[UA] Supreme Court on sanctions against Ukrainian TV channels

IRIS 2021-5:1/1

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The President of Ukraine introduced, with his Decree of 2 February 2021, broad sanctions (see IRIS 2017-7/33) against the assets of a member of the national Parliament and certain Ukrainian companies affiliated with him, as well as other persons, who were, in particular, accused of disseminating "pro-Russian propaganda." Among others, these sanctions enabled the power to annul licenses and stop broadcasting of the national TV channels Zik-TV, NewsOne and 112-Ukraina for five years.

The decree was appealed in the Supreme Court of Ukraine by a citizen of Ukraine who claimed that it violated his right to receive information and freedom of expression, as guaranteed by the Ukranian Constitution, Article 10 of the European Convention on Human Rights, and national laws. The applicant also said that the Decree does not point to the aim of the restrictions, andthat their proportionality, and therefore legality, are doubtful. The applicant asked the Supreme Court to annul the Decree.

The Supreme Court reviewed the case on 19 March 2021 and came to the conclusion that the aim of the Decree was protection of the national security of Ukraine and the sanctions introduced therein were proportionate to the aim.

As to the information rights of the citizen, the Court said that the person was not deprived of his right to seek and obtain information of similar content, through the Internet, of some other TV channels "of analogous nature". Specifically, the Court said, that "at the time of applying with the complaint, some of the TV channels under sanctions were still available online, in particular through a YouTube channel. The applicant failed to explain why an access through the Internet to the indicated TV channels was unacceptable or overwhelmingly burdensome. The applicant is not deprived by the Decree of the opportunity to use other information resources analogous to those of which access was stopped by the Decree. Therefore, the applicant has not substantiated a violation of rights by the restrictions introduced by the State, which witnesses the absence of a violation of the rights and freedoms of the applicant."

The Court dismissed the application. Its decision can be appealed in the Grand Chamber of the Supreme Court within 30 days.

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УКАЗ Президента України - Про рішення Ради національної безпеки і оборони України від 2 лютого 2021 року "Про застосування персональних спеціальних економічних та інших обмежувальних заходів (санкцій)"

https://ips.ligazakon.net/document/view/U043_21?an=1&ed=2021_02_02

Decree of the President of Ukraine “On decision of the Council of National Security and Defence of Ukraine of 2 February 2021, No 43/2021, ‘On application of personal special economic and other restrictive measures (sanctions)’”

Верховний Суд у складі колегії суддів Касаційного адміністративного суду. Рішення, адміністративне провадження №П/9901/26/21

https://reyestr.court.gov.ua/Review/95723166

Supreme Court in the composition of the collegium of judges of the Administrative Court of Cassation. Decision 19 March 2021 in the case No 9901/26/21

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