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UKRAINE: Controversial law on sanctions against video-blogger Anatoliy Sharij and his wife

Controversial law on sanctions imposed on video-blogger Anatoliy Sharij and his wife

By Willy Fautré, Human Rights Without Frontiers

On 20 August 2021, the National Security and Defense Council of Ukraine (NSDC) imposed sanctions against the well-known

videoblogger Anatoliy Sharij and his wife. This was announced by the secretary of the NSDC, Oleksiy Danilov.

Sharij declared to *Human Rights Without Frontiers* that he was then not officially informed about this decision and it is by chance that he came across the news on 112 Ukraine TV Channel.

On 16 February, Anatoliy Sharij was accused of state treason and summoned to an interrogation by the Security Service of Ukraine (SBU) on 22 February.

Human Rights Without Frontiers had access to the notice of charges in which he is said to be suspected of

“High treason, i.e. an act intentionally committed by a citizen of Ukraine to the detriment of the sovereignty, territorial integrity and inviolability of information security of Ukraine, namely: providing assistance to a foreign state, foreign organization and their representatives in conducting subversive activities against Ukraine, i.e. committing a criminal offence under Part 1 of Article 111 of the Criminal Code of Ukraine;

Incitement of national enmity and hatred, humiliation of national honor and dignity, i.e. a criminal offence under Part 1 of Article 161 of the Criminal Code of Ukraine.”

Sharij strongly denies having ever had such criminal activities.

Crackdown on media in Ukraine under “state treason” accusations

On 2 February, President Zelenskyy signed a decree on the imposition of sanctions against 112 Ukraine, NewsOne and ZIK TV channels.

By this decree, he enforced the decision of the National Security and Defense Council on sanctions regarding the cancellation of their broadcasting licenses. They will be active for five years.

Hundreds of journalists and employees are said to have lost their job. At the end of August, they appealed to the UN High Commissioner for Human Rights, Michelle Bachelet, to U.S. President Joseph Biden and to President of the European Council, Charles Michel. They also demonstrated at various strategic places in Kyiv, including [near the US Embassy](#).

Sanctions as an instrument of the Ukrainian government

Sanctions have become a hot topic in Ukraine. Indeed, since the beginning of 2021, Ukraine has applied a record number of new sanctions against foreign and Ukrainian companies and citizens, as well as other countries. This policy has provoked a lot of discussions about the role of these restrictive measures targeting a wide range of actors.

The Law of Ukraine “On Sanctions” has been in force since August 2014. It was adopted out of a need to face threats to Ukraine’s national security in the context of the Russian annexation Crimea and the conflict in Donbas.

The grounds for sanctions are the actions creating real or potential threats to national interests, national security, sovereignty and territorial integrity of Ukraine or promoting terrorist activities and/or violating human or civil rights and freedoms, public and national interests. For instance, sanctions can be applied for supporting the annexation of Crimea, the occupation of Donbas; cyberattacks on critical infrastructure; information threats, including propaganda of separatist sentiments in the territory of Ukraine; support of economic (business) relations in the temporarily occupied territory of Ukraine, etc.

Sharij does not recognize any of these activities has having been his in the framework of his journalistic work. For example, he has always said that Crimea and the whole of Donbas are parts of Ukraine.

The Law contains 24 types of sanctions, including blocking assets, restricting trade operations, stopping the transit of resources, flights and transportation through Ukraine, preventing movement of capital outside Ukraine, suspending of economic and financial obligations, revoking or suspending of licenses and other permits, etc.

In Sharij's case, "the presumption of innocence has not been respected and a number of sanctions have been quickly taken in total disregard of the existing legal procedures, such as the freezing of our bank accounts, the ban on our business activities, and so on", he told *Human Rights Without Frontiers*.

Decisions to impose sanctions are made by a special coordinating body under the President of Ukraine – the National Security and Defense Council of Ukraine (NSDC) on the basis of proposals of the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers, the National Bank of Ukraine and the Security Service of Ukraine.

Decisions of the National Security and Defense Council are enforced by a decree of the President of Ukraine and are binding.

Noteworthy is that a Ukrainian [law firm](#) has analyzed and criticized major points of the Law regulating the sanctions as an instrument that the government can misuse to silence opposition parties, media and journalists.

Reaction of the OSCE

Last but not least, the OSCE Representative on Freedom of the Media Teresa Ribeiro issued [a press release](#) on 25 August in which she expressed her concerns regarding Ukraine's practice of applying sanctions that negatively affect the work of media outlets and journalists.

"While Ukraine has a legitimate right to protect its national security, the authorities should find a balanced and proportional solution in addressing media related concerns, a solution that preserves media pluralism, free flow of information and diversity of opinions in line with relevant international standards and OSCE commitments," Ribeiro said. "Media freedom is dependent on a healthy, vibrant and competitive landscape, which includes voices that provide a variety of news. Any sanctions on media should be subject to careful scrutiny, accompanied by effective procedural safeguards to prevent undue interference."

And she pointed the Ukrainian authorities to her [Communiqué "On the right of the media to freely collect, report and disseminate information, news and opinions, regardless of frontiers,"](#) published in May 2021, in which she recommended OSCE participating States to "promote more debate and an open, diverse and dynamic media environment, also on issues that they deem 'foreign' or 'not correct'."

The International Federation of Journalists also condemned the sanctions imposed on several media outlets and journalists.

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