[UA] Court hearing on Russian broadcasts resumed

IRIS 2017-1:1/33

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There have been several court rulings in Ukraine in relation to the suspension of Russian broadcasts that indicate that the court is now ready to consider the merits of the case for the first time since deliberations began in 2014 (see IRIS 2015-5:1/38).

At a hearing on 5 September 2016, the District Administrative Court of Kyiv announced that the "psychological and linguistic expertise" of the Russian programmes concerned in a lawsuit by the national regulator, the National Council for Television and Radio Broadcasting (NCTRB), has been completed. The lawsuit was filed against "Torsat, TOV", the distributor of several Russian channels (First Channel, RTR-Planeta, Russia-24 and Russian Channel by VGTRK, NTV-Mir), as well as cable TV distributor "Vertikal-TV, VAO", and Russian TV companies "TV-Tsentr, OAO" and "RBK-TV, ZAO". The expertise was assigned by the court on 3 March 2015 to an expert institution within the Ministry of Interior.

At the time of the lawsuit submission, retransmission of all Russian channels concerned was suspended as the interim restrictive measure. Thus on 29 September at the hearing the court moved to review whether the case will be considered further.

At the hearing the District Administrative Court of Kyiv took two decisions. First, the case was resumed. Second, the court took note of the expert opinion that "fragments of the text" in the programmes "contain calls to violate the territorial integrity of Ukraine, contain expressions that present propaganda of exclusiveness, superiority or inferiority of persons based on the criteria of their ideology, belonging to one or another nation."

The court took note that the lawsuit was aimed to regulate issues of protecting the national interests of Ukraine in the information sphere that included prevention of harm made to persons, public, and state through the dissemination of incomplete, untimely, and untrue information. Those issues are within the domain of the Office of the Prosecutor-General, Ministry of Interior, and Security Service of Ukraine. Therefore the court decided to demand from the three state institutions to "evaluate" the results of the expertise from the point of possible crimes committed and, if crimes are found to have been committed, to provide information as to what pre-trial criminal investigations were held by them in this regard. Once the information is obtained the court will resume the hearing of the

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case.

ОКРУЖНИЙ АДМІНІСТРАТИВНИЙ СУД міста КИЄВА 01601, м. Київ, вул. Болбочана Петра 8, корпус 1 У Х В А Л А 05 вересня 2016 року м. Київ № 826/3456/14

http://www.reyestr.court.gov.ua/Review/61164956

Decision of the District Administrative Court of Kyiv, case No 826/3456/14, 5 September 2016

ОКРУЖНИЙ АДМІНІСТРАТИВНИЙ СУД міста КИЄВА 01601, м. Київ, вул. Болбочана Петра 8, корпус 1 У Х В А Л А про поновлення провадження у справі 29 вересня 2016 року м. Київ № 826/3456/14

http://www.reyestr.court.gov.ua/Review/61164956

Decision of the District Administrative Court of Kyiv, case No 826/3456/14, 29 September 2016

ОКРУЖНИЙ АДМІНІСТРАТИВНИЙ СУД міста КИЄВА 01601, м. Київ, вул. Болбочана Петра 8, корпус 1 У Х В А Л А 29 вересня 2016 року м. Київ № 826/3456/14asd

http://www.reyestr.court.gov.ua/Review/61844803

Decision of the District Administrative Court of Kyiv, case No 826/3456/14, 29 September 2016

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