

NGO HUMAN RIGHTS PLATFORM

Digest of Court Cases

JANUARY 2020 - DECEMBER 2020

Litigation cases where Human Rights Platform partner lawyers represented journalists and media in courts in 2020



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Cases on protection of honour, dignity, and business reputation

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Cases on protection of right to access to public information

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Case on protection of digital rights

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Criminal cases on protection of journalists' professional rights

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Cases tried by domestic courts

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in favor of
journalists and
media

Cases on protection of right to access to public information

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European Court of Human Rights



Case on protection of digital rights

1

Application lodged with
the European Court of
Human Rights

1

Case is pending before the court of the first instance

11

Cases at pre-trial investigation stage

Criminal cases on protection of journalists' professional rights

Five media cases



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- In July 2019, Pechersky District Court in Kyiv froze "intellectual property rights" that internet users allegedly acquire when using websites, forcing internet service providers to block access to the websites.
 - On November 25, 2019, Kyiv Court of Appeals upheld the decision. As a result, the owner of the Enigma website, its contributors and users no longer have access to this resource. Blocking is still active.
 - In 2020, the digital rights case of the Enigma blogging platform was lodged with the European Court of Human Rights and registered by it.

Digital rights case

Lawsuit against Nashi Hroshi online media outlet and journalist Iryna Sharpinska

The case number in the Unified Register Of Court Decisions is 753/12117/18.

- In August 2017, Iryna Sharpinska attended a court hearing where a criminal case about the misappropriation of over UAH 27,000,000 by a group of persons was tried. Following the hearing, the journalist wrote an article titled Loaded With an Atom, which was published by Nashi Hroshi online media outlet..
- In May 2018, one of the defendants filed a lawsuit against the media and the journalist, demanding to recognize the information inaccurate and false and recover damages for non-pecuniary loss of UAH 100,000.
- The trial prosecutor's statements were the subject of the action. According to the claimant, the dissemination of controversial information violated the presumption of his innocence. However, neither Darnytsky District Court in Kyiv, nor Kyiv Court of Appeals agreed with him. The former refused to satisfy the claims, and the latter upheld the decision. The Supreme Court refused to start cassation proceedings.

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- In August 2018, a well-known former Kyiv mayor, Leonid Chernovetsky, filed a lawsuit against a prominent investigative journalist, Yuriy Nikolov, and a website that had shared information from his post. The claimant demanded rebuttal of the information and recovery of UAH 1 million in damages for non-pecuniary loss from the defendants.
 - The claimant substantiated his claims, among other things, by saying that the dissemination of Yuri Nikolov's Facebook post about the financial bondage of Kyiv underground had damaged his personal and business reputation. However, the contracts, which nearly halted the subway, had been concluded when Mr Chernovetsky was in office.
 - Dniprovsky District Court in Kyiv dismissed Leonid Chernovetsky's claims, with Kyiv Court of Appeals upholding the decision. The Cassation Court upheld the position of the lower courts.

UAH one million lawsuit by Leonid Chernovetsky

*The case number in the Unified
Register Of Court Decisions is
752/17699/18.*

Ihor Hladkovsky (Svynarchuk) v. Denis Bihus, Lesia Ivanova, and TOM14 NGO

The case number in the Unified Register Of Court Decisions is 758/2931/19.

- During the presidential campaign in February 2019, Nashi Hroshi released a video report with a high-profile title Friends of the President Steal in the Defense Sector (Secret Correspondence). The report disclosed sketchy and illegal schemes for supply of spare parts to the Armed Forces of Ukraine, price gouging, and involvement of the defense sector leadership and high-ranking officials. Claiming that the information contradicted the reality and the story violated personal non-property rights, Ihor Gladkovsky, the son of then-First Deputy Secretary of the National Security and Defense Council, took a legal action.
- Podilsky District Court in Kyiv granted the claims, ordering the journalists to refute the whole story.
- Kyiv Court of Appeals overturned the decision of the first instance court and ruled to dismiss the claims against the journalists.

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- Fragments of an investigation titled Golden Health: Corruption Schemes of Yanukovych's Time are Still Used in Healthcare Sector in Dnipropetrovsk Region conducted by Olha Yudina were the subject of this case. In particular, the investigation revealed public procurement schemes in the healthcare sector. The claimant believed that a part of the story mentioning its name had been untrue and the dissemination of such information damaged its business reputation. It estimated its non-pecuniary damage at UAH 100,000.

- Zhovtnevy District Court in Dnipro dismissed the claims, but a court of appeals upheld them in part. The court recognized the statement "according to our information, ...Globalmedgroup LLC (it participated in auctions in Dnipropetrovsk Oblast) is also controlled by the Fistals' group" incorrect and upheld the remaining verdict delivered by the first instance court.

- In December 2020, the Cassation Court overturned the decision of the appellate court and upheld the decision of the first instance court after considering the journalist's claims.

Globalmedgroup LLC v. investigative journalist Olha Yudina

*The case number in the Unified Register Of Court
Decisions is 201/3801/17-ц.*

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