

Threats against the President of the National Union of Journalists of Ukraine

Ukraine abides by all commitments and international standards of ensuring freedom of speech in spite of the continued Russian aggression, the occupation of Ukraine's sovereign territory in violation of all international rules, the use by the aggressor State of some media of various forms of ownership with a view to carrying out special information operations in the information field of Ukraine and other States by its security services.

This is confirmed by Ukraine's performance in Press Freedom Index 2018, compiled by the international organization Reporters Without Borders.

According to the rating, Ukraine has moved one position up and is now ranked 101st.

With respect to the concern expressed in an alert published on the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists (hereinafter referred to as Platform) over the so-called "list of traitors", which was submitted on a Facebook page of the spokeswoman for the Prosecutor General of Ukraine, Ms Larysa Sarhan (<https://www.facebook.com/photo.php?fbid=1985321134874734&set=a.406146422792221.92077.100001906009251&type=3>), the following information shall be taken into account.

Spokeswoman for the Attorney-General of Ukraine Larysa Sarhan writes in the post about those who "sparked another wave of 'zrada' while all law enforcement officers were carrying out the #babchenko special operation... Let's see how they will apologize".

The picture published by Ms Sarhan features a girl with a quill in her hand and the text below: "I put you on the list of zradophiles, but this time in pencil."

This text does not contain any accusations of high treason but rather attempts to make ashamed those who rushed into criticizing law enforcement agencies for being incapable to protect lives of journalists, which proved false.

The text of Ms Sarhan's post features the word '*zrada*' (betrayal), which since 2014 is commonly used in Ukraine, including in all kinds of media (from social media to television channels). In addition, the picture published by Ms Sarhan features the similarly common word '*zradophile*' (a derivative from '*zrada*', meaning someone who likes speaking or writing about '*zrada*', i.e. tends to point out Ukraine's failures and criticize its achievements).

The words '*zrada*' and '*zradophile*' became memes (commonly used words denoting a social phenomenon) amid intense military repulsion of Russian aggression in Donbas, which was accompanied by large-scale information aggression including mass distribution of information about deaths or encirclements of Ukrainian servicemen or about failures to supply them with weapons or provisions.

Ukrainian servicemen have recurrently fallen prey to special operations of Russian occupational forces by receiving text messages about their inevitable defeat or death, which were designed to force them into desertion or opposition to their commanders (<http://www.dailymail.co.uk/wires/ap/article-4495212/Sinister-text-messages-reveal-high-tech-Ukraine-war.html>).

Therefore, events in Ukraine's information space have led to the emergence of common word 'zrada' having many connotations and meanings (i.e. an unmotivated confidence that Ukrainian law enforcement agencies are incompetent and incapable of performing their functions), and in this case does not mean 'high treason' or an accusation thereof.

In the meantime, the alert on the Council of Europe Platform, as well as a statement by the OSCE Representative on Freedom of the Media Harlem Desir, contain the word 'traitors'. It should be noted that the post by the spokeswoman for the Prosecutor General of Ukraine, Ms Sarhan, does not contain the word 'traitors' but features the meme 'zradophiles', i.e. those who like writing about 'zrada'.

In this regard, we would like to express our concern at the fact that the employees of the Office of the OSCE Representative on Freedom of the Media and of the Council of Europe Platform partners may deliberately or negligently (perhaps because of lack of skills of translation from Ukrainian into English) misinform the leadership of those authoritative European structures, which might affect their international reputation.

In addition, according to the current legislation of Ukraine, a person's page on the Facebook social media is not an official source of information and is considered a personal space where citizens of Ukraine may freely express their position by means authorized in Ukrainian legislation unless they are indicative of a criminal or administrative offence.

With regard to the concern expressed in an alert on the Council of Europe Platform on alleged 'verbal attack' of the First Vice Chairwoman of the Verkhovna Rada of Ukraine, Iryna Herashchenko, on the National Union of Journalists of Ukraine, the following information shall be taken into account.

A speech by the people's deputy of Ukraine, Ms Herashchenko, during the morning session of the Verkhovna Rada of Ukraine on 16 May 2018 is accessible on the YouTube channel of the Verkhovna Rada via <https://youtu.be/rfdpOxwURhE> (time code 35:52).

In accordance with Article 10, paragraph 5 of the Law of Ukraine "On the Status of the People's Deputy of Ukraine", "*people's deputies shall not be legally accountable for results of voting or statements at the Verkhovna Rada of Ukraine and its bodies, except in cases of offence or defamation.*"

In the course of her speech, the people's deputy, Ms Herashchenko, expressed her concern at the absence of public statements of international organizations concerning gross violations of journalists' rights (for instance, the unlawful imprisonment of journalists Stanislav Aseiev and Roman Sushchenko). Ms

Herashchenko also noted that she had inquired the National Union of Journalists of Ukraine (NUJU) about those unacceptable incidents.

According to Ms Herashchenko, the above organization do not monitor (and, respectively, do not respond to) violations of rights and the creation of threats to safety of journalists in occupied areas of Donetsk and Luhansk regions.

Ms Herashchenko also thanked the journalists and media who provided her with information about shootings to which journalists have or could have fallen victim, about journalists held captive, and about other illegal restrictions of their freedom. She told that this information will be transmitted to international organizations.

Ms Herashchenko also expressed her surprise at the signing by the NUJU Chairman, Serhiy Tomilenko, of a joint statement with the ‘propagandistic Russian Union of Journalists’ (RUJ). The people’s deputy was also indignant at calls ‘to visit occupied Crimea’, contained in the joint statement by the NUJU and the RUJ.

Such actions of the NUJU have been recurrently criticized by the Ukrainian journalistic community, NGOs and media experts that do not support cooperation with the RUJ in connection with the possibility that its workers might be used in hybrid aggression against Ukraine and with a view to legitimization of the unlawful occupation of Crimea.

Therefore, the actions of the people’s deputy of Ukraine, Ms Herashchenko, who was elected to the Parliament of Ukraine in the course of an independent and popular vote under Ukrainian law, is not a ‘verbal attack’ but a free expression of her opinion.

In our turn, we express concern at the fact that public accusations addressed to the people’s deputy of Ukraine, published on the Council of Europe Platform, may bear signs of an attempt to limit the right of Ms Herashchenko to freely express her opinion and exercise the freedom of speech as guaranteed by domestic law and international agreements.