



Permanent Mission of Ukraine
to the UN Office and other International
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The Permanent Mission of Ukraine to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to the Note Verbale Nº AL UKR 4/2021 of 21 June 2021, has the honour to transmit herewith the comments by the Ministry of Culture and Information Policy of Ukraine in response to the request of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression regarding personal sanctions against the owner of TV channels "112 Ukraine", NewsOne and Zik Mr. Taras Kozak. The Permanent Mission of Ukraine avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Encl.: as stated, on 2 pages



Y. Z.
Geneva, 10 September 2021

**Office of the United Nations
High Commissioner for Human Rights
Geneva**

geneva.mfa.gov.ua

**COMMENTS BY THE MINISTRY OF CULTURE AND INFORMATION POLICY OF
UKRAINE**
**in response to the request of the Special Rapporteur on the promotion
and protection of the right to freedom of opinion and expression**

Article 19 of the Constitution of Ukraine stipulates that the bodies of state power and local self-government authorities and their officials are obliged to act only on the grounds, within the limits of authority, and in the manner envisaged by the Constitution and the laws of Ukraine.

The application of special economic and other restrictive measures (sanctions) is regulated by the Law of Ukraine “On Sanctions” (hereinafter – the Law).

According to Article 1 (paragraphs 1 and 2), in order to protect the national interests, security, sovereignty, and territorial integrity of Ukraine, to counteract terrorist activities, as well as to prevent the violation, to restore of the violated rights, freedoms, and legitimate interests of citizens of Ukraine, society and the state, a special economic and other restrictive measures (sanctions) can be imposed. Sanctions may be imposed against foreign states, foreign legal entities, legal entities controlled by foreign entities or individuals, foreign individuals, apatrides and persons involved in the activities threatening the national security, sovereignty and territorial integrity of Ukraine or the constitutional rights and freedoms of its citizens.

The legal basis of application of sanctions is envisaged by the Constitution of Ukraine, the international agreements of Ukraine, the laws of Ukraine, regulations of the President of Ukraine, the Cabinet of Ministers of Ukraine, the decision of the National Security and Defense Council of Ukraine, the corresponding principles and rules of international law.

The grounds to introduce sanctions are: actions of a foreign state, foreign legal entity or individuals, other entities that pose real and/or potential threats to the national interests, security, sovereignty, and territorial integrity of Ukraine, promote terrorist activities, and/or violate human and civil rights and freedoms, interests of the society and of the state, lead to the occupation of territory, expropriation or restriction of property rights, property losses, obstacles to sustainable economic development and the full exercise by citizens of Ukraine of their rights and freedoms (Article 3 (1) of the above Law).

According to Article 5 (1) and (3), the proposals for applying, lifting and amending sanctions should be submitted to the National Security and Defense Council of Ukraine (hereinafter – “the NSDC”) by the President of Ukraine, the Parliament of Ukraine, the Cabinet of Ministers of Ukraine, the National Bank or the Security Service of Ukraine.

The Law prescribes that the decision on the imposing, lifting and amending sanctions against foreign legal entities, legal entities controlled by foreign entities or individuals, foreign individuals, apatrides and other persons involved in terrorist activities (personal sanctions) shall be made by the NSDC and shall be put into effect by a decree of the President of Ukraine. Sanctions with respect to foreign states and sanctions concerning unspecified persons within certain sphere of activity (sectorial sanctions) shall be imposed by a decision of the NSDC. Then the President shall put them into effect and the Parliament shall approve them by issuing a decree. Only after the adoption of the Parliament’s decree the decision regarding imposition of sectorial sanctions enters into force. The application of sanctions must be based on the principles of legality, transparency, objectivity, relevance, and effectiveness. The Law lists a fairly large number of possible sanction types (Article 4 (1) of the Law).

On 4 February 2021 President of Ukraine Volodymyr Zelenskyy by the decree № 43/2021 of 2 February 2021 enacted the NSDC’s decision of 2 February, 2021 “On imposing personal special economic sanctions and other restrictive measures (sanctions).

The NSDC, on the grounds of the Law of Ukraine “On Sanctions”, the Law “On Combating Terrorism” and the Law “On the Prevention and Counteraction to the Legalization (Laundering) of the Proceeds from Crime or Terrorism Financing, as well as Financing the Proliferation of Weapons of Mass Destruction”, has adopted the above decision to impose personal special economic sanctions against Member of the Parliament of Ukraine Mr. [REDACTED] and the legal entities affiliated with him which are part of the ownership structure of TV channels “112 Ukraine”, NewsOne and Zik.

The dissemination by the above TV channels of content that poses threat to national interests, security, sovereignty, and territorial integrity of Ukraine had resulted in the adoption of the decision on the imposition of sanctions.

The Supreme Court of Ukraine is currently hearing several cases to appeal the above decree by the President of Ukraine. In one such case, the Supreme Court had already dismissed the claim.
