention to fight for the mayor's post at the coming election. The six-year plan of the development of Nikolayev is already realized. Eighteen months of the attempts to realize the plan testify about its success.

For example the incomes to the city budget increased twice, many important for the city objects were reconstructed. Gas pipelines were laid to several districts. This work is being continued.

These achievements, V. Chayka told at his press conference, served as a stimulus for him to fight again for the post of Nikolayev mayor.

Too tell the truth, the oblast authorities had a grudge this decision.

The oblast state TV and radio company refused to sign the contract for elucidating the activities of the city administration. They refer for some technicalities.

By the way, a similar reasons were given when the retranslating news and other features of radio «Liberty» was

stopped by the radio station «Mykolaiv». The «technicalities» are still not removed, although almost a year has passed.

Yet, V. Chayka intends to fight for his rights and has already sent the letter to Igor Timofeev, the editor-in-chief of the radio station «Mykolaiv», with the request to give him and his deputies transmission time.

«I am just curious how they will try to refuse me. It happened with us before and we shall live through it now», the mayor said. «Is it not the so-called administrative resource, when newspapers get orders to endorse only one candidate for mayor's post, whom the oblast authorities like?»

In the opinion of Yuri Didenko, the editor-in-chief of the newspaper «Ukrainsky Pivden», «The current election is not quite gentlemanly, it is cruel and uses dirty PR technologies and the administrative resource. As the press conference testified, mayor Vladimir Chayka was the first, who suffered from it in Nikolayev».

*«Prava Ludyny», No. 2, February, 2002*

### **Dnepropetrovsk authorities prohibited to place in the city any political advertisement except that of the bloc «For united Ukraine!»**

The Dnepropetrovsk oblast organization of the party «Yabluko» distributed the appeal with the information about the conference held on 19 February in the Dnepropetrovsk city executive committee. «Yabluko» informed that the conference gathered the representatives of the firms that specialize in placing outdoor advertisement. As the appeal reads, Evhen Zaets, the deputy head of the city executive committee, told the businessmen: «Up to 31 March there must be no political advertisement in the city streets, except the advertisement of the bloc «Za edynu Ukrainu!» («For united Ukraine!»). The Dnepropetrovsk oblast has already determined its political choice – this is the bloc «For united Ukraine!», which includes many of our outstanding compatriots».

According to the quotas set by the city executive committee, the firm owning 70 big-boards must give 10 of them for the advertisement of the bloc «For united Ukraine!» gratis. As «Yabluko» asserts, E. Zaets, hinting at what will happen else, said: «For the long time we work with you side by side. I hope that you want to continue to work after 31 March too».

The oblast organization of the «Yabluko» party protested against the pressure upon the businessmen and the violation of the democratic norms. The party intends to turn to all instances. «We will not allow to turn the Dnepropetrovsk land into the a reservation of political terror and arbitrary actions of bureaucrats», states the appeal.

*UNIAN, 21 February 2002*

*[http://www.razom.org.ua/events/?news\\_id=1046](http://www.razom.org.ua/events/?news_id=1046)*

*«Prava Ludyny», No. 2, February, 2002*

### **A feature with Yulia Timoshenko was banned in Kharkov**

A plot with the participation of Yulia Timoshenko, one of the opposition leaders, that was recorded for the Kharkov TV feature «Objective review» was not transmitted. As the feature author Zurab Alasania, the head of the information service of the TV channel «Simon», told, the feature, as far as he knows, was banned under the pressure of the oblast administration and Kharkov governor Evgeniy Kushnarev. «The program was taken from the schedule, and I was just informed about this without further explanations», the TV commentator said. According to him, the prohibition was accompanied with the threat that the entire TV channel will be closed. Z. Alasania remarked that the interview with Timoshenko was recorded during the recent Timoshenko pre-election visit to Kharkov. It was planned to show the feature on 2 March. Yet, due to the expected on 3 March President's visit to Kharkov, the feature was postponed on the insistent request of the oblast administration. However, a week later, on 9 March the interview was not transmitted, ForUm informs. Z. Alasania pointed out that «the feature did not contain anything extraordinary». «I reckon that it did not matter what Yu. Timoshenko told, the sufficient reason was that she is an un-person», he declared. The TV journalist also stated that in the nearest future he intends to place on Internet sites the texts of the interviews recorded for the mentioned feature, including that with Yulia Timoshenko.

*«Objective review»*

*«Prava Ludyny», No.3, March, 2002*

### **Human rights protectors of Sevastopol are disturbed with the violations of election laws**

In the opinion of Roman Romanov, the executive manager of the Sevastopol human rights protection group, violations of election laws by authorities are especially dangerous for citizens' rights and are intended to subdue the citizens' will. The Sevastopol Group distributed its review «The course of the election campaign in Sevastopol: facts that disturb» at a press conference. The review contains numerous facts of violating the Ukrainian Law «On election of people's deputies of Ukraine».

Sevastopol human rights protectors reckon that Leonid Zhunko, the head of the Sevastopol city administration, having signed order No. 214-p of 10 February 2002, exceeded his authority, did not fulfil the demands of the Ukrainian Law «On election of people's deputies of Ukraine» (Article 52 part 8) and thus impeded the free election agitation, as it is envisaged by Article 51 part 1 of this Law. As a result, the agitation matter of the election bloc of Viktor Yushchenko «Our Ukraine» was destroyed. At the same time other political parties and blocs continued to use the similar methods of outdoor political

advertisement that were not permitted to Yushchenko. For example, every inch of Sevastopol trolley buses was plastered with the leaflets of the bloc «For united Ukraine!» (a pro-governmental block), a big-board with the symbols of the Social-Democratic party of Ukraine (united) (SDPU (u)) was placed near the stadium «Chayka».

The largest number of the materials with a concealed political advertisement was published in the newspaper «Slava Sevastopolia». Only during February the newspaper printed more about a dozen of such publications, from which it is not difficult to conclude that the newspaper supports the SDPU (u) and the bloc «For united Ukraine!» Some issues of the newspaper were so oversaturated with such agitation that space lacked for reporting other city events. For example, the newspaper managed not to mention the V. Yushchenko's visit to Sevastopol. In such a manner the editorial board restricts the citizens' right for information, since the readers get for their money not the unbiased information, but propaganda and agitation indoctrination.

Analyzing the facts of the active participation of the organs and officials of state power and local self-rule in the election agitation, R. Romanov, along with the requirements of the Law «On election of people's deputies of Ukraine», also reminded the OSCE standards. The standards read: «A government must not misuse the state resources for supporting the candidates of the ruling party (parties). For example, government-owned cars, offices and communication means must not be used for it, except cases, where all candidates have the equal access to these resources».

Most shops, hairdressing saloons and other convenient places permitted to arrange the placards of the bloc «For united Ukraine!» in their windows. In private talks the owners and workers of these establishments do not conceal that they did it not on their own free will, but after the orders of local authorities. Many communal services of the city were also involved to the election campaign.

Involving the law-enforcing organs to the election campaign is the most dangerous for the free will demonstration of citizens. Militiamen actively collect signatures for the bloc «For united Ukraine!» The Sevastopol Group received some complaint from citizens that militiamen turned to them with the proposition to sign a special blank with the promise to vote for the bloc «For united Ukraine!». The blank was a table without a heading that contains surname, name, patronymics, address and signature.

The Group received similar complaints from car drivers, who were stopped by road militiamen. The militiamen checked their documents and, having learned the addresses, proposed to sign the appeal endorsing Viktor Zaichko, the candidate of the bloc «For united Ukraine!» from electoral district No. 225, the deputy head of the Sevastopol city administration. Vladimir Litvin, the head of the Presidential administration and the leader of the bloc «For united Ukraine!», demonstrated a bad example for imitation. Having arrived in Sevastopol on a service car and with the service guard, he held a number of agitation meetings, wasting in such a way the state budget. One of these meetings was held in the headquarters of the Ministry of Interior, which violates Article 56 item 2 of the Law «On election of people's deputies of Ukraine». This article forbids candidates to people's deputies to visit militia units.

Some candidates, including Ivan Vernidubov, the head of the Sevastopol tax administration, sent greeting postcards to their potential voters for the cost of tax administration. The addresses were taken from the database of the tax administration, which, according to the law, must be confidential. Such actions of the head of the tax administration and the candidate from the bloc «For united Ukraine!» may be a legal cause for excluding him from the list of candidates, according to Article 49 part 3 item 11 of the Law «On election of people's deputies of Ukraine», and starting a criminal case, according to Article 182 of the Criminal Code of Ukraine (interference into private life).

Human rights protection activists are seriously worried by the passivity of prosecutor's offices concerning the election violations by candidates and political parties (blocs). In spite of the fact that laws theoretically enable participants of election process to protect their rights, the potential of the laws is used very insufficiently. This, in the opinion of the Sevastopol Group, is the main reason of the abuses of laws.

***After the review compiled by the Sevastopol human rights protection Group in the framework of the program «Transparent election-2002»***

***The complete version of the review is placed on the site [http://ukrlife.bravepages.com/main/TRIBUNA/view\\_.html](http://ukrlife.bravepages.com/main/TRIBUNA/view_.html)***

«Prava Ludyny», No 3, March, 2002

**Levko Lukyanenko: «Power in Ukraine passes from democracy to fascism in its attitude to the opposition»**

***Igor Stoliarov, Odessa***

***Every nationally conscious Ukrainian knows Levko Lukyanenko. His lifetime full of struggle for the independence of Ukraine was really heroic. Cells for the doomed to death, Bolshevik concentration camps, where they murdered Vasyl Stus, Valeriy Marchenko, Yuri Litvin and others...***

***In the first years of the Ukrainian independent L. Lukyanenko was the first Ukrainian ambassador in Canada. Now he is the head of the Ukrainian republican party and the deputy head of the election bloc of Yulia Tymoshenko.***

Our correspondent Igor Stoliarov took the following interview from him .

Igor Stoliarov: I am sure that many people inside and outside Ukraine are interested to hear your opinion about the pre-election situation in Ukraine.

Levko Lukyanenko: It seems that the power decided to violate openly the Law «On election». Five pro-governmental political parties making the bloc «For united Ukraine!» wasted heaps of money for posters, slogans and other agitation matter. This matter covers towns and villages.

The authorities openly abuse laws and exceed the expenditures for the election campaign. Yet, they think that it is not sufficient. Using their power, they exert pressure upon mass media and impede the representatives of Yulia Tymoshenko's bloc to communicate with voters.

Today I have returned from electoral district No. 148, the town of Lubny of the Poltava oblast. There Viktor Bilous is a candidate to the Supreme Rada from Tymoshenko's bloc. He was an MP before, from 1994 to 1998, he is a political experienced person, graduated from two higher schools, defends the independence of Ukraine. He is a member of the Ukrainian republican party.

His rival in this electoral district is, among others, a Salmin, a representative of power clans and the head of the corporation «Ukrainian Oil». Salmin and his support group hired girls (for 100 UAH each), gave them notebooks and sent them to wander around and to write down those, who promised to vote for Salmin. Salmin's agitators question, insist and then intimidate the voters.

Such methods can influence the opinion of simple peasants...

I.S.: Are such cases frequent?

L.L.: Yes, rather. The most disgusting fact occurred in the Sumy oblast.

Vladimir Shcherban, the head of the oblast administration, gathered for conference the heads of district administrations and town mayors. At the conference he said that they had to agitate only for the bloc «For united Ukraine!» and do it as well as they can. Else, he said, if someone does it without proper zeal, he will be sacked. He made all state officers, who are financed from the budget, write and sign the promise (dated by 2 April) that, if on their territories less than a half vote for the bloc «For united Ukraine!», they will retire.

V. Shcherban ordered the heads of district administrations and town mayors to fight actively against any agitation of the representatives of national-democratic parties, and, in particular, Yulia Tymoshenko's bloc. He appealed to «to tear away leaflets of the oppositionists' and beat them on the kisser. And never care if they do not look well in the coffin...»

I assess this as a gradual passage from democracy to fascism, since the latter begins when the ruling regime starts proving its rightness not by ideological methods, but by beating and then shooting opponents.

I categorically protest.

On behalf of the Ukrainian Republican party we wrote the appeal to the General Prosecutor of Ukraine with the demanded to start then criminal case against Sumy governor Vladimir Shcherban for abusing election laws.

One more appeal we sent to President Leonid Kuchma, in which we demanded to dismiss Shcherban from his post, since his activities contradict the Ukrainian Constitution and the operating laws.

In the Konotop electoral district slogans and leaflets agitating for Petro Ruban, the counselor in economics of the head of the Ukrainian Republican party, are torn off or painted black. The electoral headquarters of P. Ruban complained about these facts to the Central election commission.

I.S.: Taking into account the horrible events happening in Ukraine we ask whether Yu. Tymoshenko's bloc has any chance to win a significant number of seats in the new Ukrainian Parliament?

L.L.: Upon the whole, people feel sympathy to this block.

Individual candidates from this bloc (in particular from the Ukrainian Republican party) – P. Ruban, V. Bilous, I. Bidyk (in the Chernivtsi oblast) and L. Stasiv (in the Khamelnitska oblast), are very respected by people. They undoubtedly will win and become MPs. But they encounter not only counter-propaganda. The authorities have nothing to say against these candidates and they apply various dirty methods. For example, in the small hours of the morning of 10 March 2002 strangers cut the wheels of the car of candidate L. Stasiv. Is it a method of honest political struggle?

Our people are brave. They cannot be intimidated by such actions, but cutting protectors restricts the candidate's ability to move around.

I am indignant and I protest. We, republicans, are now forced not to prove our views at meetings with voters, but protect our cars and our kissers from our political opponents.

We are worried by the policy of the government that strives to preserve its rule in the country by hook or crook.

I.S.: Many observers confirm that something similar occurs in Odessa now. Using obedient judges and almost complete information blockade, the authorities do their best to prevent Eduard Gurvits to win the mayor's post. Bureaucrats are anxious to preserve at this post Ruslan Bodelian, the former oblast communist party chief. Last time this communist came to power in Odessa with the assistance of the Kirovograd oblast court. This time courts are also involved.

L.L.: It worries me even more, because it demonstrates that, obviously, such methods are approved by the top power of Ukraine, with President's camarilla.

I am certainly indignant, I abhor the actions with which R. Bodelian attempts to prolong his rule.

He is known as a man, who almost for ten years was fighting against the construction of the Odessa oil terminus. It contradicted the interests of Ukrainian. Certainly R. Bodelian long ago had to be sacked and driven from power as far as possible.

At the same time Eduard Gurvits is a democrat, and I would be happy, if he won the election.

## Pre-election scandals in Kirovograd

*Igor Stoliarov, Odessa*

A new pre-election scandal burst out in Kirovograd. Valeriy Kalchenko, a candidate to mayor's post and to the Supreme Rada, who is now the head of the oblast organization of the political party «Batkivshchina», is taken off the list of candidates.

Kirovograd dwellers up to now are ignorant why Oleksandr Nikulin, the present mayor, is kept in the preliminary prison for such a long time. The opposition press believe that he will be released immediately after the election. O. Nikulin is especially dangerous for the authorities, since he was one of those mayors, who loyally treated the participants of the all-Ukrainian action «Ukraine without Kuchma». The regional power included into the list of the politically dangerous also Yulia Tymoshenko's bloc. Having to pretexts to put the activists of the bloc to prisons, the authorities take them off the election race. That was what happened with Valeriy Kalchenko.

In the opinion of many regional politicians, Kalchenko is one of a few most suitable candidates, who have the chance to become the mayor.

Kirovograd lawyer Andrey Sirnov said: «The removal of Valeriy Kalchenko from the registration was a political order of his opponents. The court ignored all the arguments offered by Kalchenko's side.

In fact, according to the court decision, Valeriy Kalchenko overdrew his election fund as a candidate to the mayor's post. The grounds of the decision were the leaflets paid from the account of Kalchenko in his capacity of a candidate to the Supreme Rada. The leaflets read: «I want to revive the town. Valeriy Kalchenko». The leaflets were registered in the district electoral commission and did not contain any open agitation of Kalchenko as a future mayor. The court did not take this argument into account».

Andrey Sirnov stated that Valeriy Kalchenko, as a candidate to the Supreme Rada, had the right to spread the leaflets with the mentioned neutral text.

Now the appeal is handed. The oblast organization of the party «Batkivshchina» is sure that Valeriy Kalchenko will be restored as a candidate to the mayor's post. Vasyl Onopenko, a well-known lawyer, will now defend Kalchenko's rights in Kirovograd.

«Prava Ludyny», No 3, March, 2002

## Some pre-election events in Marganets

*Mykola Vitko, Marganets*

In the end of February 2002 it was announced about the arrival in the town of the leaders of two competing blocs: Sergey Tigipko, the leader of the bloc «For united Ukraine», and Viktor Yushchenko, the leader of the bloc «Our Ukraine». It was a marvelous day-off and I decided to attend the both meetings. On the eve of the meetings the local TV announced that the supporters of Yushchenko would not be admitted to the hall of the mining technical school. Yet, MP A. Zhir had already agreed on the rent of the hall with the school principal, so the meeting would be held on the square in front of the school.

So, at 10 a.m. I went to the meeting with S. Tigipko to the miners' palace of culture. Certainly, everything was organized as best as possible: music; elegant cars; an agitation bus; the tent, where they handed out agitation matter of big format and excellent quality, cellophane bags with the name of the bloc, programs of the bloc. The meeting began at 10 sharp. The presidium was occupied by the town mayor, administration of the main town enterprise «Marganets ore mining and processing enterprise» (the owner of the palace of culture), members of the party «Labor Ukraine» (candidates to the oblast council and to the mayor's post). After a short introduction S. Tigipko was answering the question of voters almost for two hours. Then he made an effective and rather reasonable concluding speech. After this the less politically minded part of the audience remained for a concert. By the way, after the concert the enterprise buses transported people home (service!). The more politically minded part went to the meeting with the other political leader – Viktor Yushchenko. The meeting began at 13:30. It was held outdoors, but the weather was, fortunately, the weather was fine. There was no service to speak of: either big-format agitation leaflets, or music, or, what is most important, convenient chairs and the roof over our heads. Supporters of the bloc (and most of the audience were the supporters) attentively listened to the speakers: V. Yushchenko, MPs A. Zhir and A. Stoyan. «Every cloud has its silver lining» – the open-air meeting had its advantages. The audience, who gathered to listen and see the legendary former prime-minister, was at least two times greater than the hall of the technical school could seat. Nonetheless, we returned home in low spirits. Upon the whole, it was indecent. Political struggle or not, but, I believe, people should be hospitable and benevolent.

A day later I went to the principal of the school to learn why the meeting in the hall was cancelled. I was interested, if our agreement is still valid. It had been concluded between the ecological organization «Zeleny svit» and the school administration about holding in April in the same hall the ecological seminar. The principal answered that

the meeting with Yushchenko was prohibited by the fire inspection. As to the agreement about the seminar, it will be permitted, but in another, smaller hall.

6 March 2002  
«Prava Ludyny», No.3, March, 2002

---

## ACCESS TO INFORMATION

SViP1  
SViP2

### **Court process is lasting...**

On 8 August 2002 the Kyiv appeal court satisfied the claim of Evhen Zakharov, a co-chairman of the Kharkov Group for human rights protection, against the decision of the Pecherskiy district court concerning the rejection of his claim about the passivity of the Kyiv city prosecutor's office. The prosecutor's office twice did not answer to the informational request of the plaintiff about its activities on the surveillance over the legality in the law-enforcing organs of Kyiv.

The Pecherskiy district court rejected the complaint under the pretext that chapter 31-A of the Civil-Procedural Code, which stipulates that only physical persons have the right to turn with complaints, and the request was printed on a blank of a public organization.

The appeal court returned the complaint to the Pecherskiy court for consideration by essence.

Our informant  
«Prava Ludyny», No.8, August, 2002

### **Poltava journalist L. Kucherenko vs. state officials**

Ludmila Kucherenko, the editor-in-chief of the Poltava newspaper «Novy den», turned to the oblast prosecutor's office with the request to start a criminal case against state officials for impeding her legal journalistic activities.

As early as 20 May this year Ms. Kucherenko sent to the Poltava town council the request about the information concerning Anatoliy Kukoba, the town mayor. The journalist was interested if the mayor was going to retire from his post since he was elected to the Supreme Rada.

In spite of the legal limitation to answer such requests within 10 days, the request was not answered during a month. When, on 17 June, Ludmila Kucherenko together with Anatoliy Banny, the editor of the newspaper «Pryvatna sprava», and Oleksiy Gavrikov, the head of the oblast committee «Pravozakhyst», came to the town council to learn about the lot of the request. In the press service of the town council they got the answer that the officials did not intend to response.

L. Kucherenko believes that Mr. Zinenko, the head of the staff of the town council, and Mr. Kikt, the head of the press service, impeded her journalistic activities ignoring her request, thus violating the right of readers to learn the socially important information, which the information about the status of the head of the local self-rule organ obviously is. In this connection the journalist asks the prosecutor's office to start the criminal case after Article 171 (part 1) of the Criminal Code (impeding legal professional journalistic activities) and to draw the guilty to responsibility.

IM I

«Prava Ludyny», No.8, August, 2002

### **Board of the communist party cut off in Krivoy Rog**

Mykola Korobko, Krivoy Rog

The events, which are occurring these days in Krivoy Rog, shows, it seems, that the communist party joined the opposition. On the XXII CPSU Congress Street the board for placing the communist press was dismantled. The metal legs of the board were cut off on the ground level by a team sent by the authorities. The situation in the town is firmly controlled by the mayor, so it is obvious that the event was ordered from the top.

It should be noted that such boards for the press were owned in different places of the town only by the communist party. It is widely known that mayor Yu. Lubinenko is benevolent to the «former vanguard of the working class». The former secretary of the district communist party committee did not permit to change a single name of streets and other town objects given in the Soviet times. He motivated this decision by sparing the town budget. Now the mayor has become a persona grata to President Kuchma. He spent a lot of efforts in order to overcome the resistance of

communist deputies of the town council, who protested against the idea to nominate Leonid Kuchma as a honorable town citizen.

«Prava Ludy» , No 8 , August , 2002

### **The contacts of Kuchma with the NATO will not be a secret for public now**

On 27 December the Supreme Rada of Ukraine supported the request to Ukrainian President Leonid Kuchma on canceling the classification «for service use only» of the action plan Ukraine – the NATO.

251 MP out of 418, who were registered, voted for the request of MPs Mykola Katerinchuk, Igor Ostash and Valeriy Lebedivsky (fraction «Our Ukraine»).

In November, at the sitting of the joint commission conducted in the framework of the Prague summit of the Alliance, Ukraine and the NATO adopted the action plan and the plan of goals –2003.

«Prava Ludy» , No 12 , December , 2002

### **The fund «Opened society» intends to turn to the Supreme Rada in the connection with making secret the information about the attendance of MPs at their working place**

The fund «Opened society», which conducted the analysis of the work of MPs in 2002, could not obtain the information how the people's representatives attend their working place – the session hall.

Oksana Griaznova, the president of the fund, told at the press conference in Kyiv that this information had been blocked since December 2002 and removed from the official site of the Supreme Rada.

The correspondent of the center «LIGA» communicates that the administration of the fund are going to turn to the Parliament with the request about the reasons of making this information secret.

28 January 2003

LIGA ONLINE

«Prava Ludy» , No 1 , 2003

## V I O L A T I O N S O F T H E F R E E D O M O F E X P R E S S I O N

### P O L I T I C A L P E R S E C U T I O N

#### **Lugansk journalists stopped the hunger strike**

The personnel of the Lugansk TV company 'Efir-1' declared that they would stop their hunger strike, which had lasted for 53 days, on 5 January. The collective of the company believes that their hunger strike achieved its purpose.

UNIAN informs that on 4 January the journalists involved stated that 'even such extremal form of protest as a hunger strike did not make the power put the law above egotistical interests of various individuals and groups, as it must be in a law-abiding country'.

The collective of the TV-company will continue to protect their professional positions. However, they believe that the hunger strike was successful: the TV-company was supported by the inhabitants of Lugansk, public, political organizations, Ukrainian and foreign journalists, MPs, international human rights protecting organizations 'Reporters without frontiers' and 'IREX Pro Media'.

We remind that on 1 November another TV-company started to broadcast on the frequency of 'Efir-1', and on 14 November the attempt was made of capturing the building of 'Efir-1' by force. On the same day a number of employees of 'Efir-1' started the hunger strike on their work places, protesting 'against the violation of the rights for just court consideration and against the passivity of law-enforcing organs'. To protect their rights the journalists turned to ombudsperson Nina Karpacheva.

'Efir-1' contests in court the legality of the decision of the Lugansk town council on the liquidation of the TV-company since 16 July. According to the decision, after 'Efir-1' another company with the same name shall broadcast on the same frequency.

The journalists demand from the town council to return them their seal, stamp and documents before the court issues its decision about the legality of the liquidation of the company. Without these attributes the juridical enterprise cannot conduct normal activities.

Among journalists participating in the hunger strike were: manager of the TV-company Tatyana Kozhenovskaya, editor of the main TV office Olga Kuznetsova, head of the advertisement department Elena Popova and car driver Viktor Ganziy.

As Корреспондент.net informed, on 8 December 2001 Olga Kuznetsova got to an intense care ward with the diagnosis dystrophy.

## CRIMINAL ATTACKS AT THE PRESS AND JOURNALISTS

### **Militia learned about the attack at a journalist from mass media**

#### ***Galina Sinarevska, 'Politichna Ukraina', the Lugansk oblast***

After the newspaper 'Fakty' and the radio 'Liberty' made public the information about the attack at Lidia Milchevska, the editor-in-chief of the newspaper 'Za sotsialny zakhyst', the representatives of the Lugansk militia visited her and proposed to start a criminal investigation. The newspaper 'Za sotsialny zakhyst' is a public and political all-Ukrainian weekly of the People's party of bank depositors and social protection, which was founded in 1997.

The victim herself had not information militia about the accident. Ms. Milchevska was almost throttled to death in the doorway of her house, when she was returning from her office.

As Lidia Milchevska told, two young strangers waited for her in the doorway. One of them started to throttle her at once, while another was standing on guard. The attackers demanded nothing and were completely silent. All this could finish fatally, but some of neighbors opened the door on hearing the woman's cries. The criminals had to flee. They did not take either the handbag or purse. Lidia does not negate that the attack could be connected with her professional activities. In the last issue of the newspaper that was printed on the previous day, contained the article 'The freedom of speech under muzzles of tommy-guns'. The article described the preliminary consideration of the case of the bank 'Slovianskiy' in the Artemivskiy district court of Lugansk.

L. Milchevska did not turn to militia on principle, since she had already dealt with militia before, when in 1998 she was attacked for the first time. Then she was beaten on the head. After this she spent almost two months in a hospital with a cerebral brain concussion. Militia could not help her, so the victim just fidgeted in vain. The case was started and closed after some time. As Ms. Milchevska told to a correspondent of 'Politichna Ukraina', this time she asked the militiamen to install some illumination in the neighborhood and to patrol it now and then.

«Prava Ludyny», No. 1, January, 2002

### **Another journalist beaten**

Valeriy Vorotnik, a journalist of the Cherkassy independent public and political newspaper 'Antenna', came to see how emergency works were done at the town canalization collector. Some time before a serious ecologically dangerous breakthrough occurred there, because of which the emergency state was ordered in Cherkassy. When the journalist tried to begin his professional activities, two strangers came up to him and introduced themselves as 'security officers'. They impeded the journalist to work, dragged him out of the territory involved, beat him and damaged his digital photographic camera. The strangers motivated their actions by the victim did not pass the accreditation at the gigantic town chemical enterprise 'AZOT'. In spite of the fact that the place of the breakthrough is situated outside the enterprise, in the middle of a street, the attackers accused the journalist of the alleged penetration to a secret guarded territory.

As it became known, the territory of the collector belongs namely to the mentioned chemical enterprise, which, possibly, is responsible for the ecological accident. As the result of this accident industrial waste and faeces flowed directly to the Dnieper, and the town was left without drinking water during the New Year festivities for several days.

The persons, who violated the rights of the journalist, appeared to be guards from 'AZOT' and not state security officers, as they told. Their presence at the accident site testifies that the administration of the chemical enterprise wanted to conceal the reasons of the breakthrough, which endangered not only the inhabitants of Cherkassy, but also the dwellers of the entire middle of the Dnieper region. The journalist violated neither the boundaries of the guarded territory nor ignored the demands of any prohibiting signs, which, by the way, were absent. He fulfilled his usual professional duties on the territory belonging to the town.

Valeriy Vorotnik turned to the prosecutor's office with the demand to start the criminal case immediately according to Article 171 of the Criminal Code of Ukraine 'Impeding permitted activities of journalist'.

Source: [UKROP.com](http://UKROP.com)  
«Prava Ludyny», No. 1, January, 2002

### **A lady-journalist may become blind**

#### ***The protest of «Reporters without frontiers»***

In their letter to Ukrainian President Leonid Kuchma «Reporters without frontiers» expressed their indignation about the attack at Tetiana Goriacheva, the editor-in-chief of the newspaper «Berdiansk Dilovoy», which happened on

28 January.

«It is inadmissible, when journalists, who refuse to serve the interests of some VIPs and fulfil their modest task merely to inform the public, become victims of revolting acts of violence», stated Rober Menard.

According to the information of «Reporters without frontiers» Tetiana Goriacheva was attacked when she was returning from her job. A stranger splashed acid into her face. The journalist's face, eyes, cornea and conjunctiva were burned, and she may get blind unless she will have urgent surgical aid. The criminal case is opened.

Sergiy Belousov, the chief editor of «Berdiansk Dilovoy», believes that the attack is due to the professional activities of Ms. Goriacheva and has a goal to neutralize the newspaper at the eve of the local and parliamentary elections. The victim informed «Reporters without frontiers» that she did not see her attacker and that she had not been threatened before.

She recollected that a conflict had happened between the newspaper and sea port manager Anatoliy Reznikov.

Several days before it the latter asked «Berdiansk Dilovoy» to print the material compromising Dmitriy Bero, a candidate for the mayor's post, and got the refusal. The article was published in another newspaper, and «Berdiansk Dilovoy» printed a note by the candidate. Anatoliy Reznikov reacted in a very acute form and warned Bero that he would pay for it. In five days D. Bero and S. Belousov became victims of a road accident and got body injuries.

«Prava Ludy» , No. 2, February, 2002

## INTERFERING INTO PROFESSIONAL ACTIVITIES OF JOURNALISTS

### **The freedom of speech? Do not touch!**

**Ludmila Kucherenko, Poltava**

***We must confirm that the nearer is the election, the dirtier are the methods used by the power to get rid of those independent mass media, which do not say the white seeing the black. This is the problem of the freedom of speech in the Poltava oblast that was debated at the consecutive press conference of the Poltava media club.***

Ungrounded refusal to print opposition newspaper, persecutions of disobedient journalists, destroying computer databases in editorial boards and stealing already printer runs of newspapers make only a part of the tricks applied by the power.

Complaints to prosecutor's offices and courts do not guarantee the protection, even if the law is on the side of mass media. Thus, one of the Poltava oblast courts without any reasons, in the opinion of our advocate, rejected the claim handed by the media club against the publishing house 'Poltava' that last summer one-sidedly broke the contract about printing our newspaper 'Novy den'. Nonetheless, as Tamara Prosiyanik, the editor-in-chief of the Kremenchug weekly 'Informative bulletin' asserted, the local Themis found groundless eight claims against the weekly. Yet, the Mirgorod inter-district prosecutor's office refused to start the criminal case about impeding the professional activities of a journalist, namely Viktor Kozoriz, the editor of the newspaper 'Mirgiridska Pravda'. V. Kozoriz was, by the order of P. Kandyba, the head of the district state administration, was bodily thrown out (having thorn his jacket in the process) from the conference, where any witnesses from the information press were undesirable. On the contrary, the journalist was practically blamed that he invented the fact of the beating. These conclusions were made by the prosecutor's office from the evidence provided by the participants of the conference ('closed for the press', as it was written in the prosecutor's resolution). Among the witnesses was A. Korsunskiy, a colleague-journalist from the official district newspaper. What can one say about journalists' and common human ethics?!

The authorities now are trying to destroy the Poltava TV and radio company 'YUTA'. The head of company, after 8 years of faithful service to town mayor A. Kukoba, at last found vigor to stand up from his knees. The authorities are acting after the standard script. Customers are insistently recommended not to place their advertisements in this company, the rental was increased by 15 times, the broadcasting of the company programs in the Poltava cable network was suspended. Two specialized institutes estimated that the radiation of the TV company transmitter is by an order of magnitude less than the boundary admissible doze. In spite of this E. Tomin, the head of the Poltava oblast state administration, at one of the weekly apparatus conferences, ordered to two corresponding services to solve the question about placing the transmitting antenna to other sites. V. Shapoval, the chief state sanitary doctor of the Poltava oblast, who personally signed and stamped the sanitary permissions of the Tv company in 2001, suddenly issued the official letter, in which he urges the administration of the House of technology to break the contract with the TV company for the rent of the roof, where the antenna is placed.

Georgiy Chechik, the general manager of the TV and radio company 'YUTA', considers that the actions of the Poltava rulers directed at the closure of the company are caused by the fact that he has more than 30 hours of video records, where the local authorities of all levels look, mildly speaking, not very well. So, they are afraid that this compromising materials would be transmitted during the election campaign. It is obvious that when the voters see the moral level of their rulers, it will be no sense to continue their election campaigns. Although the permissive documents

of the TV company for the transmitting antenna are in order, the Poltava officials demonstrate their firm attitude: Poltava town sanitary doctor Sukhonos has already issued the order to dismount the antenna.

That is the way how the Law is obeyed in this country!

Comment of the counselor of 'IREX Promedia'. In my opinion, the freedom of speech, like any other value, is not something given forever. Always there is somebody, who will try to encroach upon it. This is the problem, but it must case not desperation and passivity, but the wish to struggle for one's rights. Each of us is free to choose if he will fight and how.

However, some ways are efficient, and others are not. It depends upon us: either we want to inform the public about a problem or to solve it.

The mentioned incidents are the conflicts, which must be solved in the legal sphere.

The refusal to start the criminal case concerning V. Kozoriz may be protested at court or at the oblast prosecutor's office. One should remember that the success of this case for the journalist depends upon the fact if he was accredited or not. If not, it would mean that he violated the legal rules and cannot pretend to be protected by law.

In the case of the TV and radio company 'YUTA' it is important to know, what are the objections formally and from whom they emerge. If the documents of the company are in order, then the actions of those, who impede the broadcasting, must be brought in court with computing the total financial losses. It is also hard to understand, how might one to increase the rent by 15 times. This must be complaint against in the special court.

If your colleagues intend to protection their rights, they must turn to lawyers, and not only inform the public about all these violations.

**Natalia Petrova, advocat**  
**«Prava Ludyny», No. 1, January, 2002**

### **«Freedom of speech» in the Nikolayev oblast**

**Igor Stoliarov, Odessa**

The Nikolayev oblast authorities stirred up their activities in the struggle with the freedom of speech on the eve of the parliamentary election-2002. Such an orgy started in the region, which could not be imagined in the past. In all cases the victims are consoled by explaining about «technical problems».

The freedom of speech and the attitude of the local authorities to democracy in the Nikolayev oblast were brightly illustrated during the visit of Viktor Yushchenko, the head of the bloc «Nasha Ukraina» («Our Ukraine»). It will suffice to tell that, for the first time in the history of the oblast TV, the TV-air was switched off five minutes before the beginning of Yushchenko's speech. During 20 minutes the oblast inhabitants observed only flickers on all channels.

Only Yushchenko's insistence and his readiness to come on the air later changed the situation. The authorities hesitated, «technical problems» were correspondingly liquidated and Mr. Yushchenko at last got the opportunity to communicate with voters. In the opinion of the bloc «Our Ukraine», the regional power widely uses the «administrative resource» (that is the capabilities of the power to use their position in order to influence the election) and presses on independent mass media.

The all-Ukrainian newspaper «Ukrainsky Pivden» published in Nikolayev also has now some problems.

According to the words of Yuri Didenko, the editor-in-chief of the newspaper. «only a part of the newspaper run with the report about Yushchenko's visit was printed. After the oblast authorities, who are made to endorse the bloc «Za edynu Ukrainu!» («For the united Ukraine!»), learned what was published in the newspaper, the printing of the second part of the newspaper run was stopped «because of technical problems» again.

Yuri Didenko explained the reasons of the calamities in the following way: «The newspaper permanently publishes the materials not only from Nikolayev, but also from Odessa and Kherson. We do our best to objectively describe our current life. Mostly, the local authorities do not like it, and they do what they can to prevent the publication of the newspaper «Ukrainsky Pivden», which Ukrainian in spirit and language.

**«Prava Ludyny», No. 2, February, 2002**

### **The Crimean authorities press on the local mass media**

**Volodymir Pritula, Simferopol**

The hard situation with the freedom of speech established in the Crimea, informed the local Committee for monitoring the freedom of the press. In particular, the independent newspapers in Bakhchisaray and Alupka have troubles with the authorities.

In February 2000 one of the oldest Crimean newspapers «Chernomorska zaria» stopped to exist. The conflict between the journalists and the local authorities was lasting three years. The latter won. Irina Khrol, the editor of «Chernomorska zaria», had to leave the Crimea under the pressure of the authorities. In spite of the public support, she did not manage to protect the newspaper journalists. Now a similar situation is developing in Alupka.

For more than a year the conflict is smoldering between town mayor Valeriy Andik and Ragim Gumbatov, the editor of

the local independent newspaper «Alubika». As a result, the edition was deprived of accreditation in the town council, it was throttled by numerous controlling and financial inspections, the rent of the rooms, where the editorial board is placed, was called off.

Answering the appeal of journalists and human rights protecting organizations of the Crimea to stop the pressure on the independent newspaper, Mr. Andik stated that «all the accusations are false», and the behavior of the mentioned organizations is «scandalous». Besides, he proposed to Mr. Gumbatov to get the accreditation «in another town council».

The situation in Bakhchisaray is not so dramatic as in Alupka. Here Volodymir Tsyganskiy, the head of the district administration, and Fedor Kozhevnikov, the head of the town council, unanimously refused Ludmila Shchekun, the editor of the independent newspaper «Bakhchisarayskiy Vestnik» in accreditation. The arguments were funny: they said that journalists of the newspaper «Slava trudu» were accredited in the district power organs, that these journalists elucidate the work of these organs completely, so there was no need to accredit some other mass media.

The town authorities refused to give the accreditation to Ms. Shchekun even after the appeals of Mykhaylo Rogozhin, the head of the Republican committee in charge of information of the Crimea, and such organizations as the Committee of monitoring the freedom of the press in the Crimea, Crimean association of free journalists and the Crimean Center of independent political researchers and journalists. In his answer Mr. Tsyganskiy quite seriously proposed to complain against his actions to the President, ombudsperson or to a court.

«Prava Ludyny», No.6, June, 2002

## **Ukrainian language disappeared from the FM-air of Odessa**

**Igor Stoliarov, Odessa**

The National Council in charge of TV and radio broadcasting of Ukraine again demonstrated a strange attitude. In Odessa, where the FM Ukrainian-language transmissions were infrequent, the Odessa oblast state radio company «Radio na Troitskiy» was deprived of the license. The license was passed to the Russian-language station «Armenian radio-Ukraine» registered in Kyiv. In spite of the fact that two «Armenian radios» operate in Odessa, none of them has any relation to the Armenian diaspora in the Odessa oblast. According to the monitoring conducted by the Odessa representation of the National Council in April-May, the «Armenian radio» broadcasts in Russian (98.9%) and in Armenian (1.1%).

11 TV and radio companies from Odessa, Kyiv, Donetsk and Kharkov took part in the contest for the FM frequency.

The Odessa oblast radio, according to its editor-in-chief Sergey Komar, had the priority right for the license, since it had already operated on that frequency. Besides, it broadcast in Ukrainian, thus fulfilling the orders of the National Council in charge of TV and radio broadcasting concerning the language.

That is why the decision about the license was unexpected. Besides, a request about rendering an FM-frequency must be considered during a month, but not during a year, as it happened this time.

The personnel of the Odessa oblast state radio company turned to the President of Ukraine with their complaint.

Sergiy Komar, the editor-in-chief of the Odessa oblast radio informed:

«We disagree with the decision of the National Council. We have already prepared the claim to the economic court of Kyiv.

We believe that our rights were abused. It is abnormal, when a Ukrainian-language state radio company has to fight for its right to broadcast in court.

FM-frequencies were the only promising perspective for developing the oblast radio, which has been existing for more than 70 years. IN October 1999 Ukrainian President Leonid Kuchma personally congratulated us with our 70-year anniversary.

Now we turned to the President with the request to endorse us in these difficult times, to help us to save our radio company. That is strange that such illegal decision was taken on the eve of the Constitution Day».

If the decision of the National Council remains operable, the Ukrainian language will completely disappear from the Odessa FM-air. The personnel of the oblast radio company is sure that the Odessa air will not work for the Ukrainian national interests.

«Prava Ludyny», No.6, June, 2002

## **Censorship blossoms in Odessa**

**Igor Stoliarov, Odessa**

It happens by the initiative of the oblast state administration.

For example, governor's counselor Ivan Gavriluk phoned to the editorial board of the radio station «Armenian radio» and forbade giving any information about the oppositions leaders.

«We were prohibited even to mention the names of such unpersons as Petro Simonenko, Yulia Tymoshenko and

Oleksandr Moroz and to speak about opposition actions». This was said to a correspondent of radio «Liberty» by a worker of «Armenian radio», who wanted to stay incognito.

«Armenian radio» is known with its democratic character not only in the air. Along with it, it publishes a very interesting Internet site.

That was «Armenian radio», which, unlike other radio stations, before the March election gave the floor to Eduard Gurvits, a candidate to the post of the Odessa mayor.

«Prava Ludyny», No.9, September, 2002

### **The collective of the UNIAN agency is pressed by the President's team**

In the beginning of September the change of founders occurred in the information agency UNIAN. According to the information given by Korrespondent.net, earlier the control package of shares of the agency, whose founders were the National Union of Journalists of Ukraine, Union of Lawyers of Ukraine, unions «Ukraina» and «Prosvita», belonged to «Privatbank». Yet, as Mykola Tomenko, the head of the Supreme Rada committee in charge of the freedom of speech and information, told during the round table «Political censorship in Ukraine», the control over the agency now passed to the structures close to Social-Democratic Party of Ukraine (united) (SDPU(u)). «Privatbank» administration passed the shares of the UNIAN agency to the top authorities of the SDPU(u) in exchange for the priority in the purchase of the North ore mining and processing enterprise in Krivoy Rog. «The group of politicians decided to concentrate their efforts in the information sphere selling for this the state property», declared M. Tomenko calling this situation «unprecedented». The head of the Supreme Rada committee drew the attention of the head of the state to the disagreement of the operating laws with some President's decrees and resolutions of the Cabinet of Ministers concerning the activities in information sphere, as well as to the full control on the side the SDPU(u) and Viktor Medvedchuk, the head of President's administration, over the distributing of key positions in this sphere and the contents of informational and analytical materials in mass media.

On 1 October the UNIAN made public the appeal of the journalist collective about the internal situation in the agency. In particular, the appeal reads that the agency got under a strong pressure connected with the independent information activities, and that the collective relates this with the appointment a week ago of the new head of information service — executive manager of the UNIAN Vasyl Yurichko, who represents the interests of President's administration.

As Korrespondent.net informed, the collective of the UNIAN agency turned with the open letter to President of Ukraine Leonid Kuchma, Head of the Supreme Rada Volodymyr Litvin, Head of the Parliament committee in charge of freedom of speech Mykola Tomenko, ombudsperson Nina Karpacheva, Head of the State committee in charge of information policy, TV and radio broadcasting Ivan Chizh, head of the directorate of information policy of the President's administration Sergey Vasyliev.

The collective of journalists pointed out that during the last week, after Vasyl Yurichko appeared in the agency and was appointed as the executive manager, they began to feel the display of political censorship. They believe that some instructions given by Yurichko concerning the materials, which had to be shown in the information line of the agency, were caused only by the political conjuncture.

For instance, on 1 October the material «People's deputies blackmail the independent press» appeared in the agency line with the personal signature of V. Yurichko. This material stated that MPs Petro Simonenko, Oleksandr Moroz and Yulia Tymoshenko were allegedly pressing on the administration of the UNIAN to get the opportunity to conduct their press conference in the conference hall of the agency. In response to this article the «opposition trio» declared their intention to turn to court.

The journalists informed that the information about the intention of the deputies to turn to the court was published on the agency line with the title «The «opposition trio» may turn to court with the claim against the UNIAN administration». Yet, 30 minutes later the information was removed after the oral order of Vasyl Yurichko. This order was given to the editors in presence of the issuing team. Besides, the material «Opposition deputies believe that usurpation of mass media continues in Ukraine», which described the assessments of the above-mentioned situation by Yu. Tymoshenko and O. Moroz, also was not published.

«During the last week the UNIAN journalists more than once got the instructions concerning the contents of the information issued on the agency line».

Moreover, V. Yurichko threatened the journalists by sacking in case of not fulfilling his orders about political accents in the materials of the agency.

«The policy carried out by Vasyl Yurichko violates our right for elucidating the events, which occur in Ukraine, as well as the right of our readers, the citizens of Ukraine, to obtain the information».

On 3 October the Internet site of the rebellious information agency UNIAN was closed. Instead of the homepage of the site one could see the message that the resource was temporary inaccessible «because of technical reasons» (in Russian). Later the Ukrainian translation of this message was added. Until this the site was the only place, where one could read about the evolution of the conflict between the journalists and the new administration of the agency.

About 11:40 a.m. it became possible to load the site, but the last news on this site were marked by 9:54 a.m.

At the same time the meeting of the shareholders of the UNIAN was held in the agency.

As the Institute of mass information communicated, the participants of the meeting discussed the conflict between the journalist collective and their new administration represented by Vasyl Yurichko and Oleg Nalivayko. According to the information of one of the UNIAN journalists, during this meeting Yurichko told that he fired Albina Trubenkova from the post of the editor of the political department and said that he would have no objections against the dismissal of other journalists, who signed the protest letter.

V. Yurichko also informed that the agency site was not working because of his order, since the actions of the journalists, who supplemented the resource, were illegal.

After the meeting acting general manager of the UNIAN Vasyl Yurichko stated that the collective and the administration of the agency came to the agreement that the agency policy would not change and will consist of actual and unbiased elucidation of the activities and positions of all political forces.

Oleg Nalivayko promised to communicate the position of the journalists to the board of shareholders. The both parties of the conflict agreed to continue their dialog after the shareholders' meeting.

The National Union of journalists of Ukraine declared that it supports the appeal of the agency collective, MPs also joined the conflict. The party «Batkivshchyna» did not miss the opportunity to meddle into the situation too. Fanning the fire of the conflict the party mentions Yurichko in plural generalizing the bureaucrat from journalism to the level of social phenomena. Other opposition mass media act in the same manner.

On 9 October the conference of Ukrainian journalists «Political censorship in Ukraine» was held. More than 100 representatives of various mass media and public organizations took part in the conference. They stated that political censorship exists in Ukraine and decided to create the trade union of mass media workers. This is the first case, where not only the eternal question of intellectuals was raised: «What to do?», but it was also decided to create an acting public organization, which, first of all, would organize the strike committee. Although the majority of the journalists acknowledged that the idea of journalists' strike is an extreme method of the struggle, the strike committee will represent the interests of the trade union in all negotiations with the authorities. In what follows we publish the Appeal of the participants of this conference.

Our informant  
«Prava Ludy» No.10, October, 2002

### **The conflict between Chernivtsi journalists and the power**

Inna Sukhorukova, Kharkiv

The acute conflict between the regional mass media and the head of the Chernivtsi oblast administration reached the culmination. The representatives of the oblast and town mass media had no other way out, but to turn to the President of Ukraine, heads of force structures and ombudsperson Nina Karpacheva.

The journalists insist that the open pressure is exerted upon the journalists and editors of the oblast mass media, that, by the order of the oblast administration, the obedient mass media print the brutal and deceitful materials about those, who does not agree with the policy of governor. The journalists inform the central state power: «As early as in September 2002 editor of the newspaper «Chas» Petro Kobevko was attacked and beaten. The editor was the defendant in a trial held by the claim of governor Teofil Bauer. The attackers have not been found until now, and the public is not informed on the investigation progress.

The direct causes for turning to the President and other top state authorities were the statement of governor Bauer at the press conference on 6 December and the statement of Dmytro Myroniuk, the head of the PR-department of the Chernivtsi oblast administration. These statements contained the undisguised threats against the opposition mass media and journalists. It is a shame that there are such officials in our state organs, who permit themselves the pronouncements of the type: «... the newspapers that regard themselves as opposition, must be closed» (Mr. Myroniuk) or «For this they must be beaten on the head. First, those, who tell, and secondly those, who publish...» (Mr. Bauer). In such a way our country may quickly reach the level even not of Belarus, but of Iraq or former Serbia. Now, after the appeal to the top authorities, they will not be able to pretend that they know nothing about the gerrymanders of the Chernivtsi governor.

It is known that fish rots from the head. The power, which violates laws or allows its officers to do this, becomes illegitimate. At any moment such power may wait some illegal actions on the side of citizens, since namely the power was the first, who abused the social agreement, which is the Constitution.

The messages from the various regions of Ukraine make us to draw the conclusion that the strain in the society grows rapidly. It is strange that the power disregards this situation!

However, we hope that the President and other representatives of central power will react at the Chernivtsi journalists' appeal without delay. The facts presented by the journalists undermine the authority of the entire executive power. And if the power is interested in this authority, then the actions of such «keen» officials as Teofil Bauer must be punished quickly and adequately.

«Prava Ludy» No.12, December, 2002

### **A private TV company closed in Simferopol**

As Anatoliy Sivachenko, a representative of the National Council in the Crimea, informed that the closure of the TV channel 'ITB' is caused, first of all, by the program 'Grani' of 9 September, in which the topic of the 10<sup>th</sup> anniversary of the Ukrainian independence was discussed.

The National Council regarded as 'anti-state propaganda' and 'subversion of public morals' several remarks within the program, in particular, the speech of Volodymir Klichnikov, the head of the executive committee of the party 'Soyuz', and the plot with the blitz-poll of Simferopol inhabitants. Besides, according to Sivachenko, the company violated a number of license conditions, for one, it broadcasts only 25% of national tele-product instead of 50%, and the programs in Ukrainian make only 5% instead of 30%.

As it became known, the decision about the suspension of the license of the TV company was taken by the National Council as early as on 15 November, but the administration of the company was informed about this only on 25 December. So one may suspect that 'ITB' was plainly ousted from the air just before the election campaign.

In fact, the TV channel belongs to Lev Mirimskiy, a solid Crimean businessman and people's deputy, who is a member of the deputies' group 'Trudova Ukraina'. Answering journalists' question if the decision of the National Council is connected with the election campaign of Mirimskiy, head of 'ITB' Pavel Sukhoruchenkov said: 'All is possible'. At the same time he declared that the company 'would fight, defend its rights and would persecute the National Council in court', since the journalists of company think that the accusations of 'the anti-state propaganda' are absurd.

Source: [www.pravda.com.ua](http://www.pravda.com.ua)  
 «Prava Ludyny», No. 1, January, 2002

### **Yulia Timoshenko blames the power for destroying 'Vecherni Visti'**

The party 'Batkivshchina', headed by Yulia Timoshenko, declared that it assesses the refusal of the publishing house 'Pressa Ukraina' to prolong the contract on printing newspapers 'Vecherni Visti' and 'Slovo Batkivshchiny' as 'the fulfillment of the political order of the criminal-oligarchic regime to destroy the opposition edition'.

The text of the declaration was passed today to ForUm. In its declaration 'Batkivshchina' appeals political parties to protest against the suppression of the freedom of speech and turns to international organizations with the request to consider the situation with the freedom of speech in Ukraine and to assess the anti-democratic activities of the power.

The party 'Batkivshchina' energetically protests against the attack at the freedom of speech started by the criminal-oligarchic regime before the parliamentary election. The goal of this attack, they assert, is to deprive the opposition of the opportunity to communicate with the mass media and people, and to conceal the truth about falsifying the results of voting'.

Source: [rus.for-ua.com/news/2001/12/26/195917.html](http://rus.for-ua.com/news/2001/12/26/195917.html)  
 «Prava Ludyny», No. 1, January, 2002

### **A TV channel is under threat of closure in Zaporozhye**

Today one of the most popular and favorite TV channel of Zaporozhye «Hortitsa» is on the brink of closure. The reason is that the channel is said to work without license longer than for a year. Yet, the channel administration reckons that the channel became a prey of the local authorities. O. Mukhin, the manager of «Hortitsa», certainly regards the closure of the channel as «a blow on the freedom of expression». In his opinion, «the absence of the license is only a pretext to liquidate the channel, which did not kow-tow to the local powers».

The administration of the TV channel «Hortitsa» reckons that the channel is not guilty of having no license for broadcasting. The matter is that the previous license expired as early as in 2000, and to obtain the new one, they had to take part in the tender for the right to use this frequency. Yet, during all this time the National Council in charge of TV and radio broadcasting did not open the tender. «Hortitsa» more than once turned to the National Council and got answers that the channel is not guilty of the situation.

«Prava Ludyny», No. 2, February, 2002

### **Militia pogrom in a Cherkassy printing-shop**

These events occurred neither in Chili, nor in Honduras, nor in any other banana republic. All described below happened in the country, which moves along the road paved with good intentions, allegedly to Europe. At the very moment when the President of this country declared in a voice of thunder: «Democracy is developing step by step in the country, it is evident», brave militiamen attacked a Cherkassy printing-shop and destroyed the run of the newspaper

«Svoboda» («Freedom»). That was a final touch, the apotheosis of the operation, if to use noble terms. The beginning of the operations was even more shocking. In general, all that happened in Cherkassy in several last days, can be described neither in the terms of law, not in the terms of the common sense. It happened just a week before the election.

On Saturday, about 11 p.m. a truck with the consecutive run of the newspaper «Freedom» moved from the Cherkassy printing shop «Respublika» to Kyiv. On a highway, near the village of Pischanoe of the Zolotonosha district the driver of the truck was blinded with the headlights of a car standing at the roadside. The militia blue flashlight shone on the car roof and a stranger in a luminescent vest of road police made a gesture with his button ordering the truck to stop. «I stopped and reached to the glove compartment for documents», told driver Vadim Yurchenko later: «At this moment somebody jerked the door open and pulled me out. Then they pushed me into a jeep that came up and ordered to be calm. The jeep turned and sped about 400 meters from the place of the boarding. Two men set in the jeep. In 40 minutes they got through the portable radio the command: «All clear. Throw him out!»»

They threw Vadim Yurchenko to the ditch, and the jeep, according to his words, started toward Kyiv. «I went to my truck», the driver continued: «Having come to the bridge over the Supoy river, I petrified: packs of newspapers drifted downstream. The truck was standing near the waterfront. The ignition was on. I pulled the keys from the ignition lock, and the inner voice prompted me: stop, you must not drive».

In the morning a peg hammered into ground was found near the truck. This trick is widely used by special troops for mining vehicles. An explosive (e. g., grenade) is attached to the chassis, and the pin is fastened with a length of wire to the peg. It is easy to guess what would happen, if the truck started. And the version will be convincing: the truck exploded near the river and the newspaper fell into the water.

Thank God, this did not happen. The driver hitchhiked to the Zolotonosha road police post and told them about the event. It was half past four in the small hours of the morning... by the arrival of the Zolotonosha militia the truck was mine-freed. The newspapers «Freedom» were drifting downstream.

At this very time the unprecedented operation was developing in Cherkassy. On Sunday morning the prosecutor's office of the Sosnovskiy district of Cherkassy started the blitzkrieg criminal case. You are mistaking, if you think that it concerned the attack at Vadim Yurchenko and the destruction of the run of «Freedom». The case was titled as follows: «On the fact of misuse of power by the administration of the printing shop «Respublika» connected with distributing the confidential information about a state official without the consent of the latter». Do not you want to know, who was this official? His face decorated almost every page of this issue of «Freedom», his surname – Potebenko. The General Prosecutor. Several pages was separated for the deputies' request written by G. Omelchenko and A. Ermak, where they describe in details the mechanism of taking bribes by General Prosecutor Potebenko from Aleksandr Volkov. One more page contains the list of Mr. Volkov's accounts in foreign banks, names of the firms and organizations, through which he laundered his millions. The page also contained the meticulous analysis why Mr. Potebenko refused to obey the decisions of foreign courts about starting criminal case against the oligarch and how the latter shared the money with the General Prosecutor.

«For dessert» (on the last page) the newspaper wrote about the «apartment jugglers» – Mr. Potebenko and his colleagues-prosecutors. It is obvious that such information about the «honest prosecutor» and communist had to be destroyed it any price.

Fortunately, the operation of exploding the truck failed. Several hours later Oleg Liashko, the editor-in-chief of «Freedom», arrived in Cherkassy. Together with Stanislav Zhurilo, the manager of the printing shop «Respublika», he decided to print again 107 thousand copies of the destroyed issue. Yet, the opponents did not sleep. By the moment of the start of printing the building of the printing shop was besieged by militiamen. By the demand of the prosecutor's office judge Dmitrenko (on Sunday!) issued the warrant for searching the printing shop. On which grounds? On the ground of the newly opened case on «spreading confidential information about a state official without the consent of the latter»! Reasonable people were, mildly speaking, shocked. Is it right is journalists must ask a consent of Potebenko to print even not a author's material about him, but an official documents – a request from MPs? And about which «spreading» may one speak if the newspaper spread drifting downstream, and not a single copy was read by public? And the conclusion is: even before the newspaper was thrown into the river, the prosecutor's office already had some copies. Who except robbers could pass the newspapers to the prosecutor's office? This is an open secret. It is obvious that the attack at the driver and all the consequent events are links of the same chain.

2 p.m., Sunday. Stanislav Zhurilo, the manager of the printing shop «Respublika», editor-in-chief of the oblast newspaper «Vechirni Cherkassy» and the head of the oblast headquarters of the political bloc «Our Ukraine», comments these events: «Some people from the prosecutor's office came to us and told that judge Dmitrenko considered the materials of the criminal case (!) and took the decision to search the printing shop. We just print newspapers regardless of the content. I, as a newspaper editor, always fought with censorship and I will never allow myself to censor others. As to the accusation that we spread the information damaging honor and dignity of citizens, it, firstly, must be proven by a court, and, secondly, no information was distributed yet. Then what are the reasons to open a criminal case? Besides, the new Criminal Code does not contain such article at all. We are shocked by these arbitrary actions!»

Oleg Liashko, the editor-in-chief of the newspaper «Freedom», came to the Cherkassy printing shop hoping to print again the new run of the newspaper. When, some time later, the shop was crowded by prosecutor officers and militiamen headed by Yu. Oleynik, the editor was infuriated. «We published in our newspaper the MPs' request

reading that Potebenko, in their opinion, took a bribe from Volkov, the former assistant of the President of Ukraine. This is an official MPs' request. According to laws, nobody must be brought to responsibility for publishing documents of state organs and officials. In this case, MPs, the authors of the request, are the officials of the superior organ of state power of Ukraine – the Supreme Rada. The deputies somehow got the documents connected with the bankruptcy of the bank «Ukraine». Volkov then headed the fund «Social protection», his account was in the bank «Ukraine». The provisional commission of the Supreme Rada found two very interesting payment orders. With these orders Volkov and his fund transferred to the General Prosecutor's office 600 thousand UAH. It happened exactly at the time when the General Prosecutor's office received the commission of the prosecutor's office of Belgium to start the investigation concerning Volkov. In Brussels they arrested more than 40 million USD on Volkov's accounts and distrained upon his property. Instead of fulfillment of the commission of the Belgian prosecutor's office, Potebenko took money from Volkov. I, as a lawyer and a newspaper editor, can assess this only as a bribe. As to the today's events – the document presented by Kucherenko, the prosecutor of the Sosnovskiy district of Cherkassy (he came to the printing shop personally. – Author's nope), about confiscating the run of the newspaper is absolutely illegal. I am sure that it was an order of Potebenko. If, at the start I believed that all was done by gangsters in militia uniform, now I am sure that all the events are links of the same chain. We will not obey the illegal decision. There is an article in our Constitution, which envisages the responsibility not only for issuing, but also for obeying illegal orders. I will defend the Constitution as long as I could...»

But the forces of the editor and the not numerous personnel of the printing shop were obviously insufficient to prevent the real assault of the shop building by about a hundred of militiamen and prosecutor officers. It happened on Sunday evening. Beforehand, at daylight, militia cars appeared near the building. Militiamen sitting inside openly watched everybody coming to and going from the printing shop. S. Zhurilo even had his photo taken near one of these besiegers. At a few minutes after six something improbable started. Perhaps all forces of militia, special troop «Berkut» and... road police were gathered near the printing shop building. Yuri Oleynik, the deputy head of militia directorate of the Cherkassy oblast, commented the situation as follows: «the goal of the militia was to protect the public order during the search conducted by the prosecutor officers in the printing shop». A nice formulation! Not less than ten militia cars blocked the entrance to the printing shop. After this about a score militiamen rushed to the building through the entrance checkpoint. Any resistance was futile, and Oleg Liashko, who is at the same time a candidate to the Supreme Rada in the Pecherskiy electoral district of Kyiv, tried to burst through the encirclement. The prosecutor officers declared that they had the order to detain Liashko, although they had not the slightest grounds for this. After a lasting exchange of harsh words, they let Liashko go. The officers headed by prosecutor Kucherenko began the thorough search of the printing shop. All the already printed run of «Freedom», as well as the printing plates, were confiscated and loaded to the cars without license numbers. The question about the place of destination of the confiscated property the answer followed that the load would be allegedly taken to a militia precinct, this was written in the confiscation protocol. Yet, in the actual fact, the newspaper run was unloaded in the oblast prosecutor's office.

Journalists of the edition «Antenna», who were present at that time in the printing shop, phoned to Cherkassy mayor Vladimir Oleynik. The mayor came up to the place of the assault, when the militiamen loaded the last truck with the confiscated newspapers. V. Oleynik said that what was happening was an outrageous abuse of morals and laws, but he was unable to stop the robbery.

On Monday morning all the commanding officers of militia and prosecution gathered in the office of governor Lukyanets. Several hours after the sitting the prosecutor's office made a search in the editorial board of the newspaper «Vechirni Cherkassy». That time again militiamen got a search warrant as if by magic.

The building of the printing shop is still surrounded by militia. Several civil cars packed with militiamen stand near the entrance. From a trustworthy source we got the information that, according to the order received, militia and prosecutor's office would do their best to prevent printing any newspaper writing about the «militia pogrom». Since this printing shop is the only one in Cherkassy, the strategic task of militia is rather simple.

**Olga Shvets, Valeriy Vorotnik**  
**ANTENNA.COM.UA, 26 March 2002**  
**«Prava Ludyny», No.3, March, 2002**

### **How they «liberated» people from politics in Poltava**

Ludmila Kucherenko, Poltava

The war between the two world ideological systems, with the obligatory jamming of «enemy» foreign radio stations, seemed to come to the end. It appeared that it is not so. Ukraine, which only began to look like a democratic society, seems to return abruptly to the regime, when the independent press, rights and freedoms of citizens are trampled and ignored. Sometimes it looks abominable.

The transmissions of the radio station «Free Europe»/radio «Liberty» on the frequency of radio station «Dovira» are very popular among Poltava listeners. Nonetheless, from time to time I receive the complaint that instead of three hours in the evening on weekdays (from 20:00 to 23:00) the topical broadcasts of radio «Liberty» are transmitted during only one or one hour and a half or they are just skipped. Instead they transmit songs, unfortunately not in Ukrainian, or some features, which the announcers of «Dovira» stubbornly present in the Russian language with the Moscow accent.

This sort of jamming is quite economical, since it does not need expensive jamming stations. An operator just pushes a button and radio «Liberty» vanishes from the air. More than once I heard how, as soon as a presenter in the Kyivan studio of radio «Liberty» announced a topic of a Poltava correspondent, the sound was interrupted immediately.

Such selective, if one can say so, transmission of radio «Liberty» in Poltava started last year. From time to time, when the number of listeners' complaint became too large, I phoned to Irina Ivanova, the head of the Poltava regional representation of radio «Dovira», and listened to her not quite convincing explanations. Such negotiations assisted, but not for long.

This summer the Poltava dwellers again began to complain in mass not only for the reduction of the evening transmissions of radio «Liberty» by 1.5 – 2 hours, but its complete disappearance on some days. Again I had to communicate with I. Ivanova. She explained the reduced broadcasts of radio «Liberty» by technical problems: «Dovira» was passing to the reception of signal from another satellite. Yet, the complaints concerned not several recent days, but many months. The response of Ms. Ivanova was the following:

«In summer we plan to broadcast radio «Liberty» for one hour two times a week. All changes of the schedule I discuss with proper persons. If I reduce the time given to radio «Liberty», I agree it with the main office in Kyiv. And in general I reduce this time in summer, since I believe that people must rest from politics during their vacations».

Sergiy Say-Bodnary, the general manager of radio «Dovira», whom I phoned to learn the truth, told that it is absurd to speak about the reduction of broadcasting of radio «Liberty» depending on the season.

Then a question arises: whose orders to jam radio «Liberty» in Poltava Ms. Ivanova obeys, if she does not get any such orders from her immediate superiors. And who are these enigmatic «proper people», whom she does not dare to disobey, preferring to deceive the general manager of radio «Dovira»?

«Prava Ludyiny», No 9, September, 2002

### **The authorities continue to persecute the only Crimean Ukrainian-language newspaper**

Volodymir Pritula, Simferopol

The bureaucrats of all levels continue to harass the collective and readers of the newspaper «Krymska svitlytsia», the only Ukrainian-language newspaper in the autonomous republic. For the umpteenth time the officials try to throw away from the office the editorial board of the newspaper.

Only three months ago the collective of «Krymska svitlytsia» celebrated their removal to the new office: by order of President Leonid Kuchma they got several rooms in the Simferopol base «Artek». At their own expense the newspaper staff managed to make some repair, the Media-fund at the USA Embassy in Ukraine helped them to purchase several telephone numbers and to organize their site in the Internet. Now the site of «Krymska svitlytsia» is the best and most popular web-site in the Crimea.

For the first time after 10 years of the existence, owing to the efforts of journalists, authorities, Ukrainian and foreign public, the newspaper «Krymska svitlytsia» got the normal conditions for work. This affected both the quality of the newspaper and the number of the subscribers: the both indices essentially increased. Viktor Kachula, the editor-in-chief of «Krymska svitlytsia», says that the journalists are surprised by the position of the presidential administration managing the base «Artek». Half a year ago the Ukrainian President ordered to the central and Crimean authorities to create the proper conditions for the work of the newspaper «Krymska svitlytsia» – the newspaper that cannot be called either pro-power or opposition, the high-quality and objective newspaper. So, the today's situation is caused either by the stupidity of bureaucrats or by the revenge for the honest position of the newspaper. Journalists of the only Crimean Ukrainian-language newspaper sending letters to top state authorities again and again asking for protection and help. They still believe that the power in Ukraine is Ukrainian at least for a bit.

10 December

«Prava Ludyiny», No 12, December, 2002

## COURT PROCESSES, WHERE JOURNALISTS MASS MEDIA WERE PLAINTIFFS

### **Bukovina journalists vs. the oblast information directorate**

The editors-in-chief of four leading Bukovina newspapers 'Chas', 'Molodiy Bukovynets', 'Doba' and 'Chernovtsy' are going to hand a claim against the oblast directorate in charge of the press and information of the Chernovtsy oblast administration and against its head Ivan Vergun for libel and offence of business reputation of the mentioned editions.

Recently the editors of the leading Bukovina mass media, the total run of which is up to 100 thousand copies, turned to the Ukrainian President, the General Prosecutor's office, the State Committee of information and the committee of the Supreme Rada in charge of the freedom of speech and information. The editors made public some documents, which testify of the direct meddling of the oblast executive power to the subscription campaign in Bukovina.

In response to this appeal I. Vergun publicly blamed (on the pages of the newspaper 'Bukovina') the editions 'Chas',

‘Molodiy Bukovinets’, ‘Doba’ and ‘Chernovtsy’ for libel, misinformation of the population, prdered materials and destabilizing the public and political situation in the oblast.

As UNIAN informed, referring to Petr Kobelko, the editor-in-chief of ‘Chas’, the heads of the involved newspapers sent to Vergun the demand to give the needed explanations and to publish the refutation of the information distributed by his directorate. According to Kobelko, after the 10-day expectation of the response the editors intend to turn to court against the directorate and to demand money compensation for the moral damage.

**Source: [mignews.com.ua/scandal/ukraine/bukov\\_1227.html](http://mignews.com.ua/scandal/ukraine/bukov_1227.html)  
«Prava Ludynty», No. 1, January, 2002**

### **«Nikopolskie Izvestiya» won in court the right to be printed during the election**

We want to remind our readers that the printing house, whose founder is the Dnepropetrovsk oblast council, refused to print the newspaper «Nikopolskie Izvestiya» from 1 January to 1 May 2002. The printing house explained its refusal by the need to conduct the thorough repairs. On 25 December judge Natalya Troyan approved the decision: to suspend the order of the manager of the printing shop about the refusal to print the newspaper.

Konstantin Liashchenko, the manager of the enterprise «Kanal-5» – the media holding, which publishes «Nikopolskie Izvestiya», informed the Institute of Mass Information that the interests of the publishing house were represented in court by the Dnepropetrovsk Association of advocates. The advocates came to the court session from the distance of 120 kilometers in the car owned by the oblast council (car number 3024 ДНА). «This is a very eloquent fact», said Mr. Liashchenko.

The newspaper «Nikopolskie Izvestiya» has the largest run in the town – about 12 thousand copies. It, as well as another branch of the media holding – the TV channel «Kanal-5», often published interviews with the opposition political figures. «Kanal-5» now has legal proceeding with the National Council in charge of TV and radio broadcasting about obtaining the license for broadcasting.

**The Institute of Mass Information  
[www.imi.com.ua](http://www.imi.com.ua)**

«Prava Ludynty», No. 2, February, 2002

### **For the first time in the Crimea a journalist won the trial against town authorities**

Ragim Gumbatov, the editor of the newspaper «Alubika», won the trial against the mayor of Alupka, a small Crimean town. The journalist’s claim concerned his constitutional right for information. The court obliged Alupka mayor Valeriy Andik to accredit the journalist to the town council and to render the journalist all information he needed for his work. In spite of everything, the mayor does not hurry to fulfil the court verdict: Gumbatov is still not admitted to the town council, – the Institute of mass information informs. The conflict between the town authorities and the newspaper «Alubika» lasts already for more than two years. Ragim Gumbatov reckons that the conflict was provoked by the critical materials about the town officials published by the newspaper. It was «Alubika» that told its readers the story how a bus presented to the town was privatized by an individual. The newspaper published the staff list of the town executive committee, which was widened twice for unknown reasons. Yet, the most sensational were the articles about the squander of the precious land of the South Crimea under the condition of the permanent budget deficit. After this, the editor told, many problems fell on the newspaper.

Last year the conflict became apparent, when Valeriy Andik, then a deputy head of the town council, drove Gumbatov away from the sitting of the land commission, attacked the journalist, snatched the dictaphone from his hands and threw it to the wastepaper basket saying: «You elucidate our work lousy in your foul newspaper!» The town power regards Gumbatov’s criticism as ungrounded.

In order to protect themselves from the «unjust» criticism the town authorities hastily introduced the accreditation. Ragim Gumbatov was the only journalist, who was refused in the accreditation under the pretext that he had allegedly handed the wrong documents. Gumbatov turned to court.

In spite of the taken court decision, Gumbatov says that his victory was somewhat illusive, since he did not obtain the accreditation all the same. And the town authorities still ignore his informational request.

27 December 2002

L I G A O N L I N E

«Prava Ludynty», No. 12, December, 2002

CASES WHERE JOURNALISTS AND MASS MEDIA ARE ACCUSED

CIVIL CASES

## **A Supreme Rada committee decided to clamp down on a TV showman**

Igor Ostash, the head of the Supreme Rada Committee in charge of foreign affairs, promised to send a letter to the profile committee of the Russian Duma concerning the statements of Mykhail Leontyev, a Russian journalist and a showman of the «ORT» TV feature «Odnako» («Yet»), who refused to obey the decision of the Shevchenkivski district court of Kyiv on the protection of honor and dignity of Katerina Chumachenko, the wife of former Ukrainian Prime-Minister Viktor Yushchenko. I. Ostash intends to request the head of the Duma committee to take measures to stop insinuations, which seriously harm Russian-Ukrainian relations». As I. Ostash believes, M Leontyev refused to fulfil the court decision «in an extremely brutal form using cynical and offensive expressions». I. Ostash is sure that, in fact, it was an extreme demonstration of Ukrainian phobia. Leontyev, in particular, said that «such a state as Ukraine does not and cannot exist» and that «Ukraine needs to be protected by a stronger and more cultured state». Mr. Ostash believes that such statements of a journalist, who works on «ORT» channel, which actually is a mouthpiece of the Russian power, must be «sternly punished both by the Ukrainian and Russian politicians». He also pointed out that the insinuations of Leontyev were a queer «introduction» to the Year of Ukraine declared by Russia (2002). He believes that it is «an affair of honor of Russian politicians» to do their best for the fulfillment of the court decision, according to the Convention on legal aid in civil, family and criminal affairs within the CIS signed in 1993, and for the proper political assessment of the Russian journalist's words. Ostash also hopes that the Ministry of Foreign Affairs will issue the proper note in this connection.

**UNIAN**  
**«Prava Ludyny», No. 2, February, 2002**

## **National TV company shall pay Moroz a big libel fine**

On 4 February the Shevchenkivsky district court of Kyiv took the decision, in which the court established that the National TV company presented false information about Oleksandr Moroz, the leader of the Socialist Party of Ukraine, in six issues of the feature «Aktsept» in June 2000. The court ruled to fine the TV company for 50 thousand UAH and hand the money to O. Moroz.

**UNIAN**  
**«Prava Ludyny», No. 2, February, 2002**

«Rakurs plus» was arrested  
Oleksiy Svetikov, Severodonetsk

According to the information given to us by Mykola Severyn, the editor of the independent newspaper «Rakurs plus», a district court of Lugansk approved of the arrest of ten future issues of the newspaper in order to respond to the claim.

The claim was handed by Volodymir Medianik, a deputy of the Lugansk town council, in the connection with publishing the material «What do «The political kitchen» nourish us with?» in the newspaper issue of 11 September. The claimant demanded the compensation of the moral damage in the size of 100 thousand UAH. The court claims against the newspaper edited by Severyn are conventional. The unusual side is that the deputy desired to secure his claim by way of the arrest of the future issues of the newspaper. And the court approved this, in fact suspending the publication of the newspaper without the corresponding court decision.

The newspaper is published almost in 10 thousand copies, is partly distributed by subscription.

The Lugansk oblast organization of the Voters' Committee of Ukraine appeals to human rights protecting organizations to render the newspaper their immediate aid. The telephone of the editorial board: (0642) 531 155.

«Prava Ludyny», No. 9, September, 2002

## **Lugansk journalists ask the Supreme Rada to save them from the unfair claims**

**Galina Sinarevska**

Lugansk journalists turned to MPs with the proposition to introduce changes into the laws regulating the informational activities. The cause for this appeal was the closure of the newspaper «Rakurs-plus».

After the newspaper published the material describing how Volodymir Medianik, a deputy of the local council, refused to render aid to the teachers of town school No. 5, the deputy felt himself insulted and turned to the court with the claim about protecting his honor, dignity, business reputation and demanded the compensation of the moral damage equal to 100 thousand UAH.

As Mykola Severin, the editor of the newspaper «Rakurs-plus» informed, the Leninskiy district court of Lugansk arrested the property of the editorial board and ten future issues of the newspaper even before the beginning of the consideration of the case.

The next morning the court officers came to the newspaper office to arrest the property. They did not manage to do this only owing to the newspaper staff, although the officers blamed them for impeding the fulfillment of a court resolution.

Severin added that he did not agree with the court resolution and would protest against it. In spite of this, the

publishing of the newspaper will be actually blocked until the end of the year.

3 October 2002  
«Prava Ludyny», No. 10, October, 2002

## CRIMINAL CASES

### **'This system, in the framework of the operating laws, enables officials to misuse their power'**

***Volodymir Pritula, Simferopol***

On 10 January the Zaliznichny district court of Simferopol approved the decision about conditional pre-term release of Sergey Potamanov, the former editor of the radio company 'Feniks' situated in the Leninskiy district of the Crimea. The Crimean journalist was released only next night, when all, who came to meet him – relatives, friends and colleagues – dispersed. S. Potamanov was condemned to 5 years of incarceration in December 2000 and spent 18 months behind the bars. He declared that he would fight for the complete court acquittal. The journalist had been accused of crimes according to 4 articles of the Criminal Code of Ukraine, including spiteful hooliganism and storage of firearms and ammunition. Potamanov himself considers that his case was falsified by the initiative of the local authorities, whom he acutely criticized in his articles. According to him, the court disregarded the numerous proofs of his innocence, as well as the mitigating circumstance that he has five minor children. After public protests the prosecutor's office of the Crimea suspended this decision and the Supreme Court of the Crimea diminished the prison term down to three months.

Now the appeal of Sergey Potamanov is being considered in the appellation court and the European Court of human rights. The journalist told that he would do his best not only for his rehabilitation, but also to achieve some changes in the Ukrainian penitentiary system, which does not satisfy the norms of a civilized democratic country. 'I see two actual problems. The first is to cancel the verdict because of the procedural violations made in the court. The second problem is to start active fighting against violations in the work of the existing penitentiary system, since my consciousness and journalist's dignity will not permit me to stand aside', Sergey Potamanov said.

According to his words, the state of the Ukrainian penitentiary system is abhorring: 'This system, in the framework of the operating laws, enables officials to misuse their power. Being at large I never could fancy that such situation can exist, and if someone told me about this, I would not believe. But after I experienced all this on my own skin, I can prove that. I want to do my best to change the entire system – both as a journalist and as a human rights protector. I intend to do this until I succeed'.

***Radio 'Liberty'***  
***«Prava Ludyny», No. 1, January, 2002***

### **Antonik's case may be falsified**

The journalists, who investigated and described in the press the case of Ruslan Antonik, the manager-editor of the People's TV company of Ukraine, assert that this criminal case was falsified. Antonik is accused of murdering businessman P. Tychynsky.

As a UNIAN correspondent informs, during the press conference held in the National union of Ukrainian journalists, journalist Natalya Okolitenko told about a number of facts that, in her opinion, directly testify about Antonik's innocence.

First, she told, the time of the murder, which, as experts determined, occurred two hours before the body was found, does not coincide with the time, when R. Antonik came to the Maryinsky park. In particular, the body was found about 20:00, and Antonik, as it is shown by a check exhibited in court, at 19:30 ordered coffee, 50 grams of vodka and mineral water in the cafe 'Tarasik' on the corner of Institutska St. and Kripostny lane. Ms. Okolitenko is sure that R. Antonik was not in the park at the time of the murder.

N. Okolitenko also pointed out that the testimony of the only eyewitness of the crime, being logically analyzed, also serves as Antonik's alibi. By the way the witness, Volkovsky, according to medical expertise, is oligophrenic with traits of debility.

Okolitenko said that she 'does not assert that Antonik is not the murderer, but this case is so fuzzy that the decision of the Pecherskiy district court, which found Antonik guilty, cannot be well-proven'. Besides, she considers strange that the court decided to destroy all the exhibits concerning this case. By the way, among these exhibits there was not a single one, which directly pointed at Antonik as guilty, in particular the knife, which served as a tool of the murder was absent.

As Tatyana Yablonska, a member of the Ukrainian-American bureau of human rights protection, the case against R. Antonik was falsified in order to close it as soon as possible. She is sure that 'Antonik was framed in order to report about the successful investigation of the murder'. T. Yablonska said that 'the main reason of so fast reaction of law-

enforcers is the fact that P. Tychynsky was a relative of a top official'. Ms. Yablonska refused to name this official, but said that she knew that Tychynskiy, on the day of being murdered, 'had a business appointment in the park with a man in dark trousers. This is known to the witnesses, whom the court refused to interrogate'. Meanwhile, she said, Antonik wore white trousers this day.

T. Yablonska also informed that Antonik's case will be considered by all means by the European Court of human rights. Yet, 'for Ukraine it will cost too much'.

All journalists, who investigated this case, stressed that Antonik's confession was made after he was cruelly beaten by his cellmate in the preliminary prison. Later Antonik denied his confession.

On 3 January 2002 the Supreme Court of Ukraine will have to consider the cassation appeal of Antonik's advocates.

UNIAN reminds the reader the circumstances of the case.

On 28 December 2000 the Pecherskiy district court of Kyiv City found Ruslan Antonik, the manager-editor of the People's TV company of Ukraine, guilty in the murder of P. Tychynsky and condemned him to 13 years of incarceration in a colony of strengthened regime.

Antonik's advocate Sergiy Kryzhanivski stated that, taking the decisions, judge Yulia Ivanenko did not take into account the arguments of the defense that proved the innocence of the accused.

R. Antonik was blamed for stabbing seven times businessman P. Tychynsky, who died in the result. Antonik categorically rejected these accusations and assessed the criminal case against him as a provocation on the side of law-enforcing organs caused by his work with the series of TV features 'Affair of the al-Ukrainian scale'. The feature was broadcast on his channel and criticized the activities of the Federation of trade unions of Ukraine. Immediately after the first feature went into air, one of the heads of the Federation phoned to the editorial board with threats to 'mince' Antonik. Advocate Kryzhanivski tells that Antonik has the well-proven alibi. The main proof of the defense is the check from the cafe, where R. Antonik stayed during the murder of Tychynsky. Yet, the court disregarded this exhibit. The advocate said his client was 'psychologically pressed' by militiamen with the aim to force him to confess.

**UNIAN**  
**«Prava Ludyny», No. 1, January, 2002**

### **A partner of the publishing house «Taki spravy» is still staying behind the bars**

On 21 December the judicial chamber in charge of criminal cases of the Appeal court of Kyiv considered the complaint of advocates Bogdan Ferents and Valeriy Kornilov against the verdict of the Solomenski court of Kyiv concerning Valentin Romanov, a partner of the publishing house «Taki spravy». The court satisfied the complaint partly. «We are not contented with the decision of the Appeal court», said V. Kornilov, «and we are going to lodge the cassation. In our appeal complaint we asked to change the verdict by closing the criminal persecution of V. Romanov according to Articles 27 part 5, 212 part 3, 336 part 2 and 205 part 1 of the Criminal Code of Ukraine because of the absence of corpus delicti». The court decided that Romanov's actions were committed after the preliminary agreement with a responsible representative of the publishing house «Taki spravy». «This is an absurd. This court decision will be the basis for the retrial», V. Kornilov stated.

V. Romanov was condemned to six and a half years of incarceration. His advocates believe that the verdict of the district court contradicts the demands of Article 323 of the Criminal-Procedural Code, is illegal and groundless. It happened because of the narrowness and imperfection of the investigation, discrepancy between the actual context of the case and the conclusions of the court, serious violations of the criminal-procedural laws, incorrect use of the criminal legislation, disproportion between the gravity of the offence and the imposed penalty.

22 January 2003

LIGA ONLINE

**«Prava Ludyny», No. 1, January, 2002**

## INFORMATION SECURITY AND INTERNET

### **The Sevastopol USS suspended the work of the Internet provider «Alfa-Telecom»**

Roman Romanov, Sevastopol

On 20 August at 19:00 the work of the Internet providing company «Alfa-Telecom» was suspended by the order of A. Lasitsa, a detective of the special squad for fighting corruption and organized crime functioning at the USS Directorate of Sevastopol. The equipment was switched off, the rooms of the company were sealed. The USS officer confiscated the accounting and other documents of «Alfa-Telecom», Ltd., as well as 17 system blocks including the mail server. The law-enforcer justified his actions with the Resolution on the arrest and seizure of the equipment, goods and documents of 20 August 2002 and item 4 Article 12 of the Ukrainian Law «On organizational and legal foundations of fighting the organized crime». The confiscation of the equipment was based on the materials of case No. 53 on obtaining great income with violating the license rules. The act on the seizure and arrest was compiled.

At 14:00 on 20 August 2002 the State Inspection of telecommunications of the Autonomous Republic of the

Crimea and the city of Sevastopol conducted the check of the equipment belonging to the Internet providing company «Alfa-Telecom». Senior inspector V. Viaziantsev compiled the report about the inspection and the Protocol on violating the rules of the production, purchase, installation, building and exploitation of radio electronic means and the use of radio frequencies. The Protocol reads that the inspection discovered the radio transmitting equipment without the permissions for its building and exploitation given by the State committee in charge of frequencies. Thus, «Alfa-Telecom» violated Article 16 of the Law «On radio frequency resources of Ukraine» and item 1 Article 146 of the Administrative Code of Ukraine.

The company «Alfa-Telecom», Ltd. provided the services of radio Ethernet. The administration of the company turned to the State Committee of communications of Ukraine to obtain the needed license and paid the full price of this license, but the question was not solved for a long time. The officials of the Committee more than once confirmed orally that the license would be issued in the nearest future. To accelerate the process of getting the license «Alfa-Telecom» turned to the Supreme Rada and the Cabinet of Ministers. Prime Minister of Ukraine Anatoliy Kinakh directed the letter to the State Committee of communications, in which he appealed to expedite the process of issuing the license to «Alfa-Telecom», Ltd.

On 21 August 2002 «Alfa-Telecom» handed the complaint to the General Prosecutor's office of Ukraine, the prosecutor's office of Sevastopol and the USS. The complaint concerned the illegal actions of the officers of the special department for fighting the corruption and organized crime at the USS Directorate of Sevastopol.

On 11 September 2002 the response was received from V. Ratsiuk, the head of the Main Directorate for fighting the corruption and organized crime at the USS. In his letter V. Ratsiuk informed that the arrest of the equipment of «Alfa-Telecom» was imposed for the term of 10 days in the connection with the revealed violations. The investigation department of the Sevastopol USS Directorate and the city prosecutor's office organized the check of the facts of violating the procedure of conducting business activities and legalizing money by «Alfa-Telecom» and, as a result, started the criminal case for investigating the crimes described by Articles 202 part 1 and 209 part 1 of the Criminal Code of Ukraine. The case was started on 10 August 2002.

On 20 September 2002 the company received the letter from S. Gura, the senior deputy of the city prosecutor, who wrote that the equipment that was seized contained the information concerning the financial activities of the company. On 28 August all confiscated documents and equipment were passed from the special squad to the investigation department of the USS.

As a result of the actions of the USS more than 4.5 thousand clients of the Internet provider «Alfa-Telecom» have no connection with the Internet since 20 August, they lost the access to the mail server and web-hosting. The USS officers got the codes and passwords of the cards for the anonymous access to the network, and now they may control the Internet traffic of the users and their electronic messages.

«Alfa-Telecom», Ltd. is one of the largest Internet providers in the Crimea. At the expense of the credit given by the European bank of reconstruction and development the company purchased the equipment for transmitting the data through the satellite communication system. For the access to the Internet they used the external channels of their business partners in Norway. The providers planned to widen their activities throughout the Crimea.

Other Internet companies, who provide the services of radio-Internet without the license of the State committee in charge of frequencies, continue to work in Sevastopol.

Up to now the confiscated equipment has not been returned to «Alfa-Telecom», and the company is on the brink of bankruptcy.

\*\*\*

In the connection with the above-described events the Sevastopol human rights protecting group turned with the appeal to the General Prosecutor's office of Ukraine, the prosecutor's office of Sevastopol, the USS and the ombudsperson.

To the General Prosecutor's office of Ukraine  
To the prosecutor's office of Sevastopol  
To the USS  
To the ombudsperson  
10 October 2002

On 20 August the USS Directorate of Sevastopol suspended the work of the Internet providing company «Alfa-Telecom», Ltd. The computer equipment was switched off and arrested. As a result of the actions of the USS more than 4.5 thousand clients of the Internet provider «Alfa-Telecom» since 19:00 of 20 August cannot obtain the paid-up Internet services, they lost the access to the mail server. The USS officers got the access to the codes and passwords of the cards for the anonymous connection to the network, to the Internet traffic of the users and their electronic messages.

The financial damage was inflicted to the scores of Sevastopol enterprises that used the Internet in their business activities; thousands of private persons – clients of the company «Alfa-Telecom» could not receive and sent their messages, their right for privacy of correspondence was violated.

We think that the meddling in the work of «Alfa-Telecom» was inadequate: the damage inflicted to the interests of physical and juridical persons, to their rights and freedoms are noticeably greater than the abuses discovered during the check of the company.

We believe that the behavior of the USS violate Article 31 of the Constitution of Ukraine (privacy of correspondence),

since the law-enforcers acted without court decision and did not apply any other methods preventing the massive and brutal violation of human rights.

Thus, in our opinion, the principles of non-interference in the private life stipulated by Article 30 of the Ukrainian Constitution and Article 8 of the Convention for the protection of human rights and fundamental freedoms were abused. The actions of the USS violate the privacy of correspondence, telephone talks, telegraph and other correspondence that are passed by means of communication facilities or through computers. These actions form the corpus delicti envisaged by Article 163 of the Criminal Code of Ukraine.

R. Romanov, the executive manager of the Sevastopol human rights protecting group

The Kharkov Group for human rights protection supports their colleagues from Sevastopol and appeals to other human rights protecting organizations to spread the similar letters.

«Prava Ludyny», No. 11 November, 2002

ROMAN ROMANOV BALSHOY TEKST

SELF-REGULATION

### **Journalists do not want to be tools in the hands of black PR agents**

The Commission of journalist ethics regards publishing the «cassette materials» as the act of PR manipulations.

«Using the illegal methods of obtaining information, biased nature and unbalanced presentation of information enable us to perceive this activities as those having nothing in common with professional journalism», this thesis is contained in the statement of the Commission.

The statement about publishing the phone dialog between Viktor Yushchenko and Aleksandr Omelchenko by Dmitriy Ponamarchuk, a member of the Popular Rukh, also contains the idea that «the beginning of 2002 became the first stage of new tests for the Ukrainian society and Ukrainian mass media».

Journalists believe that «with the beginning of the so-named «cassette scandal No. 2» the election campaign with the application of black PR technologies has really started». The Commission representatives regard that it was mass media that became weapons in this war.

In the opinion of the authors of the appeal, «using journalists as weapons in the PR battles, on the one hand, and the readiness of the journalists themselves to be used as weapons, on the other hand, may become a very explosive mixture».

«What is understood as an exception in a civilized society, may become (and, in fact, is already becoming) a norm in Ukraine», reads the Commission appeal.

Election-2002, in the opinion of the Commission, «may become the test for survivability for the independent Ukrainian journalism». «We appeal to the Ukrainian journalists to do their best to pass this test with banners flying».

The Commission of journalist ethics unites the representatives of about 300 Ukrainian mass media. Journalists themselves remark that they «acutely feel their responsibility for the role of mass media in conducting the just and free election in spring-2002, for presenting to voters the information sufficient in size for taking responsible decisions, for honest observance of professional and ethical norms».

**Source: [www.pravda.com.ua/ru/](http://www.pravda.com.ua/ru/)**

**«Prava Ludyny», No. 2, February, 2002**

### **Journalists refuse to discuss the film «PR»**

#### ***(Journalists' appeal)***

On 27 March the TV channel «1+1» will show the film «PR» by Peter Powel and Charles Clover with the further discussion of the film. This film, which is allegedly devoted to investigating the murder of Georgiy Gongadze and the sources of the «cassette scandal» in Ukraine, was already twice shown on the TV channel ICTV. In our opinion, the film is an example of sly journalism, where the facts are fitted to one version out of several, and the chosen version is full of contradictions. The viewer cannot obtain complete and exhaustive information about the situation in Ukraine and about the death of G. Gongadze. At the same time the goal of this film is transparent and obvious: to compromise certain political forces. We also could not ignore the statements of some personages of the film that their words were distorted in the quotations given in the film. That is why we find impossible to participate in the advertisement of the film on the all-Ukrainian channel. The advertisement, which seems rather doubtful several before the election.

Our decision not to participate in the discussion was also influenced by the prohibition to invite our colleague Olena Pritula. We believe that this prohibition testifies that the «discussion» will be a form of agitation, which was already demonstrated on the TV channel ICTV. We refuse to put a finger into such technologies.

**Journalists Natalia Ligacheva, Yuliia Mostova, Mariia Pirozhuk, Sergey Rakhmanin**

Telekrytyka, 27 March 2002

«Prava Ludyny», No. 3, March, 2002

## **Power-endorsing mass media are the main abusers of ethical norms**

The norms of the professional ethics are most frequently neglected by the journalists of the printed mass media, which endorse the power, — stated Vladimir Mostovoy, the head of the Ukrainian Commission in charge of journalists' ethics, the editor-in-chief of the weekly «Zerkalo nedeli» («The Weekly Mirror»).

«Such mass media are needed by any power, and it would stimulate their activities», he told on Sunday at the congress of mass media representatives, who signed the appeal «Journalists for fair election». «Until the situation changes, there would be the grounds to call journalism a second ancient profession», added Mr. Mostovoy. According to his words, the most frequent violations are presenting information without «the necessary balance and objectivity», ungrounded and unproved accusations against the participants of election process. The head of the Commission told that the newspaper «Kievskie Vedomosti» became absolute leader by the quantity of such violations, since «from issue to issue» the newspaper tries to present in negative light those political groups and figures, who «are really competitive with its patrons». At the same time, he pointed out, the facts were not uncovered of publishing illegally obtained information, reprinting from other mass media without referring, using bad language, threats or blackmailing anybody.

Besides, he remarked, during the last two weeks before the election the topic of «the attempts of the West to influence the election in Ukraine» was the main one for many mass media, and this unanimity was not accidental. A good example of abusing the norms of professional ethics, V. Mostovoy believes, is the article «Reconciliation of Viktors is a hope for women» published in «Kievskie Vedomosti» on 12 March 2002. «On the eve of the election such an appeal to Viktor Yushchenko and Viktor Medvedchuk may be regarded only as a provocation», he said. Mr. Mostovoy thinks that in the case of such reconciliation Yushchenko would be blamed for political weakness, and, since he did not do this, there appeared the pretext to blame him for the unwillingness to unite the efforts of the two politicians «for the sake of happy future» of Ukraine. Mostovoy also reckons that the fact that many journalists, who were candidates of various levels, were not elected testifies that «voters do not trust journalists and mass media as a whole». «To disprove the negative opinion on their profession and to attach to journalism the real status of the fourth power would be possible only if journalists struggle for purity and professionalism together with NGOs», he declared.

Commission in charge of journalists' ethics is a corporative institute of the civil society, which considers the conflict ethical and professional situations emerging in journalists' environment, as well as conflicts between journalists and public connected with fulfilling by journalists their duties. The Commission was founded on 16 September 2001 at the journalists' conference devoted to the one-year anniversary of Georgiy Gongadze's disappearance. Next Sunday the Congress of the Commission will be held, where the commission members and administration will be reelected.

Correspondent.net  
15.04.2002

«PRAVA LUDYNY», NO 5, MAY, 2002

## **The Appeal of the conference of Ukrainian journalists «Political censorship in Ukraine»**

We, representatives of various mass media, the journalist community and public organizations, state that political censorship does exist in Ukraine.

First of all, on the side of the Administration and the President, organs of the executive power and financial business structures supporting them.

In the appendix of this Appeal we give the definition of political censorship.

With the aim to oppose the political censorship as an anti-Constitutional phenomena, which impedes journalists to fulfil their professional duty to present the unbiased and truthful information, with the aim to protect the rights of journalists and the Ukrainian citizens' right «to know», we decided:

To create the Independent trade union of journalists (ITUJ), which will protect the possibility to fulfil the professional journalists' duties properly and the rights of all people, who signed or will sign «The manifesto of the Ukrainian journalists concerning political censorship» or was included in the list of the participants of the conference «Political censorship in Ukraine».

By the consent of those, who voluntarily joined the above-mentioned list, to regard the fact of signing the manifesto or inclusion in the list of the participants of the conference as the application about joining the ITUJ.

This procedure will be valid until the process of registering the trade union is finished. Later the procedure of the acceptance to the trade union will be defined in the state documents of the union.

To elect the Organizational committee for solving all organizational problems of creating the ITUJ. The composition of the committee: Evhen Glibovitskiy, Boris Grivachevskiy, Sergiy Guz, Oles Kovalchuk, Igor Kulias, Nataliya Ligachova, Roman Skrypin, Albina Trubenkova, Viktor Ukolov, Andrey Shevchenko and Danilo Yanevskiy.

To create the Strike committee that will have the duty and right to present the demands of the ITUJ conferences to the power and other subjects of political relations in the country, to carry on negotiations and, by the agreement of the majority of the ITUJ members, to initiate the journalists' actions of civil disobedience.

To include to the composition of the Strike committee the following persons: Volodymyr Aryev, Evhen Glibovitskiy,

Boris Grivachevskiy, Oleksandr Krivenko, Yulia Mostova, Olena Pritula, Sergey Rakhmanin, Roman Skrypin, Taras Strilchuk, Albina Trubenkova and Andrey Shevchenko.

To give the Strike committee the errand to begin the negotiations with the power and to proclaim our first demands addressed to:

The Supreme Rada: to conduct in a month the Parliamentary hearings on the problems of political censorship with the participation of MPs, the President of Ukraine, representatives of the executive power, Presidential Administration, public organizations and journalists including the members of the ITUJ. To profile committee of the Supreme Rada in charge of the freedom of speech and information: to regulate legislatively the concept «political censorship» and the responsibility for using the censorship;

The owners and founders of mass media of all forms of property: to proclaim the moratorium for fire of journalists because of political reasons until the question about political censorship is regulated legislatively, but not less than for six months;

The General Prosecutor's office: to start the criminal cases for violating Article 171 of the Criminal Code, which envisages the responsibility for premeditated impeding to the professional activities of journalists;

The General Prosecutor's office: to initiate the court process and punishment of the actual guilty of the death of our colleagues – Georgiy Gongadze and Igor Aleksandrov.

The participants of the conference of the Ukrainian journalists inform about their demands the Supreme Rada, MPs, President of Ukraine, Head of the Presidential Administration, Parliamentary Assembly of the Council of Europe, international and Ukrainian public, owners, founders and managers of mass media of all forms of property.

The appeal was signed by 91 participants of the conference of Ukrainian journalists «Political censorship in Ukraine».

#### THE APPENDIX TO THE APPEAL OF THE CONFERENCE «POLITICAL CENSORSHIP IN UKRAINE».

We believe that, according to Article 5 of the Law «On information», Articles 2 and 6 of the Law «On printed mass media (press) in Ukraine», Article 2 of the Law «On TV and radio broadcasting» and our personal experience of the work in various mass media, the following activities may be regarded as political censorship:

The demand to agree beforehand the materials and informational messages, as well as the prohibition to publish the materials and messages on the side of the state organs, enterprises, establishments, organizations or unions of citizens (political parties), excluding the cases, where the official is the author of this information was interviewed;

The prohibition on the side of the above-listed subjects, as well as owners and founders of mass media, to elucidate certain political and economic topics or the activities of the political and public figures, which violates the citizens' right for obtaining from mass media the unbiased and truthful information;

The pressure on the owners, founders and editors of mass media on the side of the above-listed subjects with the aim of dictating the character of interpretation of facts and events, with the aim of manipulation with information and public opinion and with the aim of impeding mass media to obey the principles of ideological and political pluralism;

The psychological pressure upon a journalist on the side of the above-listed subjects, as well as owners, founders and managers of mass media with the aim to made the journalist to refuse from the publication of his material;

The attempts of the above-listed subjects to monopolize (by economic, political and forceful methods) the informational space, to dictate to the great number of mass media the unified standard of the information policy;

The attempts of the above-listed subjects, as well as owners, founders and managers of mass media to impede the professional activities of journalists, which are stated in Article 26 of the Law «On printed mass media (press) in Ukraine».

We are sure that there are very distinct criteria to distinguish the Editorial Policy of an edition from Censorship.

The Editorial Policy must meet all the demands of the operating laws of Ukraine and the Constitution. It may and must be openly announced by owners, founders and editors of mass media.

All other forms and methods of influencing the mass media activities and the content of published information is Censorship.

Kyiv, 05 October 2002

«Prava Ludy» , No 10, October, 2002

#### **A new British initiative in the sphere of mass media**

The project «Media reforms» approved by the British government is aimed to change the attitude to the freedom of speech and the independent mass media in the Ukrainian society. The main attention is paid to those professional groups, whose activities are directly connected with the information sphere: journalists, MPs, businessmen, state officers, judges, advocates, leaders of public organizations, etc. For the cooperation with these professional groups the Center of media reforms will be created at the National university «Kyivo-Mogilianska Academy».

The organizers of the project «Media reforms» believe that, in spite of the positive changes that occurred in Ukraine during the last ten years, the further movement of our country towards the creation of law-abiding state and the development of civil society is impossible without the freedom of speech, independent mass media and professional independence of journalists. In the opinion of Sergey Kvita, the manager of the center of media reforms, the concept of the freedom of speech lies in the sphere of the national interests of Ukraine and is very important both for forming the international image of Ukraine and for the prospects of the further development of the

democratic processes in our state.

The participants of the project «Media reforms» from the Ukrainian side is the National university «Kyivo-Mogilianska Academy» (the School of journalism), on whose base the center of media reforms is created, the independent association of announcers, the magazine «Teleradiokuryer» and «Internews-Ukraine» (the Internet edition «Telekritika»). The British side is presented by the firm TADS, Leeds University and the number of independent British media experts. The project will be realized by the permanently acting press club of media reforms, as well as through the publishing, organizational, educational and research activities and lobbying.

The British Ministry in charge of the international development realizes this project in the framework of the British support of the Ukrainian democratic reforms. The more detailed information can be obtained in the National University «Kyivo-Mogilianska Academy».

«Prava Ludy» , № 10 , October , 2002

### **The Poltava officials allege that the political censorship in the oblast is invented by opposition journalists**

The free mass media helped many great states to become great. Yet, the Ukrainian, and, in particular, Poltava authorities do their best to suppress and even to obliterate completely the free press. They do not disdain any methods to protect their own corporative interests.

This question was discussed at the conference «Society, mass media, power: the freedom of speech and censorship in the Poltava oblast». The conference was held in the framework of the preparation to the parliamentary hearings devoted to the problems of the freedom of speech, which will be conducted in the beginning of December in the Supreme Rada. The conference was initiated by the Poltava oblast media club. This public organization of journalists realizes the pre-court and court defense of journalists and mass media, carries out the permanent monitoring of the freedom of speech in the oblast and plans to publish the book «White book of Poltava journalism» next year. About fifty journalists, political figures, representatives of power structures and «the third sector» took part in the conference.

The results of sociological research showed that the Poltava oblast occupies the 22<sup>nd</sup> place among 25 oblasts of Ukraine by the level of the freedom of speech; it got only 2.1 balls out of possible 5.

The participants of the conference gave a great number of blatant facts connected with the violation of the citizens' right for objective information, with impeding journalists in the access to the information sources and with harsh treatment of those journalists and mass media, who fulfil their professional duties honestly. The methods used by the authorities are time-proved: all printing shops refused to print the newspapers «Informbulleten», «Myrgorodska pravda», «Novy den», «Pryvatna sprava», «PoltavaRukhinform»; there were attempts to dismount the transmission antenna of the TV and radio company «UTA»; the activities of the loyal mass media are encouraged and the activities of those mass media that dare to criticize the power are hindered; the journalists of the opposition mass media are not admitted to the sessions of local councils, their informational requests are ignored; the prosecutor's organs do not react to the complaints about impeding the professional activities of journalists; the courts satisfy the claims about enormous compensations; producers are privately prohibited to place their advertisements in the disobedient newspapers and salesmen are prohibited to spread such newspapers, etc.

When a round table on the problems of the freedom of speech was held in Kharkov, E. Kushnarev, the head of the oblast state administration, took part in this action. Yet, the top authorities of Poltava and the Poltava oblast, such as Tomin, Shemet, Grishko and Mykhayliuk, ignored the conference conducted in their town, although the heads of the oblast organizations of the political parties evaluated the conference as very important event in the life of the oblast. Ivan Ulitko, the head of the directorate of the internal policy of the oblast administration, and Yuri Dmitrenko, the head of the oblast directorate of the press and information, did their best to repudiate the obvious facts of the political censorship in the Poltava oblast, exciting the righteous indignation of the participants of the conference.

The speech of Yu. Dmitrenko became the apotheosis of absurd and the visual demonstration of the real image of the power. He probably forgot the topic of the conference and began, for some reason, to tell how many times the directorate of the press and information was reformed during the years of independence. He also read out the lengthy list of the newspapers, to which his agency sent the recommendations to remove the violations of the election laws. Then O. Rusin, the first secretary of the Poltava town committee of the socialist party, asked whether they sent such recommendations to the pro-power newspapers «Zoria Poltavshchiny», «Poltavski visnyk» and «Vechirnia Poltava», who already for half a year deceive their readers calling MP A. Kukoba the town mayor. Yu. Dmitrenko answered the question in the manner of our President: «Oh, damn, we overlooked them!»

The heated discussion that lasted for four hours finished with the approval of the resolution that, in particular, recommends to restore in the oblast the permanent deputy commission in charge of mass media, which E. Tomin «forgot» to create when became the governor, to conduct the deputy hearings on the state of the freedom of speech in the oblast and to organize the public reporting of the heads of the most influential state and communal mass media that are maintained at the expense of tax payers: the newspapers «Zoria Poltavshchiny», «Poltavski visnyk» and the TV and radio company «Ltava». The resolution also recommends to introduce into the composition of the editorial boards of the communal mass media the representatives of the opposition parties, who got not less than 68% of votes at the last election in the oblast, and to institute the quotes for representing the local branches of the Parliamentary parties in the state and communal mass media.

The public committee for protecting the freedom of the press was created at the Poltava oblast media club. The

members of the committee are journalists and representatives of the oblast and town branches of the parliamentary parties and public organizations.

Ludmila Kucherenko,  
The president of the Poltava oblast media club  
«Prava Ludyny», No.11 November, 2002