



*International Federation of Journalists*

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# Democracy in the News: Journalists Act Over Ukraine Media Bias



*October 24, Kyiv: Ukrainian journalists show support for their Channel 5 Colleagues one day before the Independent National Broadcaster went on hunger strike following Government attempts to close them down. (1)*

## Media coverage of the Ukrainian Presidential Elections October 2004

### Report

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<sup>1</sup> Ukrainian journalists move down Khreshatyk Street in Kyiv sweeping the streets as a symbolic reminder of dissenting journalists who were forced out of their jobs to work as care-takers during Soviet times.

# Contents

<b>Introduction</b>	<b>2</b>
<b>Background</b>	<b>3</b>
<b>1. Ukraine: a turning point for Eastern Europe?</b>	<b>3</b>
<b>2. Media freedom since Gongadze</b>	<b>3</b>
• <i>2.1 Attacks on journalists</i>	
• <i>2.2 Attacks on media companies</i>	
• <i>2.3 The shadow of censorship</i>	
<b>The 2004 Presidential Elections</b>	<b>6</b>
<b>4. State interference in national media</b>	<b>6</b>
• <i>4.1 A nation divided</i>	
• <i>4.2 A nation misinformed</i>	
• <i>4.3 The journalists' revolt in national TV</i>	
• <i>4.4 Hunger strike at Channel 5</i>	
<b>5. Interference in regional media</b>	<b>10</b>
• <i>5.1 Vysoky Zamok</i>	
• <i>5.2 Lvivska Gazeta</i>	
• <i>5.3 MIST: a suspiciously unlucky regional TV station</i>	
<b>6. Personal security of journalists</b>	<b>12</b>
<b>7. Access to information</b>	<b>12</b>
<b>8. Media ethics</b>	<b>13</b>
<b>Conclusions and Recommendations</b>	<b>14</b>
<b>Appendix</b>	<b>16</b>

## **Introduction**

### **Purpose of the IFJ mission**

The International Federation of Journalists sent a mission of two media experts to monitor the final days of the Ukrainian Presidential election campaign. They visited Ukraine 24 October – 1 November and during that time spoke to media experts, government officials and journalists from across a wide range of media. The mission was based in Kiev but also visited Lviv and Ivano-Frankivsk. A press conference was held on Friday 29<sup>th</sup> October. The mission was also able to meet with Ministry of Internal Affairs and the Central Election Commission.

The mission then joined the 'Crisis Centre' established jointly by the National Union of Journalists of the Ukraine, NUJU and the Independent Media Trade Union in the Ukraine, IMTUU to monitor violations against media over the election period. The mission was jointly hosted by the NUJU and IMTUU.

The mission was tasked to:

- Record violations of press freedom and journalists' rights during the election campaign;
- Assist the two main journalists' unions in their monitoring programme, including providing on-the-spot responses and investigations into violations of press freedom as the need arise;
- Discuss with journalists the conditions under which they are reporting the elections;
- Make recommendations to Ukrainian journalists' organisations, the authorities and international institutions regarding political pressure on journalists in the Ukraine and media development programmes.

## Background

### **1. Ukraine: a turning point for Eastern Europe?**

Since Leonid Kuchma was elected as president in 1994, Ukraine has not always followed a consistent course of reform. Economic reforms have been undertaken, but as in neighbouring Russia there are reports of flawed privatisations benefiting members of the elite. There is copious evidence of corruption and organised crime.<sup>2</sup>

Politically, however, the country has so far avoided Russian-type authoritarianism, characterised by one-party domination of parliament and tight central restrictions on the media. In another of Ukraine's immediate neighbours, Belarus, the situation is even worse, with routine persecution of the political opposition and independent media outlets.

Ukraine has recently entered a period of heightened political tension. There are signs that the presidential elections, the first round of which took place on October 31, are a turning point that may bring this crisis to a head.<sup>3</sup>

Ukraine is a pivotal country. Democracy and press freedom in the new European Union member states may be considered relatively secure, but in EU's 'near abroad' -- Ukraine, Belarus and Russia -- the situation is unstable; the course which Ukraine takes may set an example for government and media in the region's two other major countries.

**The IFJ is extremely concerned that further piecemeal erosion of media freedom in Ukraine could become an avalanche, with serious adverse consequences for democracy and media freedom in the country and elsewhere in the region.**

If, on the contrary, Ukrainian civil society rises to the challenge and reverses these trends, the result could re-invigorate democratic change throughout the region. The aim of this report is therefore to help strengthen journalists' and press freedom organisations in Ukraine, and to alert international attention to the importance of their struggle.

### **2. Media freedom since Gongadze**

In the media field there have been deeply worrying developments in Ukraine in recent years. The following brief discussion is essential background to the IFJ's monitoring of media practice during the presidential elections.

- *2.1 Attacks on journalists*

In September 2000, **Georgy Gongadze**, a journalist known for his strident criticisms of president Kuchma, went missing. Two months later his decapitated corpse was found in a ditch. The murder remains unsolved, but there is evidence that the government and the prosecutor general may have obstructed investigations into the case. There are also indications that members of government may have been involved in Gongadze's disappearance. Recent revelations have reignited the issue, which remains a test case for media freedom in Europe.<sup>4</sup>

**The Gongadze case is but one of many which demonstrate that Ukraine is a hazardous place for journalists.** In December last year the International Press Institute estimated that 18 journalists have died in Ukraine since 1991 because of their work. Many of these cases remain unsolved or are disputed, and there have been accusations that the police have failed to carry out proper investigations.<sup>5</sup>

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<sup>2</sup> Some of this is compiled in Andrew Wilson's *The Ukrainians: Unexpected Nation*, Yale, 2002, pp253-278.

<sup>3</sup> The presence of armoured cars and water cannon in Kyiv city centre on the day of the election is but one example.

<sup>4</sup> International federation of Journalists, National Union of Journalists of the UK and Ireland, Gongadze Foundation, Institute of Mass Information: *Press Freedom and the Murder of Georgy Gongadze: Memorandum to the Parliamentary Assembly of the Council of Europe*, October 2004

<sup>5</sup> Letter from IPI to President Leonid Kuchma, December 17, 2003, [www.freemedia.at/Protests2003/Ukraine17.12.03.htm](http://www.freemedia.at/Protests2003/Ukraine17.12.03.htm)

Physical attacks on journalists continue, apparently a consequence of their carrying out their professional duties. The Kyiv-based watchdog the Institute for Mass Information observed almost twice as many incidents of threats and attacks on journalists in 2003 as in the previous year: 42 versus 23.<sup>6</sup>

In January 2004, **Yuri Mykhailovych** and another journalist from Kirovohrad were attacked by unknown individuals; Mr Mykhailovych suffered a brain injury. He is the head of the Freedom of Speech Information Centre and formerly an *oblast* TV and radio journalist.<sup>7</sup>

In March 2004, **Heorhiy Chechyk**, director of the private radio station Radio Yuta in Poltava, died in a car crash in mysterious circumstances. He had been driving to a meeting with Radio Free Europe/Radio Liberty to discuss broadcasting their Ukrainian Service news bulletin. Mr Chechyk had complained about interference in his journalism by the authorities.<sup>8</sup>

In August, **Dmitry Shkuropat**, a correspondent for the daily *Iskra* in the city of Zaporizhia was beaten up on his way to the newspaper's office, together with a staff member of the news agency Interfax. Mr Shkuropat suspects he was attacked because of his investigation into regional crime and possible complicity of the local authorities. Tapes of interviews and other materials related to his investigation disappeared after the incident.<sup>9</sup>

Although the IFJ is unaware of physical attacks, threats or intimidation of journalists directly related to the 2004 election campaign, the Gongadze case and other incidents have created a climate of fear. This cannot fail to put pressure on journalists to self-censor their work.

- *2.2 Attacks on media companies*

**While individual journalists can find themselves facing intimidation and threats, the situation has also evolved to include pressure on entire titles or companies in the media sphere.**

On 3 March 2004, **Radio Kontinent** was raided and taken off the air by officials of the state body responsible for monitoring compliance with broadcasting regulations. The raid and closure occurred only a few days after *Radio Kontinent* started re-broadcasting daily two-hour news bulletins of Radio Free Europe/Radio Liberty (RFE/RL). *Radio Kontinent* also used to transmit the news programmes of BBC, Voice of America, *Deutsche Welle*, Polish Radio and the local station *Hromadske Radio*. The stated reason for taking the station off the air was that its licence had expired, despite the fact that it had expired in 2001 in the course of a bitter legal battle.

On February 17, the private radio station **Dovira** announced it would cease re-broadcasting RFE/RL news bulletins, after five years of re-broadcasts. The announcement came only one month after Serhiy Kychyhyn, a known supporter of president Kuchma, became the general producer of Dovira radio.<sup>10</sup>

For several months before its closure, *Radio Kontinent* had complained of harrassment from the tax service and general prosecutor's office. Immediately after the closure, the station's director and owner, **Sergiy Sholokh** (also a witness in the Gongadze case), fled abroad; in August he was granted refugee status in the USA. Mr Sholokh claimed to have received repeated threats to his life, including from the Security Service of Ukraine.<sup>11</sup>

The closure of *Radio Kontinent* is but a recent example of widespread instances of political, economic and indirect pressure on the mass media, which have unfortunately become typical for Ukraine. Last year The Institute for Mass Information (IMI) documented 38 such cases, up from 30 the year before; arbitrary tax inspections are a common method. In 2003 the IMI also learned of 46 legal suits filed against the mass

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<sup>6</sup> *Ukrainska Pravda*, January 12, 2004

<sup>7</sup> Article 19, *Ukraine Bulletin*, January-April 2004

<sup>8</sup> *Ibid.*

<sup>9</sup> Article 19, *Ukraine Bulletin*, May-August 2004

<sup>10</sup> Organisation for Security and Cooperation in Europe, *Assessment Visit to the Ukraine*, June 2004; Article 19, *Ukraine Bulletin*, May-August 2004

<sup>11</sup> Interview with Sholokh in *Ukrayina Moloda*, March 11, 2004

media and journalists, up from 38 in 2002. Most frequently the cases were brought for 'slander, moral and material damages and losses to a business reputation'.<sup>12</sup>

The court case against the opposition newspaper *Silski Vesti*, for allegedly printing anti-Semitic articles two years ago, seems to be lingering in a legal limbo; the editor-in-chief expects the case to be dropped completely soon after the presidential election. However, the case has been costly for the paper. In Ukraine, newspaper subscriptions are paid for through the postal service, and in many cases local post offices in the regions have refused to accept renewal of subscriptions, stating that the paper had been 'closed'. This cost the newspaper tens of thousands of subscriptions this summer when annual subscriptions were due for renewal.<sup>13</sup>

In the election context, the case of Channel 5 (see below) closely follows the pattern of administrative attacks outlined above.

- *2.3 The shadow of censorship*

All major national TV channels but one (Channel 5) are under tight central control. The presidential administration regularly issues unofficial, secret directions, so-called *temniki*, to the media on how to cover various stories -- usually so as to portray the President and pro-presidential parties in a positive light and to discredit the opposition. As a result, media coverage, especially by the national TV networks, is deeply biased and unbalanced in favour of the current political establishment.

The practice of issuing *temniki* has been widely documented. The internet publication *Ukrainska Pravda* has obtained and published several *temniki*, including orders of the presidential administration to ignore negative international reaction to events in Ukraine. These have particularly affected the three national television channels in which Viktor Medvedchuk, head of the presidential administration, has either investments or a strong influence -- namely UT-1, 1+1 and Inter TV.

For example, on March 11, 2004, when the European Parliament adopted a resolution on Ukraine, some 10 *temniki* were circulated. One of these stated: 'On March 18, information about the EU Resolution on situation around the freedom of speech in Ukraine was made public. Commentary: no mention of any information about it.' The EU Resolution was consequently not reported by any of the three main television channels.<sup>14</sup> A *temniki* reportedly issued on July 4 instructed journalists how to cover opposition leader Yushchenko's first election rally: 'When covering the event, do not give long shots of the rally and shots of the crowd; show only groups of drunk people with socially inappropriate deviant behaviour.'<sup>15</sup>

Events immediately preceding the first round of voting at the presidential election demonstrate that the practice is still influential (see below).

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<sup>12</sup> *Ukrainska Pravda*, January 12, 2004

<sup>13</sup> Interview with editor-in-chief Ivan Spodarenko and other members of the editorial staff, Kyiv, October 25, 2004

<sup>14</sup> Article 19, *Ukraine Bulletin*, January-April 2004

<sup>15</sup> Statement by Article 19, Kyiv, October 27, 2004

## The 2004 Presidential Elections

### 4. State interference in national media

- 4.1 *A nation divided*

The elections are taking place against the background of a deep polarization in Ukrainian society between support for the two main presidential candidates: the prime minister, Viktor Yanukovich, and the leader of the 'Our Ukraine' bloc, Viktor Yushchenko. Each received almost exactly 40 per cent of the vote at the first round on October 31.

Mr Yanukovich enjoys the privileges of the incumbent in terms of quantity of media coverage by the main state-controlled television channels -- the so-called 'administrative resource' that means news items about the government double as political advertising. But Mr Yanukovich enjoys much more than this: coverage of the prime minister is overwhelmingly positive, while that of the challenger, Mr Yushchenko, is overwhelmingly negative. The Ukrainian Press Academy, which monitors the content of TV broadcasts, has documented a steady increase in negative reporting of Mr Yushchenko in the months and weeks leading up to the vote.<sup>16</sup>

The Academy also notes the dominance of one-sided electoral news reports without any attempt to present alternative points of view; such reports constitute about 90 per cent of all TV news output. In October only one in nine news reports mentioned the source of their information, compared to one in six in September.<sup>17</sup>

Public opinion in Ukraine is also sharply divided between the north-west, which is predominantly Ukrainian-speaking and supports Mr Yushchenko, and the south-east, which is predominantly Russian-speaking and supports Mr Yanukovich. Mr Yanukovich has been strongly supported by Russian politicians, including the Kremlin. This division is reflected in the local print media (see below), but not by the central TV channels, which have sought to emphasise and deepen the division by criticizing Mr Yushchenko's supporters in the north-west.

The director of the National TV Company of Ukraine defends the extensive coverage of Mr Yanukovich on the main TV channels by referring to the stations' legal obligation to highlight the activities of the government. He also points to a lot of detailed and partially contradictory rules for media coverage of the election campaign, enforced by the central election commission, plus difficulties caused by the number of candidates -- 26 in total.

This has led the National TV Company to treat the election campaign in an unusual manner that is not helpful to the public. Debates between the 26 candidates, of which most are unimportant, have been arranged as 13 one-hour debates between two randomly selected candidates. In three instances, one of the participating candidates was so unsatisfied with their selected opponent that they withdrew from the programme; the other participant then had a full hour's programme to themselves.<sup>18</sup> It should also be noted that political advertising, to which all candidates are entitled, has been used by minor candidates -- so-called 'technical candidates' -- mainly to attack Mr Yushchenko rather than advance positive programmes of their own.

Media owned by the state or regional authorities may not, according to the law on the presidential election, speak or write negatively about any candidate -- violations may lead to the closing of the media for the remaining period of the election campaign. The editor-in-chief of parliament's daily newspaper, *Holos Ukrainy*, told the IFJ about one such incident: in the town of Vinnitsya a newspaper was temporarily closed after a complaint from one of the opposition parties (the Communist Party).<sup>19</sup> The national newspaper *Ukraina Moloda*, which favours Mr Yushchenko, has been the object of 10 official complaints by Mr

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<sup>16</sup> *Monitoring Politichnikh Novin: Osnovny Resultati*, Ukrainian Press Academy, October 2004

<sup>17</sup> *ibid.*

<sup>18</sup> Interview with Oleksander Savenko (president) and vice presidents Gennadiy Radchenko and Yevhen Kaleskyi, National Television Company of Ukraine, Kyiv, October 25, 2004

<sup>19</sup> Interview with Anatolyi Gorlov, Kyiv, October 25, 2004

Yanukovich's election headquarters after the paper wrote that Mr Yanukovich behaved 'like a cheap actor and a clown' after being hit by an egg. The paper fears that one of these complaints might go to court.<sup>20</sup>

**However, the IFJ believes that the law has failed utterly to address the woeful election coverage on the national TV channels, which are the main source of information for millions of Ukrainians.**

- *4.2 A nation misinformed*

Serhyi Taran, director of the Institute of Mass Information and author of numerous reports of the media in Ukraine, sums up this situation as follows: 'Yanukovich receives much more coverage than Yushchenko, by an order of magnitude. Moreover, news about Yushchenko is always negative, always connected with the word "conflict". This has trained the viewer's reflex reaction to connect Yushchenko with extremism and conflict.'<sup>21</sup>

Mr Taran explains this in terms of censorship of the main TV channels organized by the presidential administration: 'Censorship is directly proportional to the audience size of the media in question. The greater the influence of any media, the greater the censorship.'

He offers two simple proofs that censorship exists: 'Firstly, there is the astonishing similarity of the information on TV stations which ought to be competitors. They repeat precisely the same information. This points to the existence of *temniki*.

'Secondly, these channels represent the position of the presidential administration. Yet the current and previous elections, and opinion polls, indicate that oppositional views are shared by large numbers of the population. If television channels worked according to market principles, they would reflect these views. The fact that they don't leads us to conclude that they are under political control.'

The conversations that IFJ observers had with Ukrainian journalists in a variety of different media provided no evidence to undermine Mr Taran's analysis, but plenty to support it.

#### **Who controls Ukrainian TV?<sup>22</sup>**

- The two largest TV channels -- **Inter** and **1+1** -- together enjoy about 60% of the total TV audience. They, together with the medium-sized channel **UT-1**, are controlled by Viktor Medvedchuk, head of the presidential administration. Inter even employs a 'censor' as a member of staff.
- There are four other medium-sized channels -- **ICTV**, **STB**, **Novyi Kanal** and **Era**. The first three of these are under the control of Viktor Pinchuk, president Kuchma's son-in-law
- Smaller channels, such as **Channel 5**, **Tonis**, **NTN** and **TRK**, do not follow the *temniki*. **Channel 5**, which is owned by a businessman sympathetic to the main opposition, has experienced constant attempts to limit its output and close it down altogether

The one-sided and inflammatory nature of TV news coverage is exemplified by reporting of events in Kyiv on Saturday, October 23. Fighting broke out between Mr Yushchenko's supporters and the police late that evening. All the central TV channels, plus many national newspapers who openly support Mr Yanukovich, portrayed the incident as wanton, unprovoked hooliganism by Mr Yushchenko, his supporters and 'Our Ukraine' members of parliament. Only Channel 5 and a few opposition newspapers attempted to investigate the root cause of the violence, carrying eyewitness statements that it began when plain-clothes policemen attacked demonstrators.

When asked about the incident, Anatoly Prisyazhnyuk, deputy interior minister, said Channel 5 had 'distorted the situation 100 per cent' by suggesting that the police had started the fighting. Of opposition MPs' relations with the police, he said: 'Even the Americans don't treat Iraqi prisoners as bad as that.'<sup>23</sup> His remarks were typical of the tone of the main news coverage of this incident.

<sup>20</sup> Interview with editorial staff, Kyiv, October 26, 2004

<sup>21</sup> Interview with Sergei Taran, Kyiv, October 28, 2004

<sup>22</sup> Information from conversations with television journalists in Kyiv

<sup>23</sup> Interview in Kyiv, October 26, 2004

The IFJ is convinced, on the basis of the information at our disposal, that the practice of issuing *temniki* continues. However, the *temniki* are only distributed to media that can be expected to follow them -- the presidential administration seems to have 'given up' on oppositional media. This might be because of instances where opposition media have published the *temniki* they received, instead of following them. In any case, *temniki* appear now to be issued in an anonymous form, on a blank sheet of paper without a letterhead or other references to the presidential administration, and worded as 'analysts recommend' rather than unambiguous instructions.

The IFJ is deeply concerned about the continuing practice of political and government interference in media coverage.

- *4.3 The journalists' revolt in national TV*

On Thursday, October 28, 42 television journalists in Kyiv made a public declaration that they would no longer broadcast lies and distortions. The journalists' decision was announced at an open-air press conference in the capital. The journalists, from five TV channels (*Inter*, *1+1*, *ICTV*, *Novyi Kanal* and *Tonis*), signed a statement that they would strictly observe their professional ethics, refusing to compile unsourced reports and ignore alternative points of view.

Within two days their number grew to 180 from 18 TV channels. By mid-November over 300 had signed the statement. On *ICTV* a majority of journalists signed, while on *UT-1* a majority of news journalists signed.

Two years ago a similar statement was issued during the parliamentary elections and received 400 signatures. But there are two major differences: this time the protest is focused on broadcast journalists, whereas two years ago any journalist could sign. Also, this year the statement pledges the journalists themselves to action -- they are refusing to work on professionally unethical reports. Two years ago the statement was much more of a gesture.

In consequence, TV news and news analysis marginally but noticeably improved (although only temporarily). On the day after the journalists' announcement, the public channel *UT-1* broadcast for the first time an interview with Mr Yushchenko. That evening it broadcast an interview with Nikolai Tomenko, head of the parliamentary Committee on Free Speech -- apparently this would have been unheard of earlier. Examples of obvious lies and propaganda briefly disappeared. On the contrary, some sound and balanced reports were broadcast, such as a report on *Inter* about elections in Abkhazia, and a report on *Novyi Kanal* about alleged 'planting' of grenades on opposition organisations in Lviv.

The editor-in-chief of *Inter* told journalists they could make whatever reports they like, although he reserved the right not to broadcast them.<sup>24</sup> On *ICTV* the president of the company promised that each report would contain two different points of view.

Immediately after their protest the journalists were subject to concerted management attacks. Across almost all the main TV channels they were accused of being 'dupes of the opposition', of splitting their editorial teams, of being holier-than-thou and not having the guts to simply quit their jobs.

These attacks were reinforced by president Kuchma himself, who announced on October 29 during a visit to Chernigov that the journalists who signed the declaration were 'a tiny number' who considered themselves a 'white race' above other journalists. He said if they didn't like where they worked they should leave and get other jobs.<sup>25</sup>

Indeed, that same day seven journalists at *1+1*, the second largest channel, resigned in desperation because they felt they didn't have the support of other staff. They said they quit 'after the failure of all our attempts to stop censorship' on the channel. 'We refuse to take part in a war of information declared by the power against its own people,' said a declaration issued by the journalists, who called on the channel to ignore the *temniki*.

That same evening, however, a meeting of some 30 journalists from six central TV channels showed that activists were in good spirits and determined to fight on. The meeting agreed:

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<sup>24</sup> *Ukrainiska Pravda*, October 30, 2004

<sup>25</sup> *Ukrainiska Pravda*, October 29, 2004

- To immediately picket any TV station that tries to sack journalists;
- To use 'partisan' methods (interrupting live broadcasts, departing from prepared texts, using sports and weather bulletins to broadcast news) in the event of major events going unreported during the election period, such as mass demonstrations, disturbances or repressive actions by the police or military.

In the second week of November the channel UT-1 refused to renew the contract of one of the journalists who had signed the statement, while several other journalists had been told they were no longer needed and could 'take a rest' from compiling news reports. At the time of publication of this report, a protest was being organised outside the offices of UT-1.

The journalists' action was initiated by the Independent Media Trade Union of Ukraine (IMTUU). Three weeks previously the union had spoken to journalists at *Inter*, who said they were suffering and that staff were saying they were fed up with censorship. The statement then originated from a union meeting at *Inter* and was swiftly backed by *ICTV* and then *Novyi Kanal*. (The analogous statement by journalists in 2002 was the catalyst for the creation of the IMTUU.)<sup>26</sup>

**The IFJ warmly welcomes Ukrainian journalists' decision to speak out against violations of basic ethical standards in broadcast media and calls for support for our Ukrainian colleagues in this matter.**

- *4.4 Hunger strike at Channel 5*

On Monday October 25, less than a week before the first round of elections, staff at Channel 5 went on hunger strike. The 'rolling' hunger strike involved all 250 employees in a protest against attempts to force the station off the air; at any one time, 20 employees were on hunger strike for a 24-hour period.

Channel 5 is a new TV station, barely one year old, but in that short space of time it has built a reputation for independent and critical news reporting. Unlike its rivals, the station has given air time to Mr Yushchenko and his supporters. Channel 5 is owned by Petro Poroshenko, a businessman close to Mr Yushchenko. This has made it a target for the government and for pro-government businessmen and politicians. Channel 5 has experienced constant problems with its license to broadcast, with the frequency on which it broadcasts, and with the cable operators on which it relies to get its signal into Ukrainian homes across the country.

Channel 5 complains about tax inspections that seem to be used as an instrument for blocking the company's work. Besides, the station claims that The National Broadcasting Council has given hundreds of licenses, but not to Channel 5. Eighteen months ago the station requested nation-wide frequencies: by law the station should have received a reply in two weeks, but has so far heard nothing. Since then The National Broadcasting Council has issued some 300 frequencies, mostly in the Donetsk region.

Over the summer, Channel 5 was repeatedly taken off the air. In June, the Donbasstelemerezha and Ukrtelemerezha cable operators stopped carrying the channel on the cable networks in Donetsk and some cities of the Donetsk region. The same thing reportedly happened in Dniprodzerzhynsk and Novomoskovsk. On 29 June, following the channel's broadcasting of parliamentary sessions, the director of its cable company and his deputy were arrested and charged with a number of offences, including violating their broadcasting licence, money laundering and broadcasting pornographic materials.<sup>27</sup>

In August there was periodic jamming of Channel 5 broadcasts in Kirovohrad. The broadcasts were also discontinued in the residential district of Uzhhorod, where approximately 120,000 people live. The same month, cable operator Falstap stopped broadcasting Channel 5 in Dnipropetrovsk. After a demonstration in front of the Dnipropetrovsk regional administration by approximately 50,000 people, Falstap resumed the broadcasting of Channel 5.<sup>28</sup>

<sup>26</sup> Interview with representatives of the Independent Media Trade Union of Ukraine, Kyiv, October 30, 2004

<sup>27</sup> Article 19, *Ukraine Bulletin*, May-August 2004

<sup>28</sup> *Ibid.*

The last straw for the station's staff came when, on October 13, a parliamentary deputy, Vladimir Sivkovich, went to court to seize two of the station's bank accounts after it broadcast accusations about Mr Sivkovich's investigation of a mysterious illness suffered by Mr Yushchenko, claimed by the opposition leader to be a result of poisoning by the security services. On the next day the station's license to broadcast was revoked and on October 18 two of its bank accounts were seized.

Revocation of licenses is a rather unusual event. Moreover, Channel 5 received the judicial revocation almost on the same day as its bank accounts were frozen. The station sees a clear connection between these two events and perceives them as a new level of pressure against the company as such.

On October 20 the management of Channel 5, with the backing of the workforce, issued an ultimatum that staff would begin a hunger strike at 21.00 on Monday October 25 if the following four demands were not met:

- The bank accounts to be released;
- The license to broadcast be restored;
- Cable operators to restore the signal;
- Mr Sivkovich to apologise publicly to Channel 5 staff.

These demands were not met and the hunger strike went ahead. The protest received coverage in opposition media but was ignored by state-controlled television.

The action had a rapid impact, however. The station's bank accounts were restored, as was its signal in Donetsk. Mr Sivkovich apologised live on air over the telephone. The question of the station's license to broadcast was resolved a week later, and the hunger strike ended.

During the protest Channel 5 was flooded with messages of support from journalists and the public. The station's journalists believe their protest helped to strengthen the solidarity of journalists on other stations.<sup>29</sup>

Journalists at Channel 5 also took part in a protest organised by the IMTUU on Sunday, October 24. The action consisted of journalists sweeping the streets to show that they were being robbed of the right to pursue their chosen profession.

## **5. Interference in regional media**

Local administrations at city or *oblast* (regional) level often operate their own TV stations and print media. Private media are also common, but the publicly owned media have some of their costs covered from city or *oblast* budgets. In some instances, the employees of TV stations or newspapers are co-owners of the company and have a say in the appointment of editors.

Serious forms of harassment of oppositional regional media, especially from the tax authorities, still seem to be persistent. On March 15 a moratorium on tax inspections in media companies during the election campaign was announced by president Kuchma, and this regulation has helped to improve the situation.

In contrast to eastern regions of Ukraine, the local administration in Lviv has almost no media of its own: just one small weekly paper. There are also three small papers owned by the SDPU(o), the political party of the head of the presidential administration, Viktor Medvedchuk. In contrast, the large regional newspapers (*Postup*, *Ekspress*, *Lvovska Gazeta* and *Vysokii Zamok*) favour Mr Yushchenko.

- 5.1 *Vysokiy Zamok*

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<sup>29</sup> Interviews with Vladislav Lyasovskiy (director), Andrei Shevchenko (news director) Alyona Matuzko (press officer), Channel 5, Kyiv, October 25 and 28, 2004

The Lviv newspaper *Vysokyi Zamok* reports that its kiosks have been temporarily shut by the tax authorities because the kiosks, placed in a subsidiary company, were not considered a media company and thus not covered by the moratorium on tax inspections.

On October 1 *Vysokyi Zamok* published information that Ukrainian customs officials wanted bribes to let people out of the country. The next day over 100 militia descended on 60 kiosks selling the paper in Lviv and outside the town. They stopped the kiosks working for three days.

'We lost a lot of money,' editor-in-chief Stepan Kurpil told the IFJ. 'We hadn't seen anything like this before – there had been checks, but never lasting more than a couple of hours. They accused us of breaking the tax laws in three kiosks.'

The paper experienced a similar problem two years ago before the parliamentary elections. The tax inspector then told the paper's accountant that he had been given the task of fining it 2 million hryvna (approximately 350,000 €). *Vysokyi Zamok* threatened to publish this information and the investigation was halted. All the same, it was a blow to the paper's reputation and it scared off advertisers. At the time, the paper's printing house was the only publisher of Yulia Tymoshenko's national newspaper, *Vechernyie Vesti*; Ms Tymoshenko is a major backer of 'Our Ukraine'.<sup>30</sup>

For over a year the newspaper has been unable to implement plans to change the printing process, allegedly because of obstruction from the local administration.

- *5.2 Lvivska Gazeta*

The experience of another Lviv newspaper suggests that the elections have meant less harassment for some regional media.

*Lvivska Gazeta* is a daily business title; it is two years old. The paper doesn't hide its support for Mr Yushchenko. Its owner is a young businessman with a chain of women's clothes shops.

In the last two years the tax inspectors have taken out 10 writs against the paper, which lost them all. Editor-in-chief Oleg Bazar said: 'For example, we re-printed material from a Polish newspaper, and they sued us. The law says you have to sue the original source, but the judge ruled we had translated it into Ukrainian, so we were now the original source. The fine wasn't large but we lost 60 per cent of our advertisers in a month because of it.'

Last summer the authorities also obstructed the paper's distributors, resulting in a 30 per cent loss of sales. Then there was an attempt to confiscate computers because of unlicensed software.

However, from the start of the election campaign attempts to persecute the newspaper have ceased, Mr Bazar said. 'With the start of the election campaign, all this stopped. Now they are putting pressure on the owners instead.'

He added: 'Newspapers are more independent, especially in the regions, although the government has 100 per cent control over the TV. We have no problem with access to information.'<sup>31</sup>

- *5.3 MIST: a suspiciously unlucky regional TV station*

A series of highly unusual incidents at a Lviv TV station which broadcasts material sympathetic to the opposition suggests a concerted attempt to drive it off the air.

TV company *Mist* was one of the first independent television channels in Ukraine. It is a Ukrainian-Canadian joint venture. Some 70 per cent of its output consists of re-broadcasts of material produced by Channel 5. Ninety per cent of viewers in Lviv watch this channel. The telephones at *Mist* had been ringing off the hook about the hunger strike at Channel 5, according to commercial director Yulia Zvolinska.

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<sup>30</sup> Interview with Stepan Kurpil, editor in chief of *Vysokyi Zamok*, Lviv, October 27, 2004

<sup>31</sup> Interview with Oleg Bazar, editor in chief of *Lvivska Gazeta*, Lviv, October 27, 2004

Since it started operating in 1993, the station has 'had no problems whatsoever', Ms Zvolinska said. But on the night of October 19, 2004, the station's premises were flooded, destroying archives and the advertising department. Then the following night (October 20) someone attacked the cable carrying the signal. For four hours the station was unable to broadcast. 'This was done by people who knew what they were doing,' Ms Zvolinska says.

The following night (October 21) there was a fire in the main fuse box in the premises. It didn't interrupt broadcasts, but the next day the broadcast team had to wear face masks because of the fumes. For five days the people living in the block of flats above were without electricity and water.

On the night of October 25 there was another fire in the same fuse box. By this time the station had moved the journalists and its broadcasting operation to another location.

The police and electricians say the fuse box fires were arson; the fire service says they were not.

## **6. Personal security of journalists**

On the day of the first round of elections, October 31, the coordinating centre run jointly by the National Union of Journalists of Ukraine and the IMTUU received reports of attacks on journalists. In Sumi (north-west Ukraine), at about 2pm a tear gas canister exploded outside offices housing the newspaper *Panorama* and a radio station: the gas injured several staff. At about 9pm a journalist working for Channel 5 was beaten up in Donetsk.

Although the IFJ has seen no proof of whether these or other attacks were directly related to the election campaign, it is consistent with the pattern of developing a climate of fear with attacks on journalists that has been evident since the Gongadze case elaborated upon in the introduction. These events will add further pressure on journalists to self-censor their work.

**The IFJ insists that these and other incidents must be fully investigated and those responsible identified and prosecuted. There can be no free media while journalists are forced to work in an environment where attacks against journalists go unpunished.**

## **7. Access to information**

The Institute of Mass Information, which monitors infringements of journalists' rights, told the IFJ that it had not observed any significant increase in infringements during the election period (it registers some 13-14 such incidents every month). None of the opposition-friendly media we talked to complained about anything more than petty discrimination by the authorities in terms of access to information. Some mentioned, however, the obvious fact that politicians prefer to give comments to media that support them. This was also said to apply to the presidential administration, which allegedly preferred to talk to government-friendly newspapers.

Of greater concern to journalists was a repeat of events that had marred mayoral elections in Mukachevo (south-west Ukraine) in April. There were reports of violence and intimidation at polling stations, and attacks on journalists.<sup>32</sup> Furthermore, over 100 people were issued with false press passes, enabling several such people to be present at each polling station. The presence of 'journalists' was then used as an excuse to deny access to genuine professionals.

The IMTUU received information that some 60 or 70 such passes had been issued in Dnepropetrovsk in September. The Committee of Voters of Ukraine, a legitimate non-governmental organisation, demanded 30,000 such 'press passes' to enable their representatives to monitor the polling stations on election day; the opposition youth organisation *Pora* also demanded them.

The threat that professional journalists would therefore be excluded from observing the electoral process, increasing the risk that falsifications would go unreported, led to a statement issued on October 25 by the

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<sup>32</sup> Article 19, *Ukraine Bulletin*, May-August 2004

Committee on Journalistic Ethics, headed by publisher Vladimir Mostovoi, calling on media outlets not to issue false press passes to enable people to attend the counts.

After the first round of the elections the National Union of Journalists of the Ukraine sent a strongly worded letter to president Kuchma, the minister of internal affairs, the general prosecutor and to candidates Yanukovich and Yushchenko, complaining of violations of journalists' rights on the election day and calling on them to ensure that these violations were not repeated at the second round.

## **8. Media ethics**

Many serious and experienced journalists feel that the media in Ukraine are not merely out of balance, but are actually swamped by lies and distortions. Quite apart from a failure to present different points of view, important information is not presented at all while false information is given in its stead. The amount of television media under central government control is overwhelming. The protests by TV journalists described above reflect journalists' extreme dissatisfaction with the situation.

These circumstances pose sharp ethical questions for journalists. As an editor on the opposition newspaper *Ukraina Moloda* expressed it: 'An independent journalist is an immoral journalist. It is an extreme situation. If someone is beating a child, you don't write about it, you intervene to stop the beating.'

The IFJ fully shares journalists' desire to redress the balance and expose lies and distortion in the election debate. Indeed, we believe that journalists in Ukraine have an absolute responsibility to do this.

**However, the IFJ is convinced that fundamental media ethical standards should be respected and followed by all sides and all media, and we recommend our Ukrainian colleagues to focus on this aspect.**

The professional obligation of journalists to present correct and balanced information to the public is universal, and failure to do so from opposition media will eventually only serve as a justification for violations in the government-controlled media.

To follow the analogy used by the *Ukraina Moloda* journalist, Ukrainian democracy is being beaten up by powerful groups and individuals. It is therefore the journalist's professional duty to defend the right of opposition supporters to demonstrate and to communicate their views in the main, state-controlled broadcast media. It is the journalist's professional obligation to correct distortions and lies about the election, wherever they may appear.

To introduce a further analogy, however, if two people were telling lies but one has a much louder voice than the other, the solution would not be to give the quiet person a megaphone. In return for their right of access to information, journalists have a responsibility to interrogate that information from all sides and present it as fully and clearly as possible.

## Conclusions and Recommendations

The key question facing the media in Ukraine is whether journalists are able to fulfil their professional obligation to provide the population with clear, accessible information about important events that affect their lives. The answer appears to be mixed: in some parts of the country and in some media the situation is tolerable, while in others it remains a cause for deep concern.

The television is a particularly unreliable source of information for the electorate. If voters take time to read different newspapers in Kyiv, for example, they can access a range of different facts and opinions. But this is much harder to do outside the capital, where the print media is polarised into supporting one of the two main political camps.

In north-western Ukraine this polarisation favours Mr Yushchenko and is therefore a useful and necessary -- though not sufficient -- corrective to the overwhelmingly pro-Yanukovich coverage on the main national television channels. The IFJ observers were unable to visit the south and east of Ukraine, but information from journalists suggests that such correctives are much weaker, even non-existent, in these regions.

Across the country journalists find carrying out their duties complicated or obstructed, while their work is often exploited to overtly political ends.

### **We therefore recommend that the Ukrainian national government and local authorities:**

- Ensure that independent journalists are granted free access to the polling stations to observe the election and ballot counting process during the second round of the election;
- Cease all overt and covert attempts to undermine and restrict broadcasts by Channel 5 and give assurances that journalists involved in protests over censorship will not be subjected to disciplinary measures;
- End the practice of issuing *temniki* and cease all pressure on journalists who refuse to follow *temniki* and refuse to break codes of professional ethics;
- Ensure total and immediate observance of the president's demand that tax inspections not be used to put pressure on media outlets during the elections;
- Disengage from media control at national and regional levels;
- Take steps to improve the distribution and plurality of media throughout the country and end the damaging division between the north-west and south-east in terms of accessibility of different media;
- Reform legislation about mass media;

### **We recommend that international journalists' and media freedom organisations:**

- Support and publicise the current protests of Ukrainian journalists against political censorship on Ukrainian state-controlled television;
- Continue to monitor violations of journalists' rights and physical attacks against journalists. In particular they must reinforce efforts to end the impunity currently enjoyed by the murderers of all journalists including Georgy Gongadze.
- Support the work of the Independent Media Trade Union of Ukraine and the National Union of Journalists of Ukraine through exchanging advice and information, coordinating joint campaigns and training these organisations' activists;
- Support and provide training of journalists in the fundamentals of media ethics.

**We recommend that owners and controllers of Ukrainian media outlets:**

- Cease all pressure on journalists who refuse to follow *temniki* and refuse to break codes of professional ethics;
- Establish and agree with their journalists and with journalists' organisations codes of ethical conduct and standards of editorial freedom and integrity.

**We recommend that Ukrainian journalists' organisations:**

- Closely monitor the media situation, especially on the national broadcasters, and protest at every identifiable violation of media ethics and journalists' rights.
- Continue to encourage journalists to press their employers and the government for locally and nationally agreed codes of ethical conduct and standards of editorial freedom and integrity.

**We recommend that the Council of Europe and the Organisation of Security and Co-operation in Europe and European Union:**

- Continue to monitor the election process paying particular attention to the issues raised in this report including the fate of the journalists protesting in the main TV channels and the accessibility of the polling stations to genuine media professionals during the final count.
- To continue to pressure the Ukraine government, regardless of the results of the election, to institute a comprehensive programme of media reform. That reform should ensure the development of a pluralistic, diverse and independent media landscape that respects the rights of journalists to act professionally without fear of retribution.

**IFJ observers in Ukraine:**

The mission was conducted by David Crouch, UK and Uffe Gardel, Denmark.

The report was drafted by the mission and edited by Oliver Money-Kyrle Director, IFJ Projects Division

The IFJ would like to extend its thanks to the Independent Media Trade Union of the Ukraine and the National Union of Journalists of the Ukraine for their assistance in organizing the mission.

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International Federation of Journalists

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## **Appendix**

### **The mission met and spoke with the following:**

#### **Authorities and organisations:**

Serhiy Goos, president, and Yegor Sobolev, Kyiv organiser, All-Ukrainian Independent Media Trade Union (formerly the Confederation of Independent Media Trade Unions)

Vice minister Anatoliy Prisyazhnyuk, Ministry of Internal Affairs

Head of the Central Election Commission, Serhey Kivalov

Serhiy Taran, director, Institute of Mass Information

#### **Print media:**

Editor in chief, Ivan Spodarenko, and members of the editorial staff at the privately owned daily newspaper *Silski Vesti*, Kyiv

Editor in chief, Anatoliy Gorlov, at *Holos Ukrainy*, the daily newspaper of the Ukrainian Parliament

Members of the editorial staff of the privately owned daily newspaper *Ukraina Moloda*, Kyiv

Editor in chief, Stepan Kurpil, and members of the editorial staff at the privately owned daily newspaper *Vysokyi Zamok*, Lviv

Editor in chief, Oleg Bazar, at the privately owned daily newspaper *Lvivska Gazeta*, Lviv

Editor in chief, Vasil Nazaruk, and members of the editorial staff at the partly municipally owned newspaper *Galychyna*, Ivano-Frankivsk

Round table of journalists from various mass media

The mission also conferred in Kyiv with Valeryi Ivanov, president of the Ukrainian Press Academy, and with Federica Prina, Europe Programme Officer, Article 19.

#### **Broadcast media**

President Oleksander Savenko and vice presidents Gennadiy Radchenko and Yevhen Kaleskyi at the state TV, National Television Company of Ukraine, Kyiv

Managing irector Vladislav Lyasovskiy and members of the editorial staff who began a hunger strike at the privately owned TV company Channel 5, Kyiv

Commercial director Yuliya Zvolinska at the privately owned TV station *Mist*, Lviv

Member of the editorial staff at the municipally owned TV station *Vezha*, Ivano-Frankivsk

Journalists on central TV channels in Kyiv who signed an appeal against biased news reporting