

A photograph of two women in a park setting, playing large black drums with blue maces. The woman on the left is wearing a green quilted jacket and a green hood, while the woman on the right is wearing a black hooded jacket. They are both looking towards the camera with serious expressions. The background shows bare trees and a grassy hill under a clear sky.

# **SITUATION OF HUMAN RIGHTS DEFENDERS IN THE GOVERNMENT- CONTROLLED TERRITORIES OF UKRAINE:** three years after Euromaidan

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This report presents a situation analysis and describes cases of interference with the work of human rights defenders and activists who strive to protect the public interest in the government-controlled territory of Ukraine during three years after Euromaidan (March 2014 – March 2017). In particular, the publication summarizes the legislative changes which adversely affected freedom of association and freedom of movement for human rights defenders and contains an overview of criminal and administrative proceedings against human rights defenders and activists who act to protect the public interest, incidents of threats and physical violence (including murder, violent assault and property damaging), surveillance and smear campaigns. The report concludes that steps are required by the Ukrainian authorities to improve the protection of human rights defenders, and enable their work, and contains recommendations to Ukrainian official bodies to achieve this.

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*Warning:* this report contains graphic images of victims of violence that may be disturbing.



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# Foreword

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This report contains a description of cases of harassment and interference with activities of human rights defenders (HRDs) and civil society activists striving to protect the public interest in the territories controlled by the government of Ukraine (except for the occupied Crimea and certain areas of Donbas)<sup>1</sup> which took place after Euromaidan during the last three years (March 2014 – March 2017); moreover, it outlines the legal framework for HRDs activities and legislation compliance practices.

The right to defend human rights (to be a human right defender) is a generally recognized right originating from the human rights enshrined in the international treaties which Ukraine undertakes to respect, safeguard and ensure for all persons staying in its territory and under its jurisdiction.

Following the UN Declaration on Human Rights Defenders<sup>2</sup>, we proceed from the provision that everybody may “individually and in association with others, promote and strive for the protection and realization of human rights and fundamental freedoms” at the local, national and international level.

Human rights defenders recognize the universal nature of human rights for everyone, protect them by peaceful, non-violent means and uphold civil, political, economic, social and cultural rights. Pursuant to the UN Human Rights Council Resolution<sup>3</sup>, we also focus on those activists who address environmental and land issues, corporate responsibility, as well as those who work on increasing transparency and accountability and reveal cases

of corruption and violence by States, business enterprises and other non-State actors.

The information presented in this report does not contain a description and analysis of cases regarding violations of rights of journalists, state officials and representatives of local self-government bodies. Attacks and interference with activities of attorneys and lawyers are reported in cases when their professional activity in defense of human rights appears to have motivated offenses against them.

The report contains a description of more than 50 cases of interference with activities of human rights defenders and civil society activists in the government-controlled territory during three years after Euromaidan (March 2014 – March 2017), including legislative restrictions related to the freedom of assembly and movement, practical aspects of exercising the freedom of peaceful assembly, incidents of physical violence (murder, violent assault), property damage, criminal and administrative prosecution, threats, surveillance, smear campaigns and other forms of pressure.

The list of cases of interference with the activities of HRDs and civil society activists is not exhaustive<sup>4</sup>, however, it reflects the overall situation of the civil society and human rights community work in Ukraine. The goal of this report is not to profoundly analyze individual cases but rather highlight and analyze the environment in which HRDs have been working during the last 3 years in the government-controlled territories of Ukraine, as well as to identify and summarize certain trends.

The report is based on the use of primary (victim and witness testimony) and secondary data verified from several sources, information from official resources, media and other open sources.

<sup>1</sup> The report includes situations with the access of human rights defenders to the non-controlled territory of Donbas and the occupied Crimea from the Ukrainian side of the contact line/administrative border.

<sup>2</sup> UN Declaration on Human Rights Defenders (Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms). 1998. Art 1. URL: [http://www.un.org/ru/documents/decl\\_conv/declarations/defender.shtml](http://www.un.org/ru/documents/decl_conv/declarations/defender.shtml)

<sup>3</sup> UN Human Rights Council Resolution 31/32 (Protecting Human Rights Defenders, whether Individuals, Groups or Organs of Society, Addressing Economic, Social and Cultural rights). 2016. URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/083/21/PDF/G1608321.pdf?OpenElement>

<sup>4</sup> It should be specifically noted that not all cases of harassment and pressure on HRDs during the analyzed period are public based on precautions for victims' safety or because victims themselves did not apply to media and law enforcement bodies due to lack of trust and fear to aggravate the situation.

Active participation of individuals, groups, organizations and institutions in human rights defense is of utmost importance, because civil society, inter alia, helps States to fully ensure the fulfillment of their obligations on safeguarding human rights and fundamental freedoms, as well as democracy and the rule of law principles. Thus, HRDs fulfill

important and lawful functions in democratic societies. The state government should openly recognize the significant and legitimate role of HRDs, and not interfere with their activities but support them, as well as efficiently investigate all cases of threats, attacks, intimidation, repressions and any other types of persecution.



# Key conclusions

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Despite the reforms and Ukraine's pro-European progress, the environment for the work of human rights defenders and activists striving to protect the public interest in the government-controlled territories of Ukraine remains unfavorable.

During three years after Euromaidan a number of cases of criminal and administrative prosecution of HRDs and civil society activists, threats, physical violence (including murder, battering and property damage), surveillance and smear campaigns was observed.

The following groups were the most affected by different types of harassment: LGBT activists and feminist movement activists; activists opposing corruption and organized crime; activists striving to protect land and environmental rights; attorneys working professionally on human rights defense; volunteers supporting needs of conscripts and civilians affected by the armed conflict.

The government approved a number of legislative changes which had adverse impact on the freedom of association, restricted the freedom of movement (in cases of foreign HRDs and international missions working in the occupied Crimea). Also problems with exercising the freedom of peaceful assembly were observed (in case of LGBT activists).

The documented cases of interference with the work of human rights defenders and activists striv-

ing to protect the public interest demonstrate that even in the absence of authoritarian government and systematic practice of repressions against civil society, its representatives remain vulnerable due to corruption and inefficiency of the law enforcement and the judiciary, the deeply entrenched system of impunity which fosters new crimes, and the overall growth of violent crime in connection to the armed conflict in the country.

Moreover, the government's resistance to the reforms which millions of Ukrainians demanded during Euromaidan (first of all the reform of courts, police, prosecutor's office and anti-corruption reform) leads it to suppress HRDs and activists striving to protect the public interest. Implementation of e-declarations, smear campaigns against anti-corruption activists and initiation of forged criminal cases are all alerting signals which suggest that the government is starting to line up a systemic strategy aimed to oppress the civil society.

Without expeditious and efficient reforms, effective investigation of all cases of harassment and attacks on HRDs and civil society activists, as well as curbing the dishonorable practice of tarnishing of civil society, the Ukrainian government will ultimately lose its support. This would in turn hamper the profound and irreversible transformation of Ukraine into a democratic European country which protects human rights and respects the rule of law.



# Executive summary

During the Euromaidan, the then-government of the ex-President Viktor Yanukovich, seeking to quash the protests, tried to take a dramatic advance against the civil society. On January 16, 2014 the Verkhovna Rada of Ukraine adopted a package of laws, which went down in history as the “dictatorship laws of January 16”, in outrageous breach of the legislative procedure and standing rules of the Parliament. These laws limited the rights of citizens, conferred wider powers to punish the participants of protest activities to the state authorities and were aimed to criminalize the opposition and the civil society<sup>5</sup>. Later these laws were canceled by the Parliament and became invalid. After Viktor Yanukovich's flight to Russia, Ukraine elected a new government which declared democratic values and the pro-European policy vector.

Generally, civil society organization registration and establishment process in Ukraine is fairly simple, the government does not have extensive powers to cancel their registration and cases of unlawful or unsubstantiated liquidation of civil society organizations are unknown. Yet problems with exercising **freedom of association** continue to exist due to ineffective compliance with the applicable laws, and due to legislative novelties imposing unjustified complications and constraints for the work of HRDs and civil society activists striving to protect the public interest.

On August 13 2015, new amendments to the Tax Code of Ukraine were enacted. All non-profit organizations shall align their charters with these amendments and obtain new non-profit activity codes before July 1, 2017. Numerous civil society organizations, including human rights NGOs, have faced difficulties trying to re-register their charters or amend them according to the new legal requirements. Bureaucratic obstacles, queues, vagueness of the procedure, inconsistent interpretation of legislative norms by different

registrars, dragging out the consideration times, corruption became the barriers for many organizations that tried to adapt to the new laws. The risk of losing the non-profit status undermined the institutional capacity of many non-governmental organizations, especially small or regional NGOs that did not have professional lawyers in their staff or funds to engage them.

On March 23, 2017, the Verkhovna Rada of Ukraine approved draft law No. 6172, which envisages amendments and additions to the Law of Ukraine “On Countering Corruption”. In particular, the obligation to submit public electronic declarations of property status (e-declarations), which was applicable to the highest state officials, MPs, public servants and judges, is now extended to anti-corruption activists. These legislative provisions exert pressure on civic associations by making their activities, especially anti-corruption work, more complicated or impossible. Moreover, the law contains obvious signs of discrimination (unequal treatment) by the type of occupation. Its provisions violate the principle of legal certainty, because the terms indicated therein are unclear. Due to this uncertainty, the law risks to become a tool for arbitrary, selective application, which would actually be a fertile ground for corruption. The law also extends the obligation of declaring not only on the representatives of non-governmental organizations countering corruption but on the persons cooperating with them. In these conditions, in order to provide services to an “anti-corruption civic organization”, the provider's employees will be required to fill e-declarations. Respectively, obtaining basic services readily available to all other entities and companies would become much more complicated for anti-corruption organizations. Finally, the law has a restraining, discouraging effect on the civil society in the area of countering corruption, as any activity in this field becomes more and more complicated.

In the area of **freedom of movement**, the government of Ukraine restricted access of foreign

<sup>5</sup> Legal opinion of the CPLR on the “laws” of January 16, 2014. URL: <http://helsinki.org.ua/publications/yurydychnyj-vysnovok-tsppr-schodo-zakoniv-vid-16-sichnya-2014-roku>



HRDs and international human rights missions to the Crimea, having approved the Resolution no. 367 “On Approval of the Procedure of Entry to and Exit from the Temporarily Occupied Territory of Ukraine” dated June 4, 2015. Before amendment of this procedure by Resolution No. 722 dated September 16, 2015, during three months HRDs who are not the citizens of Ukraine were deprived of any possibility to enter the Crimea without breaching the laws of Ukraine. This was one of the reasons of suspending the Crimean Field Mission on Human Rights, the only permanent monitoring initiative in the Crimea which had been operating on the occupied peninsula since March 5, 2014. Even after the amendments the existing procedure of issuing special permits is unjustifiably lengthy, complicated and bureaucratically burdensome. There are cases when foreign HRDs applying for a permit to enter the Crimea receive refusals from the State Migration Service (for example, Russian Federation citizen Dmitri Makarov). Moreover, Russian attorneys are unable to protect the rights of Ukrainian citizens in Crimean courts without violating the laws of Ukraine, because the practice of law is not included in the closed list of grounds on which the government of Ukraine may grant a foreigner a special permit to enter the Crimea.

Practical barriers to exercise the freedom of movement are worth mentioning separately, in particular, this is related to the interference with the work of HRDs along the contact line on Donbas, as well as on the administrative border between mainland Ukraine and the occupied Crimea, the territories unlawfully restricted by the Ministry of Interior, Security Service of Ukraine and the volunteer battalions.

There are problems with exercising **the freedom of peaceful assembly** for organizations and activists working to protect LGBT rights. In the predominant majority of cases they were unable to exercise their right to freedom of assembly due to court indictments and the opposition from local authorities, as well as law enforcement bodies. Thus, in August 2015 and August 2016 Odesa District Administrative Court twice prohibited LGBT activists to carry out a March of Equality in Odesa, and in March 2016 Lviv District Administrative Court prohibited to hold the Festival of Equality in Lviv. The latter prohibition was subse-

quently, in June 2016, recognized to be unlawful by the Court of Appeal. Moreover, the organizers of these actions and festivals faced **discrimination**, as hotels and public spaces refused to provide them with premises to accommodate the visitors and hold the events.

Three years after Euromaidan have been characterized by a wave of **threats and physical violence** against HRDs, attorneys and activists working to protect the public interest, including murder, battering, property damage (arson of offices, cars etc).

The representatives of the following five groups most often experienced threats and physical violence<sup>6</sup>:

- 1) **LGBT activists and feminist movement representatives** (attacks of Queer Home Krivbas office, Nick Carter, Kyrylo Bodelan, Ivan Panov, assault on the Festival of Equality in Lviv, Feminist Marches in Kyiv, disrupting LGBT movie shows in Chernivtsi and Kremenchuk, attack on a gender equality action in Uzhgorod, threats against the organizers of the March of Equality in Kyiv);
- 2) **activists opposing corruption and organized crime** (murder of Vitaliy Vashchenko, attacks on Oleksandr Kulibabchuk, Serhiy Khnykin, Roman Lykhachov, Lesya Petryk-Yelnykova);
- 3) **activists protecting environmental and land rights** (attacks on Oleksandr Nikolaychuk, Viktor Barkholenko, Valentyna Makarova, Yevhen Melnychuk and Vadim Mashtabey, Iryna Hryshchenko, Mykhailo Berchuk);
- 4) **volunteers that respond to needs of conscripts and civilians affected by the armed conflict** (arson attempt and explosion in the office of the “Volunteer Hundred” in Odesa, attack on the “Station Kharkiv” and the “Volunteer Hundred” office in Kyiv);
- 5) **attorneys** who suffered because of their human rights defense work (murder of Yuriy Ihnatenko, arson of Bezpalyy and Partners Attorneys Association, attack on Andriy Verba, arson of Oleksandr Diadiuk’s car).

<sup>6</sup> This division is to certain extent conventional, as it is often difficult to draw a line between separate groups of activists as, for example, activists protecting environmental and land rights often also reveal the corruption schemes behind the violation of these rights, etc.

The common feature for most of these cases is the lack of effective investigation by the police and total impunity of perpetrators. In a number of cases the police omitted initiating criminal proceedings or classified the attacks incorrectly (for example, understating the severity of inflicted injuries or ignoring homophobic motives of attacks and treating them as “hooliganism”). In other cases the victims themselves did not apply to the police because of fears for their safety or disbelief in the possibility to hold the offenders liable.

Whoever was behind the attacks on HRDs and activists – radical right, volunteer battalions or pro-Russian groups, criminals hired by local authorities or real estate developers, representatives of certain political forces, etc., – they avoided punishment in the majority of cases. Only in selected cases the law enforcement authorities managed to hold an efficient investigation, identify the suspects and submit the case to the court (for example, murder of the attorney Yuriy Ihnatenko). However, even in cases where the investigation bodies identified the attackers, the masterminds behind these crimes were not found (for example, murder of Vitaliy Vashchenko, battering of Oleksandr Nikolaychuk).

Such an atmosphere of nearly-complete impunity encourages the attackers to re-offend. A number of HRDs, attorneys and activists faced a series of assaults (for example, on Nick Carter, Viktor Barkholenko, Mykhailo Berchuk); the subsequent attacks occurred while the previous ones were not investigated efficiently.

In addition, a number of cases were recorded involving **violations of privacy and surveillance** over activists who oppose corruption (e.g., cases of Inna Bilenko, Vitaliy Shabunin).

Materials obtained via surveillance sometimes were used for public defamation of anti-corruption activists. These **smear campaigns** against activists fighting corruption showed signs of a systematic approach and involved numerous defamatory media reports and social media publications. These smear campaigns were targeted, in particular, against representatives of the Center for Combating Corruption, Transparency International, and a number of organizations that advocate for health system reform and elimination of corruption in the public medication procurement

system (Patients of Ukraine, All-Ukrainian Network of People Living with HIV).

Another wave of defamation against anti-corruption activists occurred after the adoption in March 2017 of amendments to the anti-corruption legislation, which extended the obligation to submit income declarations to activists who oppose corruption. Media reported alleged involvement of the Presidential Administration of Ukraine in the smear campaign against anti-corruption activists.

The activists whose work is related to the conflict in Donbas and who need to enter the territory of the so-called DPR and LPR also became targets of defamation. Their personal data were published on the *Mirotvorets* (“Peacemaker”) website that reveals personal data of alleged “separatists” and “terrorists”, while the individuals themselves were labelled “traitors” and “terrorist aides” (i.e, Nina Potarska, Vitaliy Atanasov and others). Cases of threats to activists working in the conflict zone were recorded following the publication of their personal data, but these crimes have not been effectively investigated by the police. Activists included in the *Mirotvorets* database also had problems in crossing the contact line in the Donbas.

Initiation of criminal proceedings is another type of persecution against human rights defenders and activists working to protect the the public interest. In particular, **criminal prosecution** was launched against activists who opposed corruption, acted to protect the environment, as well as attorneys (see the cases of Dmytro Sherembey, Vitaliy Shabunin, Oleh Veremiyenko and the case of Kachyne Ozero defenders). Initiation of criminal cases confers extensive procedural powers on the prosecutor’s office, such as phone tapping, surveillance of activists, access to documents and financial information of an organization. Anti-corruption activists suspect that this information was collected to be later used in a smear campaign against them and other hampering of their work.

In addition, **administrative prosecution** was used against human rights defenders (for example, the case of Maxym Korniyenko, who was illegally sentenced to 15 days of administrative arrest for the observation of the court proceedings in Vovchansky District Court of Kharkiv oblast).

# Description of specific situations

## FREEDOM OF ASSOCIATION

### Threat of loss of non-profit status

From August 13, 2015, new amendments to the Tax Code of Ukraine entered into force and non-profit organizations were able to begin aligning their charters with the changes. With the promulgation of the Resolution dated July 13, 2016 No. 440 the Cabinet of Ministers of Ukraine defined a new procedure for maintaining the Register of non-profit organizations and submission of documents by non-profit organizations.

example, it was possible to register the amendments to the charter in one of the departments of the Ministry of Justice. Due to the large number of NGOs that had to undergo this procedure, queues formed and the procedural deadlines were exceeded. In addition, various registrars interpreted the legislation in a different way, so some organizations having their documents returned for correction were not always able to successfully submit them even at the second attempt if they were assigned to another registrar.

In addition, other bureaucratic obstacles were created. Thus, according to Maxim Vasin, the executive director of the NGO Institute for Religious Freedom, during the tax amendments to the NGO charter, the state registrar in Kyiv requested to provide not just a list of all general meeting mem-

*Art. 133.4. Of the Tax Code of Ukraine requires that:*

- the constituent documents of an organization should contain the prohibition to distribute the received profits (revenues) or a part thereof among the founders (participants) of the organization, employees (except for remuneration for their work and accrual of a single social contribution), management board members and other related parties;*
- constituent documents of an organization should envisage the asset transfer to one or several non-profit organizations of the respective type in the event of liquidation, merger, split-off, acquisition or restructuration.*

The new tax changes envisaged that by January 1, 2017, Ukrainian non-governmental organizations (NGOs) had to align their constituent documents (statutes) with the requirements established by paragraph 133.4 Art. 133 of the updated the Tax Code of Ukraine. After that date, the NGOs who failed to comply with the requirements of the Tax Code would lose their nonprofit status.

A number of civil society organizations, including human rights organizations, faced difficulties while trying to re-register their charters amended as per requirements of the new legislation. For

bers, but their signatures, even if the number of such persons exceeded 70. Moreover, the state tax inspectorates demanded the organizations to submit various documents to maintain non-profit status: Dniprovsky STI Department in the city of Kyiv requested a copy certified by the state registrar, which is issued as a separate administrative service costing UAH100; Obolonsky STI Department requested the charter stitched and certified by the organization; Podolsky STI Department found it sufficient to provide a description from the state registrar with the access code to the scanned charter in the register.



According to Oleksandr Stepanenko, the executive director of the environmental NGO Green World, his organization was denied registration. The application with all appropriate documents was filed on December 13, 2016 to the registrar of the Administrative Services Center (ASC) of Ternopil city council, who had no remarks to the submitted documents. However, in early January Stepanenko received a phone call from the registrar of the regional Justice Department who said that the organization should “make minor corrections to the charter”. The organization did not receive any document confirming the remarks for a month. The electronic database contains a decision refusing registration, which the registrar offered to challenge in court.

Some organizations have faced corruption while trying to re-register their statutes. *“In September 2016, I applied to the Main Justice Department in Luhansk oblast with regard to amending the charter of the Luhansk oblast branch of Ukrainian public organization Committee of Voters of Ukraine. While waiting for my appointment in the waiting room I became an accidental witness to a conversation of a police leader asking for favorable treatment for another NGO. I had a long conversation with an employee of state registration department which lasted about 40 minutes. At first he whether we are going to prepare documents by ourselves or seek assistance from a “lawyer” (unfortunately, I did not ask for the phone number of this “lawyer”), and then the registrar delivered a monologue, explaining in a detailed and convincing way the reasons and the procedure under which I will be denied registration. For example, if a grammar error is found in the charter, my application would be dismissed. I have no doubt that they tried to extort a bribe through an “intermediary lawyer”, Luhansk human rights activist Oleksiy Svyetikov said<sup>7</sup>.*

A survey carried out by Gurt Resource Center<sup>8</sup> among about 400 organizations showed the following problems faced by the NGOs trying to get included in the new Register of non-profit entities and organizations:

- ✓ Difficult to find information what exactly they should do with the constituent documents – 46%;
- ✓ The tax inspectorate dragged out the deadlines of considering the application for inclusion in the new register – 10%;
- ✓ A need to exclude organization members because of civil law agreements concluded with them – 9%;
- ✓ The tax inspectorate refused to include in the new register even though the justice bodies registered the new charter and without providing explanations on what was incorrect – 6%;
- ✓ The tax inspectorate requested additional documents and confirmation to be included in the new register – 5%;
- ✓ The tax inspectorate denied inclusion in the new register because an organization indicated its intention to carry out social business – 4%;
- ✓ No problems occurred – 20%.

On December 21, 2016 the Verkhovna Rada of Ukraine extended the deadline of non-profit status re-registration for six months, until July 1, 2017.

## E-declaration for anti-corruption activists

On March 23, 2017 the Parliament of Ukraine adopted bill №6172, submitted by the President of Ukraine Petro Poroshenko. It envisaged amendments and additions to the Law of Ukraine “On Combating Corruption”. In particular, this legal act clarifies that contracted servicemen and mobilized conscripts were not included in the list of persons obligated to submit e-declaration) are exempt from the obligation to fill electronic declarations. However, during the consideration in the session hall, MP Tetyana Chornovol verbally introduced an amendment which obliges representatives of NGOs working in the field of preventing and combating corruption and all the subjects cooperating with them to submit e-declarations.

<sup>7</sup> See. Why Minister Petrenko should be fired? URL: <http://svsever.lg.ua/index.php?id=1483917762>

<sup>8</sup> See Special project «Get into the new NGO Register on time». URL: <http://www.gurt.org.ua/news/recent/35094>



The obligation to submit e-declarations extends to the individuals who:

*«...receive funds or property within the programs (projects) of technical and other non-repayable aid in the area of corruption prevention and response (either directly or through third parties or in any other way envisaged by the respective program (project)).*

*Systemically, during the year, fulfill works or provide services on the implementation of the standards in the area of anti-corruption policy, monitoring of anti-corruption policy in Ukraine, preparing proposals on shaping and implementation of such policy, if the funding (remuneration) for such works and services is provided directly or through third parties at the expense of technical and other, including non-repayable, aid in the area of corruption prevention and response;*

*Are managers or are included in the higher management body, other bodies of civic associations, other non-entrepreneurship entities carrying out work related to corruption prevention and response, implementation of anti-corruption policy standards, monitoring of anti-corruption policy in Ukraine, preparing proposals of shaping and implementation of such policy and/or participate, are engaged to the activities related to the corruption prevention and response.*

Such legislative provisions create pressure on the associations in order to impede or disable their activities, particularly those aimed at fighting corruption. In addition, the law in its present form contains clear signs of discrimination (unequal treatment) on the basis of occupation.

The provisions of the adopted bill violate the principle of legal certainty. The terminology of the bill does not allow to determine the scope of “technical assistance” term, as well as which projects should be considered as works and services “on the implementation of anti-corruption policy standards, monitoring of anti-corruption policy in Ukraine, drafting proposal, shaping and implementation of this policy”. This uncertainty poses a risk for this law to become a tool for arbitrary and selective application.

In addition, corruption prevention and response is for most NGOs, almost always a component of their work. It is difficult to imagine an organization that would claim to promote corruption through their activities. Therefore, elements of “anti-corruption” can be found in the activities of each organization dedicated to advocating for changes to the legal system.

The law also extends the obligation to submit declarations not only on NGOs but also to subjects who cooperate with them. Moreover, the law is formulated in a manner that is giving way for arbitrary and selective application, actually creating fertile ground for corruption.

The law is drafted in a way to potentially extend to all service providers of anti-corruption NGOs, including vendors of office supplies, IT providers, taxi services, owners of the office and conference premises and more. Under these conditions, all employees of the supplier will be required to submit e-declaration so that the company may provide services to an anti-corruption NGO. Accordingly, obtaining basic services that are currently available to all other companies and institutions will become much more complicated for CSOs.

Finally, the law has a restraining, discouraging impact on civil society in the corruption response area<sup>9</sup>. As engaging in the anti-corruption activities becomes more complicated, this will decrease citizens’ interest in this area. Many small regional initiatives would rather give up fighting corruption than be able to adapt to these discriminatory legal conditions. Considering the major role of civil society organizations in countering corruption it would have an adverse impact on all the citizens of Ukraine.

The law was criticized by Ukrainian and international organizations. The European Union<sup>10</sup>, United States

<sup>9</sup> O. Ravchev. Top-10 drawbacks of e-declaration of “anti-corruption NGOs” // Hromadskyi Prostir. 30.03.2017. URL: <https://www.prostir.ua/?blogs=top-10-vad-e-deklaruvannya-antikoruptsijnyh-hromadskyh-orhanizatsij>

<sup>10</sup> Brussels officially demands to cancel e-declaration for civil society activists. URL: <http://www.eurointegration.com.ua/news/2017/03/25/7063575>

of America<sup>11</sup>, Great Britain<sup>12</sup>, Germany<sup>13</sup>, Freedom House<sup>14</sup>, Transparency International<sup>15</sup>, International Renaissance Foundation<sup>16</sup>, Ukraine Helsinki Human Rights Union<sup>17</sup>, Reanimation Package of Reforms<sup>18</sup> called on President Petro Poroshenko to veto the law.

Despite a wave of criticism, on March 27 the President of Ukraine Petro Poroshenko ratified the amendments to the law "On Combating Corruption". Previously, during a meeting with representatives of civil society organizations Mr. Poroshenko said that he had to sign the bill because of the need to consider the interests of servicemen. The President supported the need to establish a working group including representatives of civil society organizations, the Presidential Administration and MPs to approve amendments to the relevant law.

## FREEDOM OF MOVEMENT

### Hindering the access of foreign HRDs to the Crimea

After the Russian occupation of the Crimea the Verkhovna Rada in 2014 adopted a law "On Ensuring the Rights and Freedoms of Citizens and

Legal Regime of the Temporarily Occupied Territory of Ukraine"<sup>19</sup>, Art. 10 of which provides that accessing the peninsula is possible through the entry and exit checkpoints (i.e. through mainland Ukraine). Additionally, the law stipulated that foreigners and stateless persons were allowed to the Crimea only with special permit, the procedure of obtaining such a permit was approved by the Cabinet of Ministers of Ukraine.

During the year since adoption of this law, till the summer of 2015 such procedure was not designed, therefore, human rights defenders who are not citizens of Ukraine could enter the Crimea without obstacles and not being in breach of Ukrainian laws provided that the entry was made through mainland Ukraine. However, on June 4, 2015 the Resolution of the Cabinet of Ministers of Ukraine No. 367<sup>20</sup> was approved, regulating the procedure of entry to and exit from the temporarily occupied territory of the AR of Crimea. This regulation contained the procedure of issuing special permits on entry to the Crimea for the foreigners and the closed list of categories of foreigners eligible for obtaining such permits from the State Migration Service of Ukraine. This list did not include HRDs and advocates which became a serious barrier for their work in the Crimea. In fact, the Ukrainian government has deprived them of possibility to enter the occupied peninsula and carry out documenting, monitoring and defense of human rights without violating Ukrainian legislation.

The impossibility to enter the Crimea according to the laws of Ukraine was one of the reasons<sup>21</sup> to suspend the operations of the Crimean Field Mission on Human Rights on the peninsula<sup>22</sup> (CFM), the only permanent human right mission which started operating on March 4, 2014. The CFM was an initiative group of Ukrainian and Russian human rights defenders who used to monthly visit the peninsula during a year and a half to document human rights situation and prepare monthly monitoring reviews and topical reports. The last monitoring review of the CFM was published

<sup>11</sup> US Embassy criticized e-declarations for anti-corruption activists. URL: [https://humanrights.org.ua/material/posolstvo\\_ssha\\_zasadulo\\_elektronni\\_deklaracii\\_dljia\\_gromadskih\\_aktivistiv](https://humanrights.org.ua/material/posolstvo_ssha_zasadulo_elektronni_deklaracii_dljia_gromadskih_aktivistiv)

<sup>12</sup> The law on amendment to e-declaration is a step backwards // Ambassador of Great Britain. URL: <http://www.eurointegration.com.ua/news/2017/03/24/7063543>

<sup>13</sup> Auswärtiges Amt zur Anti-Korruptionsgesetzgebung in der Ukraine. URL: <http://www.auswaertiges-amt.de/DE/Infoservice/Presse/Meldungen/2017/170328-UKR.html>

<sup>14</sup> Ukraine: New Restrictions on Anti-Corruption Groups. URL: <https://freedomhouse.org/article/ukraine-new-restrictions-anti-corruption-groups>

<sup>15</sup> Proposed amendments to a law that targets Ukrainian anti-corruption groups must be abolished. URL: [http://www.transparency.org/news/press-release/proposed\\_amendments\\_to\\_a\\_law\\_that\\_targets\\_ukrainian\\_anti\\_corruption\\_groups](http://www.transparency.org/news/press-release/proposed_amendments_to_a_law_that_targets_ukrainian_anti_corruption_groups)

<sup>16</sup> Statement of the International Renaissance Foundation on amendments to anti-corruption laws of Ukraine. URL: [http://www.irf.ua/all-events/news/statement\\_by\\_the\\_international\\_renaissance\\_foundation\\_on\\_the\\_amendments\\_to\\_the\\_anticorruption\\_legislation\\_of\\_ukraine](http://www.irf.ua/all-events/news/statement_by_the_international_renaissance_foundation_on_the_amendments_to_the_anticorruption_legislation_of_ukraine)

<sup>17</sup> Open appeal to the President of Ukraine on the law «On Amending Art. 3 of the Law of Ukraine «On the prevention of Corruption». URL: <https://helsinki.org.ua/appeals/vidkryte-zvernennya-do-prezydenta-ukrajiny-schodo-zakonu-pro-vnesennya-zminy-do-statti-3-zakonu-ukrajiny-pro-zapobihannya-koruptsiji>

<sup>18</sup> The government implements criminal liability for the participants of anti-corruption meeting. We call on the President to prevent authoritarianism! URL: <http://rpr.org.ua/news/vlada-zaprovadzhuje-kryminalnu-vidpovidalnist-dlya-uchasnykiv-mitynhiv-proty-koruptsiji-zaklykajemo-prezydenta-ne-dopustyty-avtorytaryzmu>

<sup>19</sup> The Law of Ukraine «On Ensuring Rights and Freedoms of Citizens and the Legal Regime on Temporarily Occupied Territory of Ukraine». URL: <http://zakon2.rada.gov.ua/laws/show/1207-18>

<sup>20</sup> On approval of the procedure of entry into and exit from the temporarily occupied territory of Ukraine. URL: <http://zakon2.rada.gov.ua/laws/show/367-2015-%D0%BF%paran8#n8>

<sup>21</sup> The Crimean field mission changes its operations format // Radio Freedom. 09.09.2015. URL: <https://www.radiosvoboda.org/a/news/27235526.html>

<sup>22</sup> About the Crimean Field Mission. URL: <http://cfmission.crimea.hr.org/about>

[illegible]



to be the Deputy Head of the Crimean Field Mission on Human Rights and often traveled to the Crimea to document violations. He managed to obtain the first permit after the enactment of the new procedure in the autumn of 2015 which was valid for 90 days. The process of obtaining it also took about three months. In winter 2016 Makarov was denied a new permit. Since then he did not travel to the Crimea anymore. His appeal against the State Migration Service actions was filed to Ukrainian courts but dismissed on November 9, 2016.

Ukrainian human rights defenders also challenged the Resolution of the Cabinet of Ministers No. 367 in court. *"The main arguments in favor of the cancellation of the said procedure are that the Cabinet had exceeded its mandate in adopting this legal act. This act violates the right to freedom of movement and is disproportionate to the intended purpose of intervention"*, considers Roman Martynovskyy, an expert of the Regional Human Rights Center.

The District Administrative Court of Kyiv and the Kyiv Administrative Court of Appeal refused to satisfy the demands of the HRDs and cancel the Resolution of the CMU No. 367. Now the case is pending in the Higher Administrative Court of Ukraine (HACU). In December 2016 the HACU responded to the attorney's enquiry that cassation proceedings are initiated and the case is not considered due to the excessive workload of the court.

To simplify the access of foreign human rights activists and international human rights missions to the Crimea, Ukrainian human rights organizations continue insisting on modification of the existing procedures. In particular, they propose a number of actions:

1. Envisage notification rather than authorization principle of entry of foreign human rights defenders and lawyers in the Crimea. In other words, if a foreign citizen who is a lawyer or human rights defender is not banned from entering Ukraine, they may travel to the Crimea after submitting an additional notice to the government of Ukraine as per the established form. This may be an online system (online form) or system of notices about the purpose of the trip that can be sent online or submitted on a day of crossing the checkpoint (the administrative border with the occupied Crimea).
2. If the notification principle is impossible, it is necessary to develop and work out a system of simplified approvals/recommendations for international human rights missions and human rights defenders/attorneys traveling to the occupied territories with the purpose of monitoring and protecting human rights.
3. Expand the list of grounds for issuing permits to foreigners. For example, the current order contains an exhaustive list of categories of foreigners, not including attorneys, researchers, etc., whose presence in Crimea important to document and highlight the human rights situation. List of reasons should be publicly available and based on the principle that it should set forth exhaustive list of grounds for denying the foreigners' access to the occupied territory rather than the list of individuals allowed to enter.
4. It is necessary to simplify the procedure for submitting notification/obtaining permit for entry to the Crimea, in particular, providing an option to apply not only Ukrainian but in a foreign language (e.g. English) and also allowing to apply through the diplomatic/consular missions of Ukraine abroad and online.

## FREEDOM OF PEACEFUL ASSEMBLY

### Prohibition of Odessa Pride festival

On August 13, 2015 Odesa district Administrative Court prohibited the LGBT activists to hold the March of Equality that was planned in Odessa for August 15. According to the Odessa Pride festival spokesman Kyrylo Bodelan<sup>28</sup>, this decision was based on a claim to the Court by the executive committee of Odesa City Council.

<sup>28</sup> The court prohibits the gays to hold a march in Odesa // Dumskaya. 13.08.2015. URL: <http://dumskaya.net/news/sud-zapretil-geyam-sobiratsya-na-marsh-v-odesse-049201>



*"We stayed in court till 2 a.m. At first they intended to ban all activities of the festival scheduled for August 14-16. They even wanted to forbid the organizers gathering in groups of more than three. But after much debate they only allowed us to hold a march",* Kyrylo Bodelan said.

The Court explained the refusal by the fact that the event poses a threat to the public order in the city. The queer culture festival in Odesa overlapped with the *Shakhtar* and *Dnipro* football match at the Chornomorets stadium, and a vast number of football fans was expected to gather there.

Organizers of the Odessa Pride 2015 canceled the march on August 15. Instead, they decided to hold a series of closed human rights events but had difficulty finding premises for their forum, as the owners denied them a lease at the last minute.

## Prohibition of the Festival of Equality in Lviv

On March 19, 2016 Lviv District Administrative Court banned the holding of public events, including the Festival of Equality, at the square in front of the Opera House on Svoboda Avenue in the city center<sup>29</sup>.

The lawsuit was filed by Lviv City Council on the eve of the action, on March 18, due to security measures as different organizations submitted applications to hold events in one place at the same time. Thus, Insight NGO applied to have a peaceful public event called Festival of Equality, aimed at drawing public attention to the problems associated with all forms of discrimination in Ukraine. However, Sokil Lviv Oblast Youth NGO had applied to hold an action in support of a healthy future of Ukrainian youth, traditional family values and nurturing Ukrainian family traditions.

Lviv City organization of the Svoboda All-Ukrainian Association published a statement<sup>30</sup>,

<sup>29</sup> The court bans LGBT quest in Lviv // UNIAN. 19.03.2016. URL: <https://www.unian.ua/society/1294702-u-lvovi-sud-zaboroniv-provedennya-lgbt-kvestu.html>

<sup>30</sup> Svoboda party members in Lviv oblast require to prevent LGBT street events // Svoboda All-Ukrainian Association. 15.03.2016. URL: <http://lviv.svoboda.org.ua/news/events/00018778>

condemning the intentions of the Insight NGO to hold the Festival of Equality in Lviv on March 19-20 and requested the authorities to prohibit the festival activities.

The organizers of the Equality Festival also reported that on March 15 the administration of the cultural space Museum of Ideas refused to provide premises for the festival because of threats of physical violence and damage to property addressed to the administration of the cultural space and in connection with lack of support from the City Mayor (See. also: attack on Equality Festival in Lviv).

On June 7, 2016 the Lviv Administrative Court of Appeal invalidated<sup>31</sup> the decision of the first instance court to ban the events during the Festival of Equality in Ukraine on March 19, 2016.

## Prohibition of the March of Equality in Odesa

On August 11, 2016 Odesa District Administrative Court prohibited the March of Equality. It was planned within the framework of the Odessa Pride 2016 Festival in August 10-14 in Odesa.

The lawsuit to ban the event was submitted by the executive committee of Odesa City Council after it received a corresponding letter from the National Police Department in Odessa. The Court noted that the decision was taken due to the high probability of confrontation and conflict with a potential for crimes.

The court also banned the outdoor activities of "military-patriotic nature" by the local Automaidan that were planned to be held in the same place on the same day as the LGBT community march.

After the ban the organizers of the March of Equality submitted a second notice of the event. City Council chose not to file another lawsuit to interdict the march. On the morning of August 13 about 60 activists participated in the March

<sup>31</sup> The court determined a number events unlawful, in particular, the Festival of Equality in Lviv // Human Rights Information Center. 08.06.2016. URL: [https://humanrights.org.ua/material/sud\\_viznav\\_nezakonnim\\_zaboronu\\_akcij\\_zokrema\\_festivalju\\_rivnosti\\_u\\_lvovi](https://humanrights.org.ua/material/sud_viznav_nezakonnim_zaboronu_akcij_zokrema_festivalju_rivnosti_u_lvovi)

of Equality. An unsuccessful attempt to start a fight during the march took place, when about 20 young people started running towards the activists from the Tchaikovsky lane. The police detained them.<sup>32</sup>

Participants of the Odesa pride 2016 also informed<sup>33</sup> that Reikartz Hotel denied them a venue for the events, because *"there existed a concealed resolution of the Odesa City Council not to let the LGBT festival participants in any premises"*.

## MURDERS

### Kidnapping and murder of Volodymyr Martsyshevskyy in Kyiv

On June 11, 2014 unknown people in camouflage uniforms kidnapped Volodymyr Martsyshevskyy, a civil society activist, Euromaidan participant and *Kamenyar-info* bulletin journalist, from the Euro-maidan press center in the center of Kyiv.

According to eyewitnesses<sup>34</sup>, Volodymyr Martsyshevskyy was apprehended by camouflaged men who introduced themselves as Right Sector members. However, the Right Sector organization later denied any involvement in the abduction and emphasized that they had good relationships with Martsyshevskyy.

Martsyshevskyy was found severely beaten in the evening of the same day in Kyiv Berezniaky District. The victim had 8 of his ribs broken, his lungs severely damaged.

During interrogation he refused to write statement about the circumstances of injury, citing bad health condition, and noted that he would submit a proper application to the police later. "He was

conscious, but said he did not know who battered him", *Kamenyar-info* editorial board said<sup>35</sup>.

On June 14 Volodymyr Martsyshevskyy died in hospital as a consequence of his injuries.



*Kamenyar-info* editor-in-chief, Kostiantyn Kamenyar said<sup>36</sup> that the assault on Volodymyr Martsyshevskyy might be related to his public activism. *"Most probably that was caused by his active public stance, his journalist work could hardly be the cause. Well, he drafted materials, but I would not say they stirred the public much or interfered with someone's activities... he never had problems related to that"*, he said. According to some sources<sup>37</sup>, he was investigating the operations of an illegal gaming business and on that day he just returned from a clandestine casino.

Vladimir Martsyshevskyy was a civic activist, defender of the Hostynnyi Dvir, a participant of the Orange Revolution, "language Maidan", Revolution of

<sup>32</sup> The March of Equality took place in Odesa: 20 people detained (updated) // Human Rights Information Center, 13.08.2016. URL: [https://humanrights.org.ua/material/v\\_odesi\\_vidbuvsja\\_marsh\\_rivnosti](https://humanrights.org.ua/material/v_odesi_vidbuvsja_marsh_rivnosti)

<sup>33</sup> Odesa court banned holding the LGBT parade // Hromadske. 11.08.2016. URL: <https://hromadske.ua/posts/sud-odesy-zaboronyv-provodyty-lhbt-parad>

<sup>34</sup> Investigation of Volodymyr Martsyshevskyy's death // YouTube. 07.09.2014. URL: [https://www.youtube.com/watch?v=mJBxx0Y\\_Ulc](https://www.youtube.com/watch?v=mJBxx0Y_Ulc)

<sup>35</sup> Journalist Volodymyr Martsyshevskyy kidnapped and battered to death // Telekritika. 16.06.2014. URL: <http://ru.telekritika.ua/profesija/2014-06-16/94758>

<sup>36</sup> Journalist Volodymyr Martsyshevskyy kidnapped and battered to death in Kyiv // Institute of Mass Information. 16.06.2014. URL: <http://imi.org.ua/news/44692-u-kyevi-vikrali-i-vbili-aktivista-i-jurnalista-volodimira-martsyshevskogo.html>

<sup>37</sup> An activist kidnapped right from Maidan: he died of injuries – Vikna-news // Vikna-news, 16.06.2014. URL: <https://www.youtube.com/watch?list=PL8r-7jBSECRODgrv-fF7Dp3yde7HQvhDx4&v=4yD6vXHMx0E>

Dignity of 2013-14, member of the Trade Union of Inventors and Innovators and other NGOs, *Kamenyar-info* journalist. He opposed the illegal real estate construction, defended the Hostynnyi Dvir in Kyiv, fought against gambling and worked on the development of Pryirpinnya local community<sup>38</sup>.

The investigation unit of Pecherskyy District Police Department in Kyiv initiated a criminal investigation into the grievous bodily injuries to Volodymyr Martsyshevskyy causing his death. The case is investigated as a criminal offense defined by part 2 of Art. 121 of the Criminal Code of Ukraine (intentional grievous bodily injury). During the pre-trial investigation the offender was not identified. The investigation is underway.

## Murder of Yuriy Ihnatenko in Kyiv oblast

On March 23, 2015, near Rozhny village in Brovary district of Kyiv oblast, a fisherman found in a hard-to-reach swamp the body of a lawyer Yuriy Ihnatenko, who had disappeared on March 19.

The Bar Council of Kyiv oblast links<sup>39</sup> his murder to his professional activities, since on March 18 he won a property dispute which lasted more than four years. Ihnatenko managed to defend in court the rights of an elderly woman whom the crooks tried to fraudulently deprive of an apartment.

The forensic experts found a spinal injury to be the preliminary cause of death. Yuriy Ihnatenko had been repeatedly struck from behind with a heavy object.

Videos found in surveillance cameras in Boryspil and then on the outskirts of the city show that the lawyer was taken away by car after he met with two men. A witness who saw the beating was also found, as well as Ihnatenko's jacket with sleeves torn off and two car seats with pools of blood.



The investigation identified four perpetrators<sup>40</sup>, who kidnapped and killed the attorney Yuriy Ihnatenko. All the accused are held in detention without the option of a bail.

## Murder of Vitaliy Vashchenko in Kremenets

On May 26, 2016 in Ternopil oblast Vitaliy Vashchenko, a member of the NGO People's Council of Kremenets District and a deputy of Kremenets town council, was killed.

In the evening two unknown persons inflicted injuries on him near his home. Three hours later he died in the intensive care unit of the hospital. Diagnosis states contused wounds of the head, craniocerebral injury, chest polytrauma. A surveillance camera spying over Vashchenko's house was set up prior to the incident.<sup>41</sup>

<sup>38</sup> Activist Volodymyr Martsyshevskyy killed // Pryirpinnya territorial community. 16.06.2014. URL: <http://kotsubynske.com.ua/2014/06/16/%D0%B2%D0%B1%D0%B8%D0%BB%D0%B8-%D0%B0%D0%BA%D1%82%D0%B8%D0%B2%D1%96%D1%81%D1%82%D0%B0-%D0%B2%D0%BE%D0%BB%D0%BE%D0%B4%D0%B8%D0%BC%D0%B8%D1%80%D0%B0-%D0%BC%D0%B0%D1%80%D1%86%D1%96%D1%88%D0%B5%D0%B2>

<sup>39</sup> The bar alarms: an attorney killed because of winning a court case // The Bar Council of Kyiv oblast. URL: <http://radako.com.ua/news/advokatura-bie-na-spoloh-zahisnika-vbili-cherez-vigranu-sudovu-spravu>

<sup>40</sup> The proceeding over a well-known psychiatrist accused of killing an attorney started in Boryspil // Fakty, 27.10.2015. URL: <http://fakty.ua/207747-v-boris-pole-nachalsya-sud-nad-izvestnym-vrachom-psihiatrom-obvinyae-mym-v-ubijstve-advokata>

<sup>41</sup> The killers were spying after a civil society activist Vitaliy Vashchenko for 3 days // Ternograd. URL: <https://ternograd.te.ua/2016/05/%D1%83%D0%B1%D0%B8%D0%B2%D1%86%D1%96-%D1%82%D1%80%D0%B8%D0%B4%D0%BD%D1%96-%D1%81%D1%82%D0%B5%D0%B6%D0%B8%D0%BB%D0%B8-%D1%83-%D0%BA%D1%80%D0%B5%D0%BC%D0%B5%D0%BD%D1%86%D1%96-%D0%B7%D0%B0-%D0%B3%D1%80>





Vitaliy Vaschenko was a prominent activist in Kremenets district, participated in numerous high-profile actions, including public lustration of representatives of judicial and law enforcement corps. He fought against abuse of power by the courts and prosecutor's office, revealed corruption arrangements engineered by the Kremenets town Mayor Oleksiy Kovalchuk, investigated illegal forest logging<sup>42</sup>, as well as issues concerning the misappropriation of funds from the city budget<sup>43</sup>. The NGO People's Council of the Kremenets District accused<sup>44</sup> Kremenets district prosecutor M. Hibsky of persecuting Vitaliy Vaschenko, as the official seemed to have a personal loathing of activists of the People's Council because of their criticism of his activities.

Surveillance cameras captured the attackers' faces. At the scene police found two caps belonging to the criminals. Also two witnesses of crime were found<sup>45</sup>.

<sup>42</sup> A civil society activist killed in Ternopil oblast // Zaxid.Net. 27.05.2016. URL: [http://zaxid.net/news/showNews.do?na\\_ternopilshhini\\_vbili\\_gromadskogo\\_aktivista&objectId=1393067](http://zaxid.net/news/showNews.do?na_ternopilshhini_vbili_gromadskogo_aktivista&objectId=1393067)

<sup>43</sup> N. Berezovych. Civic activist Vitaliy Vashchenko brutally murdered in Kremenets // 01.06.2016. URL: <http://nova.te.ua/statti/u-kremetsi-zhorstoko-vbyly-gromadskogo-aktivista-vitaliya-vashhenka>

<sup>44</sup> The activist who lustrated the judges killed in Kremenets // Mediator. URL: <http://mediator.te.ua/u-kremetsi-vbyly-aktivista-yakyj-lyustruvav-suddiv>

<sup>45</sup> Cameras captured the faces of offenders who killed Vitaliy Vashchenko // Halas. 31.05.2016. URL: <https://galas.te.ua/2016/05/%D0%B2%D1%96%D0%B4%D0%B5%D0%BE%D0%BA%D0%B0%D0%BC%D0%B5%D1%80%D0%B8-%D0%B7%D0%B0%D1%84%D1%96%D0%BA%D1%81%D1%83%D0%B2%D0%B0%D0%BB%D0%B8-%D0%BE%D0%B1%D0%B%D0%B8%D1%87%D1%87%D1%8F-%D0%BD%D0%B0%D0%BF>

Investigators developed different versions of the crime, including social and political activities of the victim. Four suspects in the case were identified as organizers and actual perpetrators of the murder<sup>46</sup>. They all had previous convictions<sup>47</sup> and traveled to the location specially to fulfill the job. The suspects are in temporary detention facility. Criminal proceedings under Part. 2, Art. 121 of the article envisages imprisonment for 7 to 10 years. The panel of judges of Zboriv district court of Ternopil oblast is considering the case.

However, the mastermind of the crime was not identified. A separate investigation was initiated to find this person, but with no result until now.

## THREATS AND PHYSICAL VIOLENCE, PROPERTY DAMAGE

LGBT community,  
feminists

### ASSAULT ON THE MARCH OF EQUALITY IN KYIV

On June 6, 2015 an attack occurred on the March of Equality "Kyiv Pride 2015"<sup>48</sup>, held in Obolonska Quay in Kyiv. A group of far-right radicals broke into the venue of the procession and tried to dispel it. The attackers hurled smoke bombs and improvised explosive devices at the procession participants. 10 people and 5 police officers were injured, one of them was in serious condition. A shard of improvised explosive device pierced the officer's neck.

<sup>46</sup> The court proceedings on those who killed Vitaliy Vashchenko were held yesterday // Nova Ternopilska hazeta. 15.12.2016. URL: <http://nova.te.ua/statti/uchora-vidbuvsya-sud-nad-vbyvtsyamy-kremenetskogo-aktivista-vitaliya-vashhenka-foto>

<sup>47</sup> Murderers of Vitaliy Vashchenko were paid UAH 500 each // Za Zbruchem. 08.06.2016. URL: <http://zz.te.ua/vbyvtsyam-vitaliya-vaschenka-zaplatyly-za-robotu-po-500-hryven>

<sup>48</sup> March of Equality 2015: brutal attack on activists // Human Rights Information Center. 06.06.2016. URL: [https://humanrights.org.ua/material/marsh\\_rivnosti\\_2015\\_zhorstokij\\_napad\\_na\\_aktivistiv](https://humanrights.org.ua/material/marsh_rivnosti_2015_zhorstokij_napad_na_aktivistiv)





The same evening the so-called “Safari” was launched (i.e., chasing and attacking LGBT activists). During the evening “hunt”, aggressive young men attacked and inflicted injuries on nine activists<sup>49</sup>. They had minor injuries (head trauma, concussion, broken nose, split lip, bruise under his eye, back injury, etc.). Among the victims were activists Zakhar Popovych, Vitaliy Dudin and Nick Starkov.

On July 5, 2015 several organizers of the March of Equality started receiving SMS with threats<sup>50</sup>. The

<sup>49</sup> Nine LGBT activists injured after attacks on the March of Equality // Human Rights Information Center. 10.06.2015. URL: [https://humanrights.org.ua/material/devjat\\_lgbtaktivistiv\\_postrazhdali\\_vid\\_napadiv\\_pislja\\_marshu\\_rivnosti](https://humanrights.org.ua/material/devjat_lgbtaktivistiv_postrazhdali_vid_napadiv_pislja_marshu_rivnosti)

<sup>50</sup> Amnesty International says about SMS threats to the March of Equality organizers // 112 channel. 16.09.2015. URL: <http://ua.112.ua/suspilstvo/v-amnesty-international-zaiavliaut-pro-pohrozy-orhanizatoram-marshu-rivnosti-shcho-vidbuvsia-v-stolytsi-v-cherвні-258568.html>

threat read as follows: “You, fag-organizer, do not think we forgot about you. We have more important things to do. But we will get you in a right time, just wait”.

In connection with these threats on July 7, 2015 the Chairman of the Fulcrum All-Ukrainian Charitable Organization, Bohdan Globa, and other activists filed a statement of criminal offense against the LGBT activists and the participants of the March of Equality-2015. The criminal case was initiated, but no investigation was made, and the persons who sent the threats were not identified.

### ATTACK ON QUEER HOME KRIVBAS OFFICE IN KRYVVI RIH

On August 30, 2015 a group of about dozen persons attacked<sup>51</sup> the office of a civic LGBT organization Queer Home Krivbas in Kryvyi Rih. Shouting out homophobic slogans like “Faggots must die!”, they crushed everything at hand, including furniture and equipment, and threw smoke bombs in the premises.

Several volunteers of the organization who were in the room at that time, suffered injuries of varying severity, and one of them was admitted to the hospital. Activists calculated the material damage caused by the attack to amount to about UAH 4,000.

### ASSAULTS ON NICK CARTER IN KYIV

On September 14, 2015 at 22:00 in Kyiv four unknown men severely beat LGBT activist Nick Carter and his friend<sup>52</sup>. The incident occurred at the exit of the supermarket near the Obolon metro station. While beating the activist, the attackers referred to his sexual orientation. Nick Carter had injuries to his face and his friend had a concussion. In addition, the attackers stole his friend’s personal items and money.

According to the activist, he called the police immediately after the attack. The police accepted a written statement and called the ambulance vehicle which brought the victims to the hospital.

<sup>51</sup> Queer Home Krivbas attacked // Gay Alliance Ukraine. 30.08.2015. URL: [http://upogau.org/ru/inform/uanews/uanews\\_2680.html](http://upogau.org/ru/inform/uanews/uanews_2680.html)

<sup>52</sup> Human rights defender standing for gay people beaten in Kyiv // Human Rights Information Center. 29.09.2015. URL: [https://humanrights.org.ua/material/u\\_kijevi\\_pobili\\_pravozahisnika\\_shho\\_vistupaje\\_na\\_zahist\\_gejiv](https://humanrights.org.ua/material/u_kijevi_pobili_pravozahisnika_shho_vistupaje_na_zahist_gejiv)

For several months after the attack Carter regularly received threats from unknown people. Two days after the attack of September 16, 2015, the police told Carter that his statement was lost and he had to visit the police station once more to submit a new one.



The next attack on Nick Carter occurred<sup>53</sup> on March 15, 2016. At 7 a.m. Nick Carter went with a friend to the Silpo supermarket in Sviatoshynskiy district. They were assaulted in the underpass near the supermarket. Carter managed to escape from the attackers and call the police which arrived fairly quickly. Law enforcement officers caught the attackers and arrested them.

However, according to Nick Carter, the criminal case was closed and he was not even recognized as a victim. The activist's attorney challenged the actions of law enforcement officers to the prosecutor's office, but to no avail.

Nick Carter is an activist living in Kyiv and openly defending LGBT rights. He participates in Ukrainian TV programs and highlights the LGBT persecution in Ukraine. He also participated in demonstrations in support of the LGBT community, including the March of Equality in June 2015. Previously Carter used to be an activist of the Love against Homosexuality movement hostile to LGBT rights, but realized that homosexuality is an innate human trait, and converted to the LGBT rights protection.

#### ASSAULT ON KYRYLO BODELAN IN ODESA

On October 27, 2015 in the evening, around 23:00, Kyrylo Bodelan, volunteer of Odessa Queer Home, press-secretary of the Odessa Pride 2015 organization committee was attacked.



Kyrylo Bodelan was standing at the bus station at Vodoprovodna Street, when he felt a blow from behind hitting his backpack. Turning around, he got hit in the face, but managed to remain standing and started defending himself. There were three attackers, all aged 20-25.

*"They yelled that they had a tip-off at me, they know who I am and what I am doing", Kyrylo Bodelan*

<sup>53</sup> LGBT activist attacked in Kyiv // Human Rights Information Center. 15.03.2016. URL: [https://humanrights.org.ua/material/u\\_kijevi\\_napali\\_na\\_lgbtaktivista](https://humanrights.org.ua/material/u_kijevi_napali_na_lgbtaktivista)



told<sup>54</sup>. Moreover, the attackers claimed to belong to the radical right organization the Right Sector.

Understanding that Bodelan was going to offer resistance, they fled.

The activist got away with minor injuries, a split lip and several bruises.

He applied to the police department of Primorskyi district of Odessa. The police officers on duty were reluctant to accept the application, arguing that nothing special happened, it was an ordinary street brawl and there was no evidence as to who initiated it; they claimed that Kyrylo's face injuries were supposedly not visible. The officers urged him neither to report his sphere of activity, nor to cite homophobia as a motive behind the attack. After a while, Kyrylo Bodelan received a referral for medical examination. The document was not stamped and did not indicate the registration number according to the procedure.

### ASSAULTS ON ACTIVISTS OF THE FEMINIST MARCH IN KYIV (2016)

On March 8, 2016, after the feminist march dedicated to March 8, a group of youths attacked<sup>55</sup> two participants of the event, Vadym Anikiyenko and Artem Nikolenko, in Drova fast-food near the Golden Gate metro station in Kyiv.



According to<sup>56</sup> one of the victims Artem Nikolenko, the attackers asked whether the activists at-

tended the march and whether they support the feminists. After an affirmative response they started fighting and sprayed irritant gas in the activists' faces.

Upon the attack a statement was submitted to the police to open criminal proceedings and hold the perpetrators responsible. However, there was no effective investigation.

*"We appealed to the police about the attack and attempted theft of property by the right-wing radicals, provided testimony, compiled statement of crime, but it was to no avail. Then within a month I was trying to contact the police and find information on the case, but nobody provided it. The only thing I learned was that the materials were transferred to a district inspector",* Artem Nikolenko said to the Human Rights Information Center.

He added that he later tried to clarify the situation of this case several times, but no one could provide any information and the police contacted neither him nor his friend.

There is also information about another attack on the march participant, an activist of the Autonomous Union of Workers anarchist organization. As indicated at the organization's website<sup>57</sup>, shortly before the start of feminist march an activist of AUW-Kyiv was attacked by two far-rightists, one of which was identified as the head of the Azov Civil Corps, Serhiy Filimonov.

### ATTACK ON THE FESTIVAL OF EQUALITY IN LVIV

On March 19, 2016, unknown young men in sports clothes and balaclavas blocked the participants of the Festival of Equality in the Lviv Dnister Hotel.

According to the organizer of the festival, head of the Insight NGO Olena Shevchenko, about 200 far-right violent young men gathered near the hotel, and later, during the evacuation of the festival participants, they started throwing stones and firecrackers at them.

<sup>54</sup> Odesa Queer Home volunteer attacked // Gay Alliance Ukraine. 28.10.2015. URL: [http://upogau.org/ru/inform/uanews/uanews\\_2968.html](http://upogau.org/ru/inform/uanews/uanews_2968.html)

<sup>55</sup> On attack on the march participants on March 08, after the procession // Social movement. URL: <http://rev.org.ua/na-uchasnikiv-marshu-za-prava-zhink-napala-grupa-ekstremistiv>

<sup>56</sup> The post by Artem Nikolenko attacked by radical on his FB page. URL: <https://www.facebook.com/artem.nikolenko.79/posts/1777595839128314>

<sup>57</sup> Assault of ultra-rights on the AUW activist // Autonomous Union of Workers. 09.03.2016. URL: <http://avtonomia.net/2016/03/09/napad-ultrapravih-na-aktivista-ast-kiyiv>



At the time the activists were still in the hotel building, a “bomb threat” report was received. After the evacuation of participants from the *Dnister* hotel the police arrived, examined the premises and surrounding area, but no explosive devices were found.

Also, the police did not detain people who threw stones at buses, but only had a “preventive conversation” with them.

The festival participants had to leave the city because of the threat to their life and health.

Lviv Mayor Andriy Sadovyy called<sup>58</sup> the attack on the LGBT activists during the March of Equality “a consequence of a well-plotted operation to discredit the city and Ukraine.” According to Sadovyy, a court prohibition of the Festival of Equality was appropriate.

The attacked activists filed a lawsuit, but the police refused to accept statements from victims. The only criminal proceedings opened were about the

false bomb threat in the hotel. According to Lviv police, no people were beaten and no cars damaged, although witnesses’ photos prove the contrary: during this clash under the hotel several people were injured and several cars damaged.

### BREAK-OFF OF LGBT FILM SHOWING IN CHERNIVTSI

On October 18, 2016 at the Bunker Contemporary Art Center in Chernivtsi during the showing of the documentary film “This is gay propaganda”, about Euromaidan and war events in the context of LGBT, unknown people with Right Sector and Azov battalion insignia disrupted the show.

One of the attackers said he would not allow such shows, because “no representatives of LGBT were among Maidan activists or the military”. He added that if the show organizers decide to have one more LGBT event, they “will be smothered to death here”.

The event was attended by Chernivtsi patrol police officers. They did not restrain youths at the entrance to the room, citing the fact that the show was announced as open. There was a clash between these masked young people and the spectators who came to see the film.

Acting Chief of Chernivtsi patrol police Pavlo Seme-niuk admitted that in this situation the patrol police failed to properly respond. “But we must understand that there were 40-50 men in the room and only about 10 patrol officers. And I’m not ready to say how the situation would develop if we started detaining them. So far we had no experience of responding to such events and we were not prepared”, he said.

According to the director of the NGO Insight, Olena Shevchenko, the police did nothing to stop the offense. Another LGBT activist, Kristina Bahur, in response to a police officer’s comment demonstrated a video showing a radical blocking the projector, while police officers did not react. In another video fragment one of the representatives of the aggressive young men says something to a patrol officer and they let several more masked people in the room.

Organizers of the show called on the police to “promptly and effectively investigate threats against

<sup>58</sup> Sadovyy: «Attack on the Festival of Equality was plotted» // Vysokyy zamok. 20.03.2016. URL: <http://wz.lviv.ua/ukraine/164438-u-lvovi-zablokuvaly-uchasnykiv-lhbt-festyvaliu>



*civil society activists and activists who support LGBTQI movement in Ukraine”.*

Later, two men who had come to watch the film (a Chernivtsi resident and a German citizen), were attacked and beaten by unknown masked persons who were tracking the men on their way back from the Bunker Art Center<sup>59</sup>. The victims refused to submit statements to the police<sup>60</sup>.

### BREAK-OFF OF A FILM SHOWING ABOUT THE MARCH OF EQUALITY IN KREMENCHUK

On November 4, 2016 radical young people broke off Oksana Piddubna's film show "March of dialogue", which was held in Kremenchuk within Docudays.UA cinema club.



About 15 representatives of Azov corps came to the club, some of them wearing scarves on their faces, and started screaming that they will not tolerate "homodictatorship" in Kremenchuk and that "most of the city residents are Christians and they do not need this".

According to Alyona Glazkova<sup>61</sup>, an activist and project manager in the NGO European Club, one of the participants stuck a banner about family values on the club wall, while the other stole the LGBT flag.

According to event organizers, the police did not interfere with Azov members' actions and commented: *"People just expressed their stance, there is no crime."*

### THREATS TO THE ORGANIZERS OF THE MARCH OF EQUALITY IN KYIV

On November 15, 2016 at about 6 p.m. a number of civil society activists and the activists who organized or supported the March of Equality were threatened<sup>62</sup> by a group of people who called themselves members of the National Resistance. The threats were addressed to Svyatoslav Sheremet, Mariya Berlinska, Olena Shevchenko, Inna Sovsun, Iryna Slavinska, Zoryan Kis and others. The threats were also sent through private messages.

In addition, on 15 November members of the same group damaged social advertising dedicated to the topic of mutual understanding between parents and their LGBTQI children, which was posted in the metro. *"Today we have removed your advertising, and tomorrow will come to you,"* a post said that was later deleted from the page.

Five months before, on June 12, 2016 in Kyiv the KyivPride March of Equality had taken place. Amnesty International appreciated the efficient cooperation of the National Police of Ukraine and Kyiv City State Administration with the procession organizers, and noted that adequate protection was ensured during the event.

### ATTACK ON IVAN PANOV IN KOROSTYSHIV

On December 23, 2016 around 23:00 in Korostyshiv town of Zhytomyr oblast two strangers attacked LGBT activist Ivan Panov. Knocking him to the ground, the attackers started kicking the guy.

*"When I was heading home from the store, I was approached by two young men. First, they asked about my orientation. Then one of them pushed me, I fell on the road and they started beating me. However, a car that was passing by scared the attackers and they fled. But they were determined, and if that car*

<sup>59</sup> Masked people attacked two spectators of a film about LGBT in the center of Chernivtsi // Molodyy bukovynets. 18.10.2016. URL: [http://molbuk.ua/chernovtsy\\_news/117082-osoby-v-maskakh-u-centri-chernivciv-napaly-na-dvokh-glyadachiv-filmu-pro-lgbt.html](http://molbuk.ua/chernovtsy_news/117082-osoby-v-maskakh-u-centri-chernivciv-napaly-na-dvokh-glyadachiv-filmu-pro-lgbt.html)

<sup>60</sup> In Chernivtsi people with Azov chevrons disrupted the LGBT show, – vide // Hromadske radio. 18.10.2016. URL: <https://hromadskeradio.org/news/2016/10/18/v-chernivcyah-lyudy-z-shevronamy-azovu-zirvaly-pokaz-filmu-pro-lgbt-video>

<sup>61</sup> In Kremenchuk Azov disrupted an LGBT film show // Center of Information o Human Rights. 07.11.2016. URL: [https://humanrights.org.ua/material/u\\_kremenchuku\\_azov\\_zirvav\\_pokaz\\_filmu\\_pro\\_marsh\\_rivnosti](https://humanrights.org.ua/material/u_kremenchuku_azov_zirvav_pokaz_filmu_pro_marsh_rivnosti)

<sup>62</sup> Statement: National Police should immediately and efficiently investigate the threats to the civic activists supporting the LGBTQI movement in Ukraine // Amnesty International. 16.11.2016. URL: <http://amnesty.org.ua/nws/natsionalna-politsiya-povinna-rozsliduvati-pogrozi>

was not there, I do not know how would the incident would have ended”, Panov said<sup>63</sup>.



Immediately after the beating, Panov called the police and together with the police officers who arrived headed to Korostyshiv District Department of the Ministry of Interior in Zhytomyr oblast, where he submitted a statement. After reading the document the police demanded to rewrite it and remove the explanation of the attack motive: “They said: *“Do not be a nuisance, write that an altercation happened, and they just beat you in an ordinary brawl”*”.

Panov did not rewrite the statement, referring to the fact that he has a right to include all details he finds appropriate. As a result, the police pretended to accept the application, but refused to issue its registration number to the victim.

Ignoring the fact that the activist had visible traces of beating in the form of bruising all over his

body, the referral to forensic medical examination was not issued. Panov applied to the district hospital on his own, but there he was told that a local doctor is not authorized to provide an opinion and Panov had to go to the oblast hospital.

On December 26 the activist visited the Chief of Korostyshiv police, but the latter did not care about the incident: “*You’re alive, they did not kill or cut you, you have no grievous bodily injuries. If you can walk, then go away and do not bother me!*”.

But the activist decided to continue seeking justice. Panov has prepared a new application which he sent to the police by mail, and appealed to the prosecutor’s office with a complaint against police inaction, but a criminal case was not opened.

### ATTACK AT THE FEMINIST MARCH IN KYIV (2017)

In early March 2017 the organizers of the Feminist March, planned in Kyiv for March 8 under the slogan “No to violence of all formats – from maternity clinics to military commissariats!”, started receiving threats via social networks<sup>64</sup>.



These threats were systematic. In particular, in the Vkontakte social media group of Zentropa Ukraine the following invocation appeared: “*...the scums who want to go marching across our capital is appearing at the streets again. Feminists, homosexuals, leftists who like to attack the right-wing supporters, as well as libtards and all those queer-inter-posthu-*

<sup>63</sup> A LGBT activist beaten in Korostyshiv. The police laugh: «Not beaten enough» // gay Alliance Ukraine. 27.12.2016. URL: [http://upogau.org/ru/inform/uanews/uanews\\_7475.html](http://upogau.org/ru/inform/uanews/uanews_7475.html)

<sup>64</sup> Organizers of Feminist March of March 08 claim to have been threatened // Human Rights Information Center. 07.03.2017. URL: [https://humanrights.org.ua/material/organizatorki\\_feministichnogo\\_marshu\\_8\\_bereznja\\_zajavljajut\\_pro\\_pogrozi](https://humanrights.org.ua/material/organizatorki_feministichnogo_marshu_8_bereznja_zajavljajut_pro_pogrozi)



*man-crap-sexuals, all this will spoil our air with their filthy slogans and banners... We call upon all*

The organizers issued a statement about threats of physical violence against march participants and individual organizers, calls to attack them, insults and derogatory comments. They warned the national police of a possible provocation.

On the day of the procession at Khreschatyk Street in Kyiv several unknown people tried to pour yogurt and brilliant green<sup>65</sup> at procession participants. Police detained four students suspected of assaulting a member of the feminist march. They were taken to the Shevchenkivsky district police department in Kyiv where an administrative protocol under Art. 175 of the Code of Ukraine on Administrative Offenses (disorderly conduct)<sup>66</sup> was drafted with regard to the detainees. The article envisages a monetary penalty for an amount to be determined by the court.

Feminist march took place as a protest action against institutional violence against women. The walk was under slogans demanding respect for human rights and calling against gender discrimination. Among others, representatives of Amnesty International joined the action. The demonstrators required ratification of the Council of Europe Convention on preventing violence against women and domestic violence by the Parliament and an effective response to such violence.

### ATTACK ON THE GENDER EQUALITY EVENT IN UZHGOROD

On March 8, 2017 in Uzhgorod members of the Carpathian Sich nationalist movement attacked an event for women's rights and against violence.

Activists gathered at the Theater Square with posters about women's rights. The demonstrators also demanded to ratify the Council of Europe Convention on preventing domestic violence (Istanbul Convention). The women hardly managed to unfurl the posters when a group of young men ran into them, tearing the posters out of their hands and destroying them. Carpathian Sich members

and its leader Taras Deyak were distinguished among the attackers.

*"We called the police, it finally arrived. No one was arrested, but the attackers retreated. When women began to prepare posters for the second time, guys started plucking them out of our hands again", Yaryna Denysyuk, an event participant, told<sup>67</sup>.*

She said the leader of the Carpathian Sich, Taras Deyak explained the actions of his group by stating that *"it protects the rights of LGBT people, not women"*, and said women with those posters should know their place at the kitchen stove.

The activists did not give up and continued the action.

## Activists opposing corruption and organized crime

### ASSAULT ON OLEKSANDR KULIBABCHUK IN BUCHA

On July 23, 2015 at night several unknown men severely beat Oleksandr Kulibabchuk, the Chairman of the Rich Town Association of condominium co-owners (ACCO), an activist from Bucha city near Kyiv. Together with other activists, he had uncovered<sup>68</sup> cases of corruption, embezzlement of public funds and lands by local authorities, as well as opposed illegal forest logging and new developments.

The attack occurred two hours after the Schemes investigative program of Radio Liberty and the First Public TV Channel, which featured Volodymyr Karpolyuk, Mayor of the a neighboring town of Irpin Kulibabchuk's family helped Schemes to disclose fraudulent arrangements of the mayor who was suspected of tax evasion related to the sale of real estate.

<sup>65</sup> A clash occurred in Kyiv during the march for women's rights // Tyzhden. 08.03.2017. URL: <http://tyzhden.ua/News/187136>

<sup>66</sup> The police told about the assault on the feminist march participants in Kyiv // Tyzhden. 08.03.2017. URL: <http://tyzhden.ua/News/187152>

<sup>67</sup> Radical right movement members disrupted the action for the support of women's rights and Istanbul Convention ratification in Uzhgorod. // Zaholovok. 08.03.2017. URL: <http://zaholovok.com.ua/pravoradikali-v-uzhgorodi-zirvali-aktsiyu-na-pidtrimku-prav-zhinok-ta-za-ratifikatsiyu-stambulskoj>

<sup>68</sup> I, the beaten Oleksandr Kulibabchuk, appeal to everybody // Pryirpinnya Local Community. 15.08.2015. URL: <http://kotsubynske.com.ua/2015/08/15/ya-pobytyj-oleksandr-kulibabchuk-zvertayusya-do-vsih>





Unknown men tracked Oleksandr Kulibabchuk near his house in the Rich Town residential complex in Bucha. They battered the man to unconsciousness, then Kulibabchuk was taken to hospital with head injuries. The attackers did not take his phone, wallet or money.

The wife of the victim, Nataliya Rostova, linked the attack with the airing of the Schemes story in which journalists claimed that the tax service might check the property status of Irpin Mayor Karplyuk. But the story was not the only reason behind the assault, according to the couple<sup>69</sup>. Oleksandr Kulibabchuk disclosed that Volodymyr Karplyuk illegally appropriated the cellars of the Rich Town residential complex. According to the documents, they belonged to the Mayor of Irpin, however, these premises had to legally belong to all residents because all utility and supply infrastructure of the building is located there.

*"The attack on me, I think, was associated with the arrival of athletes who tried to seize the basement. It was an obvious menace which I neglected. And so they decided to close this issue in such a way,"* Kulibabchuk said.

Proceedings under Art. 125 of the Criminal Code of Ukraine (intentional minor bodily injury) was initiated regarding the incident. During the investigation Kulibabchuk submitted a request to consolidate the case materials with another incident of an attack on the ACCO office where he worked, as the facts showed the connection between

the assault motives and perpetrators. However, during the investigation the persons expressing verbal threats of physical violence that preceded the beating were not questioned. The victim suspects that a man named Viktor and a group of athletes under his control, colleagues of the Mayor of Irpin, organized the beating. Until now, the beating the Irpin National Police Department has not questioned any suspects yet, the case was not transferred to the court and was pending in the Main Department of the National Police in Kyiv oblast.

### ARSON OF SERHIY KHNYKIN'S GARAGE IN MARHANETS

On the night of September 25, 2016 in Marhanets city of Dnipropetrovsk oblast unidentified persons burned the garage of the activist and head of the local Stop Corruption movement branch, Serhiy Khnykin. His Lada 2106 vehicle was burnt too.



Khnykin together with other Stop Corruption activists carried out anti-corruption activities in the city and openly struggled with the lawlessness among local officials.

<sup>69</sup> A crowbar against activists – who will win and who will fall – «Schemes» // Radio Liberty. 31.07.2015. URL: <http://www.radiosvoboda.org/a/27161681.html>

**ATTACK ON ROMAN LYKHACHOV  
IN KHARKIV**

On October 13, 2016 in the premises of the Kharkov Regional Institute of the Academy of Public Administration under the President of Ukraine, attorney Roman Lykhachov<sup>70</sup>, the Chairman of the Chuhuyiv Human Rights Group, was beaten. Chuhuyiv Human Rights Group operates in Kharkiv oblast and is associated with Ukrainian Helsinki Human Rights Union.



Roman Lykhachov participated in the information session “Combating corruption in Kharkiv region”. One of the attendees asked him to go out for a moment to tell “something important”.

*“When I came out, five people surrounded me, blocking the possibility to retreat. Then I got hit in the face with something heavy, probably brass knuckles, and fell to the floor”,* Roman Lykhachov describes. He thinks the beating was ordered, because it was filmed on camera.

The victim links<sup>71</sup> the attack to his anti-corruption activities, including a press conference held in Kharkiv a few days before the incident, on October 10, at which representatives of Chuhuyiv Human Rights Group and the Network of Anti-Corruption Centers unveiled that deputies of Kharkiv oblast local councils vote for the allocation of land and money in their own favour.

He said the attackers told him during the assault: *“We warn you to cease participation in court proceedings, everybody is sick and tired of your anti-corruption activities. We will find you and your family anywhere”.*

Human rights activist said that immediately after the beating he called the police, but he managed to reach it by phone only in 30 minutes, while the attackers remained on the territory of the academy. Perpetrators were not detained, and the statement of crime was accepted after a delay.

The case is under investigation. The attackers are identified, forensic examinations are underway.

**ATTACK ON LESYA PETRYK-YELNYKOVA  
IN KOTSIUBYNSKE**

In the evening of October 31, 2016 in Kotsiubynske village near Kyiv, unidentified persons attacked the Kotsiubynske village Mayor Olha Matiushina and activist Lesya Petryk-Yelnykova, Deputy Head of the Bilychi Housing and Utility Department. As result, Lesya Petryk-Yelnykova had a concussion and numerous bruises.

Lesya Petryk-Yelnykova was one of the activists revealing facts of corruption of local officials and representatives of the “New Faces” party. The party members used to threaten her.

*“They were returning from the event after discussing utility tariffs in the Arts and Culture Hall of Kotsiubynsky village, where the local council deputy from the New Faces, Liudmila Uzerchuk, said that Lesya Petryk-Yelnykova deserves a thrash for what she wrote in social media”,* the journalist Iryna Fedoriv said<sup>72</sup>.

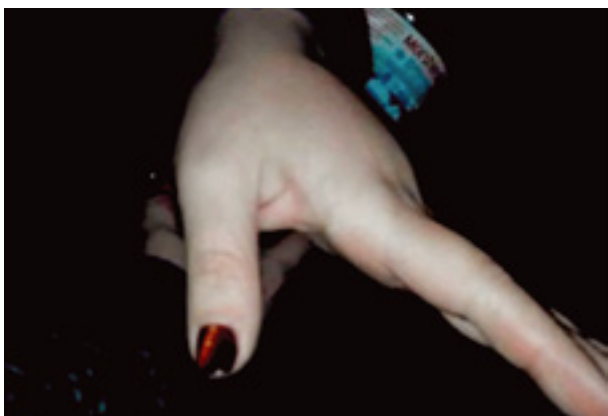
According to Lesya Petryk-Yelnykova, she returned home with the village Mayor. Suddenly, two strangers attacked them from behind. Olha Matyushina managed to run away. She began to scream and call for help. At this time Lesya Petryk-Yelnykova was knocked to the ground and kicked in the head, arms and body.

<sup>70</sup> Human rights defender Roman Lykhachov beaten in Kharkiv // Human Rights Information Center. 14.10.2016. URL: [https://humanrights.org.ua/material/u\\_kharkovi\\_pobili\\_pravozahisnika\\_romana\\_lihachova](https://humanrights.org.ua/material/u_kharkovi_pobili_pravozahisnika_romana_lihachova)

<sup>71</sup> Human rights defender Roman Lykhachov assaulted in Kharkiv // Kharkiv Human Rights Group, 16.10.2016. URL: <http://khpg.org/index.php?id=1476638231>

<sup>72</sup> I. Fedoriv. I accuse Avakov as accomplice: assault on the Kotsiubynske town mayor // Ukrainska Pravda. 31.10.2016. URL: <http://blogs.pravda.com.ua/authors/fedoriv/581795a503272>





Once local people came running, the strangers hopped in the car and drove off, the witnesses remembered its plate number.

The local community suspects that the regional police are covering these intimidation actions against activists. None of the numerous attacks on activists were successfully investigated despite the appeals of the local community and deputies to the National Police.

#### ATTACK AGAINST OLEKSANDR NIKOLAYCHUK IN OLEVSK

On July 10, 2015 in Olevsk, a town in Zhytomyr oblast, Oleksandr Nikolaychuk, a civic activist, deputy to Olevsk town council and journalist of the Olevsk information portal, was severely beaten by unidentified persons; Nikolaychuk fought against illegal amber extraction and “amber mafia” in Zhytomyr, and corruption schemes and environmental damages associated with this.

*“Sasha, as it often happens in small towns, was a man of versatile roles – a journalist, and environ-*

*mental rights defender and fighter against corruption, and represented the community interests”, Oleksandra Matviychuk, the head of the Center for Civil Liberties, said<sup>73</sup>.*



The attack occurred after he returned from an advisory meeting to curb illegal amber extraction. A car approached him; three men in tracksuits jumped out and started beating the activist with iron sticks.

Oleksandr Nikolaichuk suggests that they were determined to kill him. *“They were hitting me right in the head with iron sticks and finished off by kicks. When I realized that another two strikes will kill me, the blood was filling my throat and I was choking, I managed to climb on my feet and started running toward the houses. They seemed surprised. Perhaps they did not expect that after these blows I could get on my feet. I tried to protect my head with my arms, I caught a blow and my arm broke”.*

<sup>73</sup> Unidentified persons have beaten a civic activist and journalist who revealed illegal amber extraction // Human Rights Information Center. 12.07.2015. URL: [https://humanrights.org.ua/material/nevidomi\\_pobili\\_gromadskogo\\_dijacha\\_ta\\_zhurnalista\\_jakij\\_pisav\\_pro\\_nezakonnij\\_vidobutok\\_burshtinu](https://humanrights.org.ua/material/nevidomi_pobili_gromadskogo_dijacha_ta_zhurnalista_jakij_pisav_pro_nezakonnij_vidobutok_burshtinu)



According to Nikolaychuk, only publication in the media helped pushing at least some investigation forwards. After his brutal beating, police found several hired thugs and all of them were allowed to get released on bail. Despite ongoing trial, the masterminds were not identified.

In recent years in the north of Zhytomyr and Rivne oblast, the illegal amber extraction business has flourished. This is hardly the first report on the violence caused by the illegal extraction of amber.

### SERIES OF ASSAULTS ON VIKTOR BARKHOLENKO IN BUCHA

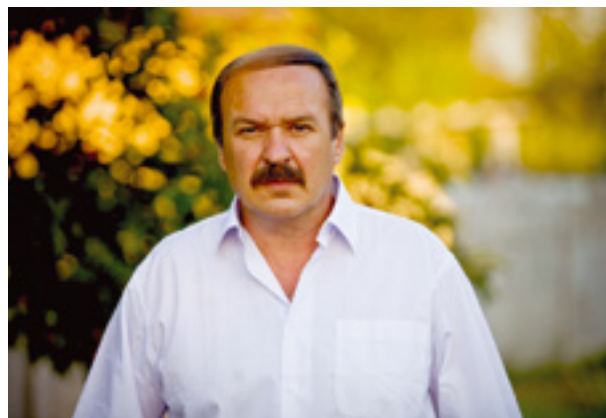
On the night of January 24, 2015, in Bucha village near Kyiv unidentified persons smashed windows<sup>74</sup> of the house of local activist and former deputy of Bucha city council Viktor Barkholenko, who during the past decade has been actively combating the illegal reallocation of land plots and forest logging in Pryirpinnya. Barkholenko participated in and organized many actions aimed at forest area protection and safeguarding it from destruction caused by real estate development plans.

The victim claims that the incident occurred roughly between one and four o'clock in the morning. Several bricks shattered the glass of three windows, some of them damaged the window frame. The assault happened after the visit of Radio Liberty's Oleksandr Chornovalov, working in the Schemes program aired at the First National Channel, focused on anti-corruption investigation involving high officials. Barkholenko helped the journalist to prepare a story when the Bucha council illegally re-categorized the forest as "woody vegetation" and logged it.

It was not the first attack on Viktor Barkholenko: a few months prior to this incident strangers posing as journalists, pretended to invite the activist for an interview and poured brilliant green on him<sup>75</sup>.

Another attack on Barkholenko was committed<sup>76</sup> in 2008, when on October 30 two unidentified persons assaulted him, battering him with sticks<sup>77</sup>.

Next, the fourth attack, occurred in six months. At night from 8 to 9 August 2015 some unknown persons broke into the house of Barkholenko.



<sup>74</sup> They try to frighten us: another attack on Barkholenko // Pryirpinnya Local Community. 24.01.2015. URL: <http://kotsubynske.com.ua/2015/01/24/%D0%B7%D0%B0%D0%BB%D1%8F%D0%BA%D1%83%D1%8E%D1%82%D1%8C-%D0%B0%D0%BA%D1%82%D0%B8%D0%B2%D1%96%D1%81%D1%82%D1%96%D0%B2-%D1%87%D0%B5%D1%80%D0%B3%D0%BE%D0%B2%D0%B8%D0%B9-%D0%BD%D0%BF%D0%B0%D0%B4>

<sup>75</sup> A loss without appeal: prosecutor Matviyets VS Barkholenko // Pryirpinnya Local Community. 19.11.2014. URL: <http://kotsubynske.com.ua/2014/11/19/%D0%B1%D0%B5%D0%B7%D0%B0%D0%BF%D0%B5%D0%BB%D1%8F%D1%86%D1%96%D0%B9%D0%BD%D0%B0-%D0%BF%D0%BE%D1%80%D0%B0%D0%B7%D0%BA%D0%B0-%D0%BF%D1%80%D0%BE%D0%BA%D1%83%D1%80%D0%BE%D1%80-%D0%BC%D0%B0%D1%82%D0%B2>

<sup>76</sup> Assault on Viktor Barkholenko. Nunchaku blows to the head as the first alarm...? // Narodna Volya. 31.10.2008. [http://www.narodnavolya.org.ua/index.php?option=com\\_content&view=article&id=111:attack-on-victor-barholenka-nune-chakamy-in-the-head-first-bell-&catid=52:news](http://www.narodnavolya.org.ua/index.php?option=com_content&view=article&id=111:attack-on-victor-barholenka-nune-chakamy-in-the-head-first-bell-&catid=52:news)

<sup>77</sup> Only in 4 months, on 16.02.2009 the Irpin Police Department initiated a criminal case on hooliganism and appointed a forensic examination. Since that the investigation did not progress (in 8 years).



*"I was dozing. Two or three unknown men climbed in, apparently through a window. The first blow was to the head. Then they rushed at me, started finishing off, hammering on the head, beating on the kidneys, back, legs. One of them was filming all this on phone. That is probably they had to report. I have not seen the faces because they were wearing masks and rubber gloves. They escaped through the window", says<sup>78</sup> Viktor Barkholenko. After beating the activist was admitted to the local hospital.*

He said the attack occurred a day after he submitted a letter to the prosecutor with the demand to institute criminal proceedings against Bucha Council officials who illegally reassigned ownership over the green areas<sup>79</sup>.

Forensic examination showed the presence of second grade injuries, including cerebral hematoma. However, the investigation conceals the severity of the injuries inflicted, as the investigation was initiated under Art. 125 of the Criminal Code of Ukraine (intentional minor bodily injury).

Investigative actions continue, the perpetrators are not punished.

Since this episode of beating became the fourth attack against the activist, with culprits having escaped punishment, local activists protested and blocked Varshavska Highway. They emphasized that the government should put an end to such violations, but the *"bullying of activists and destruction of green areas still continue"*.

### ATTACK ON VALENTYNA MAKAROVA IN KYIV

In the evening of July 21, 2015 in Kyiv two unidentified men beat the activist Valentyna Makarova, who fought against real estate development on the place of park areas on the left bank of the capital<sup>80</sup>.

Having demonstrated weapons to the woman, one of the attackers shot at her dog several times. Then pointed an object resembling a gun at the activist and pulled the trigger, but because of the delay in firing the shot failed. Then the attackers began beating the woman in the face and body.

*"One of them was shooting, another one was hitting from behind. I did not see them and did not expect they are two. The one that shot ran after the dog, while the other continued to beat me. Veterinarians removed two bullets from the dog's body", Valentyna Makarova said to the Human Rights Information Center.*

The activist had a broken skull, she also had a number of other injuries. Police opened criminal proceedings under Part. 1 of Art. 121 of the Criminal Code of Ukraine (grievous bodily injury). The police found several shells on the crime scene and submitted them to the forensic evaluation.

However, as the activist told Human Rights Information Center, the Kyiv prosecutor's office interfered with the case progress. One of the attackers was designated a suspect, but later the case was closed. The victim challenged the closure of the case in court.

<sup>78</sup> Unidentified people have beaten Barkholenko at night: 4-th attack against activists // Pryirpinnya Local Community. 10.08.2015. URL: <http://kotsubynske.com.ua/2015/08/10/nevidomi-vnochi-pobyly-barholenka-4-j-napad-na-aktyvistiv>

<sup>79</sup> . Main Investigation Department of the General Prosecutor's Office in July 2015 opened criminal proceedings on the fact of abuse of power by Bucha city council officials regarding the illicit re-classification of forestry land (890 hectares) to the category of public and residential land. In the present case all the necessary materials were gathered to present suspicion. However, in September 2015 the case with all materials was removed from this department and handed over to the Department of Investigation of civil service and property crimes, where a criminal case was opened for allocation of land for the construction business without proper auction procedure. According to Victor Barkholenko, this fact can be considered as intentional act to delay the case and conceal evidence.

<sup>80</sup> An activist opposing illegal property development has her skull fractured // Human Rights Information Center. 22.07.2015. URL: [https://humanrights.org.ua/material/u\\_kijevi\\_probili\\_golovu\\_aktivistci\\_shho\\_vistupaje\\_proti\\_zabudov](https://humanrights.org.ua/material/u_kijevi_probili_golovu_aktivistci_shho_vistupaje_proti_zabudov)





Valentyna Makarova participated in the initiative group which tried to cancel the lease agreement with Zhen-San LLC for a part of the Kyoto park near Lisova metro station. These plots were intended for real estate development. In addition, the activist participated in the initiative group to counter privatization of a boarding school in the same district. Moreover, she engaged in exposing fraud during the ACCO establishment in Lisova Pisnya condominium.

#### ATTACKS ON YEVHEN MELNYCHUK AND VOLODYMYR MASHTABEY IN IRPIN



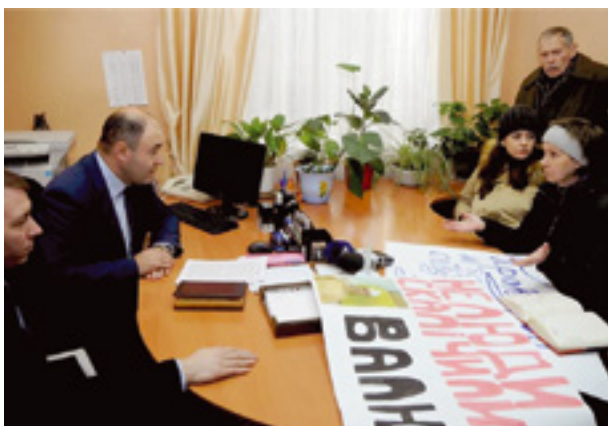
In August 2015 a series of attacks were conducted against Yevhen Melnychuk and Vadim Mashtabey, activists who opposed the illegal building in Irpin district of Kyiv oblast, particularly they opposed the destruction of the alder grove at Yesenina Street.

On this site Orlan-Invest construction company, associated with Irpin town Mayor Volodymyr Karplyuk, tried to build the Yesenin residential complex. To protect the rights and interests of local residents the initiative group for the protection of the green area was created and later joined the public movement to protect green areas of the Kyiv region.



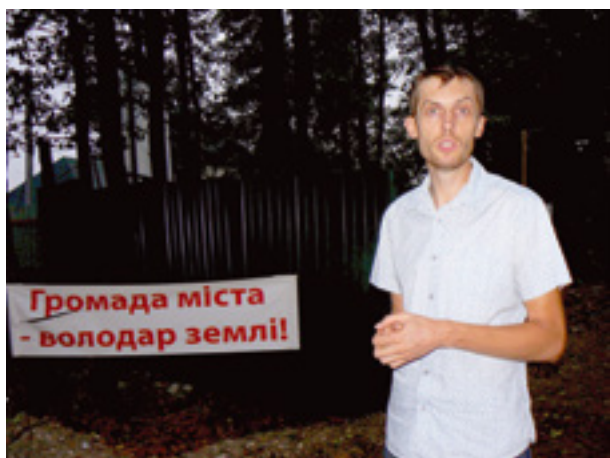
Yevhen Melnychuk also filed a lawsuit to the court against the city council decision to revoke its consent to the lease of the land plot in question. On July 28, 2015 the court imposed an indictment to conduct any construction activities on 30 Yesenina Street and scheduled the trial on September 1. However, on July 30 construction began on the land plot. Workers started casting concrete base to construct the foundation.

Yevhen Melnychuk and Vadym Mashtabey immediately headed to the construction site. They approached the builders to show the decision on the construction ban. Immediately after, several unidentified person began to beat them. Vadim Mashtabey got a contusion of the left kidney and was admitted to the hospital<sup>81</sup>.



<sup>81</sup> The hired thugs of Karplyuk's real estate developer allegedly beat up activists Melnychuk and Mashtabey / Pryirpinnya Local Community, 07.08.2015 – <http://kotsubynske.com.ua/2015/08/07/u-pobytti-aktyvistiv-melnychuka-ta-mashtabeya-pidozryuyut-titushok-karplyukivskyh-zabudovnykiv/>





On August 4, 2015 Yevhen Melnychuk was assaulted again. The attackers tracked the activist on the way home, ambushed him in the bushes and then attacked and beaten. The victim had a traumatic brain injury, spine contusion, brain concussion and numerous bruises and was taken to Kyiv oblast hospital.

Law enforcement officers who went to the scene found that two attackers pounced him from behind, knocked him down, began to beat and stripped him of his bag with documents and tablet.

Police opened criminal proceedings classifying the case as robbery. Melnychuk himself challenged this and said that the attackers returned to take his bag after he was beaten. *"They walked a few meters away and one of the attackers told the second one to go and take my bag". The latter obeyed and returned. So I think that the police intentionally classified the incident as robbery to cover up for the attackers and prevent them from being associated with the real estate developer*", the activist said.<sup>82</sup>

Yevhen Melnychuk affirms that he recognized the attackers – they were security staff of the construction site at 30 Yesenina Street. The beating happened after the story on the facts of illegal activities by Irpin town Mayor Victor Karplyuk was aired in *The Money* program at 1+1 channel.

The investigation of the robbing of Yevhen Melnychuk and the infliction of injuries on Vadym Mash-tabey continues.

On November 7, 2016 Yevhen Melnychuk was beaten again when he tried to record a video of illegal logging and transporting of trees. The tractor owner attacked the activist and broke his nose<sup>83</sup>.

### ATTACK AT INNA HRYSHCHENKO IN IRPIN

On October 12, 2015 in Irpin town in Kyiv oblast, Irpin City Council deputy Valeriy Peshyy beat<sup>84</sup> activist Inna Hryshchenko, who held her baby in her arms.

On this day logging for further real estate development in Irpin was scheduled to begin. Hryshchenko, opposing the deforestation, arrived at the scene near her home at Soborna Street 1G. The woman was on maternity leave, so she carried her 5-month-old baby in her arms.

*"Right before my eyes they started felling healthy trees, I could not bear this, then I hugged a pine on which the*

<sup>82</sup> Ibid.

<sup>83</sup> «Journalist Watch» detected an illegal logging and timber processing scheme. An activist was affected / Irpin Portal, 08.11.2016 – <http://irpen.net.ua/entertainment/item/1777-zhurnalistska-varta-vyyavila-chnernuyu-skhemu-vyrubki-i-pererabotki-lesa-bucha-irpen-postaradal-aktivist>

<sup>84</sup> The deputy had beaten a woman with a baby / 24 Channel, 12.10.2015 – [http://24tv.ua/deputat\\_pobiv\\_zhinku\\_z\\_grudnoyu\\_ditinoyu\\_n620018](http://24tv.ua/deputat_pobiv_zhinku_z_grudnoyu_ditinoyu_n620018)

*excavator was targeting. Works stopped, we called the police and waited”, Inna Hryshchenko said<sup>85</sup>.*

At that time the deputy Peshyy arrived, who is known in the town as a developer, burst out in swearing and deliberately tried to run over the activist with his car.



When the activist began to record the situation on her phone, Peshyy hit her in the chest and knocked out the phone. Even the fact that she carried her baby on her chest did not stop him.

*“The baby started crying because of the blow. Inna dropped her phone. When she stooped to pick it, Peshyy hit her in the nose again”, local resident Ihor Yurchak said.*

Forensic examination found that the activist received minor injuries, including a concussion and bruised nose.

A criminal case under Part. 1 of Art. 125 of the Criminal Code of Ukraine (intentional minor bodily injury) was opened following the fact. Witnesses were interviewed, forensic examination carried out, other necessary materials collected. The case was investigated by Irpin department of the National Police, supervised by the Irpin prosecutor’s office. In early 2016 the case was transferred to the oblast prosecutor’s office, but after a short time in the spring of 2016 it was returned to Irpin police department, with a different investigator appointed. At the time of publication of this report no suspicion was declared and the case was not transferred for proceedings.

<sup>85</sup> When Peshyy will be punished for assaulting a woman with a baby? // Pryirpinnya Local Community. 08.03.2016. URL: <http://kotsubynske.com.ua/2016/03/08/koly-pjeshyj-vidpovist-za-napad-na-zhinku-z-nemovlyam>

## ATTACK ON MYKHAILO BERCHUK IN VLASIVKA

On March 14, 2017 in the village of Vlasivka in Svitlovodsk district of Kirovograd oblast the public activist and Paralympic javelin prize winner Mykhailo Berchuk was severely beaten by two unidentified persons. The assault occurred at daytime in a crowded area near the Marketopt shopping complex at Livoberezhna Street<sup>86</sup>.

Myhaylo Berchuk was taken with severe injuries to the intensive care unit. He had a head injury, one broken arm and a badly injured second arm.

According to Berchuk, unknown persons had beaten him with wooden bats. He suggests that the bats were enhanced with spikes, as the neurosurgeon removed a fragment of a spike from under his skull.

After the surgery in the oblast hospital, a day after the beating Berchuk told that he felt someone had been tracking him for a long time already<sup>87</sup>. He applied to the police seeking protection, but the law enforcement bodies did not respond to his information about being spied upon.

Myhaylo Berchuk suggests that the attack was related to his environmental activism. In particular, he strongly opposed the environmental pollution by the local cooking oil and mayonnaise enterprises (Hidrosend LLC and Viktor and Co private enterprise).

*“My environmental activism debut was in 2014, when my mother died of cancer. Then I left the enterprise where I had worked and began fighting against the pollution of our town”, Mykhailo Berchuk said to the Human Rights Information Center.*

In late September 2016 Mykhailo Berchuk organized a protest in the village. People protested against trucks which were regularly transporting raw materials to the enterprise across the town despite the road sign banning the movement of trucks.

<sup>86</sup> The Paralympic prize winner and environmental activist beaten in Kropyvnytsky region // Depo. Kropyvnytsky. 15.03.2017. URL: <http://kr.depo.ua/ukr/kr/na-kropivnichchini-pobili-do-reanimaciyi-prizera-paralimpiyskih-zmaganiya-borcy-za-chiste-dovkillya-20170315536811>

<sup>87</sup> Paralympic athlete beaten in Kropyvnytsky region says he had been tracked // Depo. Kropyvnytsky. 16.03.2017. URL: <http://kr.depo.ua/ukr/kr/pobity-na-kropivnichchini-sportsmen-paralimpiyec-zayaviv-scho-za-nim-stezhili-20170316537872>





Then on October 10 two strangers attacked him in the center of Vlasivka and began hitting and kicking him, after having sprayed an irritant gas in his face<sup>88</sup>. The activist had suffered head injuries (broken nose, damaged eye, concussion), but despite the presence of witnesses, the perpetrators were never identified.

## Volunteers helping conscripts and civilians affected by armed conflict

### ATTACK ON THE PEOPLE'S VIEW ORGANIZATION OFFICE IN KYIV

In the evening of October 14, 2014 several dozens of armed fighters of Aidar battalion destroyed the office of the volunteers of the NGO People's View ("Narodnyy Pohliad") in Kyiv, based at 2 Olshanska street.

They broke into the office, creating mayhem, and took away valuables, such as money, medicines, documents, passports of volunteers, cell phones and a PC.

The Chairperson of People's View, Iryna Khovanska, said that Aidar fighters threatened the volunteers who were inside the office with assault rifles and beat some of them.

*"I called the Aidar commander Serhiy Melnychuk and told him I'll find video from cameras and post it in the Internet. He responded by threatening to kill me", the activist said<sup>89</sup>.*

When the police arrived, the armed attackers had already left the premises.

Iryna Khovanska considers that the refusal to make payment to Aidar for their "criminal protection" became a motive of the attack. *"On the eve of the incident Aidar's Deputy Commander, Serhiy Hrab, called me. He said he's compiling a uniform database of volunteers and asked our organization to provide him with all constituent documents, as well as copies of volunteers' passports and promised facilitation that the volunteers could receive an ATO combatant status. In return he wanted us to do monthly transfers to Aidar of 20% of the money and other valuables collected by us. However, I rejected such a "protection", – she told.*

The activist submitted a statement of crime and repeatedly visited the police station to give testimony. But the culprits were not held responsible,

<sup>88</sup> Activists are still beaten and threatened with murder in Vlasivka! // Svitlovodsk.Info. URL: <http://www.svetlovodsk.info/2041-izbili-aktivista.html>

<sup>89</sup> Aidar fighters destroy volunteers' office in the center of Kyiv // Holos. 14.10.2015. URL: [http://ru.golos.ua:8081/crime/14\\_10\\_15\\_boytysyi\\_aydara\\_razgromili\\_ofis\\_volonterov\\_v\\_tsentre\\_kieva](http://ru.golos.ua:8081/crime/14_10_15_boytysyi_aydara_razgromili_ofis_volonterov_v_tsentre_kieva) Golos.ua © 2015



while Aidar battalion commander Serhiy Melnychuk was even elected to the parliament and enjoys parliamentary immunity.

People's View NGO has been engaged in volunteer activities since early April 2014, including the collection of medicines, armored vests and food for volunteer battalions, as well as for several units of the Armed Forces of Ukraine.

### ATTEMPTED ARSON AND EXPLOSION IN THE OFFICE OF THE VOLUNTEER HUNDRED IN ODESA

On November 9, 2014, unknown people tried to set on fire the office of the Volunteer Hundred organization in Odesa. Volunteers suggest that the attackers wanted to destroy the boxes with underwear and warm clothes prepared for dispatch to the servicemen.



According to the Volunteer Hundred director in Odesa, Daliya Severyn, four young men in balaklavas at about 3:30 in the morning broke the office windows with pieces of brick and hurled incendiary mixture bottles through the holes.

*"The surveillance camera recorded the attack. Two security guards came running to the noise, scared the attackers off and called the police. It was later found out that they threw not only Molotov cocktails but also bottles with some caustic solution which corrodes the clothes", – Daliya Severyn told<sup>90</sup>.*

<sup>90</sup> Volunteer office damaged by Molotov cocktails in Odesa // Today. 10.11.2014. URL: <http://ukr.segodnya.ua/regions/odessa/v-odesse-shtab-volonterov-zakidali-kokteyliami-molotova-568131.html>

Another attack on the organization's office took place on December 10, 2014. At half past one AM an explosion occurred in the business center in Odesa at the crossroads of Krasnova and Admiralskaya Streets. An operational investigation group arriving at the scene found that the explosion damaged the entrance and windows of one of the premises in the ground floor rented by the Volunteer Hundred NGO. Nobody was injured by explosion.

The information about the incident was entered into the Uniform Register of Pre-Trial Investigations and qualified as offense under part 1 of Art. 258 of the Criminal Code of Ukraine (terrorist act). The materials were forwarded to the State Security Service of Ukraine.

Daliya Severyn, the director of Volunteer Hundred, stated<sup>91</sup> that the bombers allegedly sought to damage the office of the Volunteer Hundred collecting humanitarian aid for the soldiers in the ATO area. She told that the video surveillance cameras recorded a woman concealing her face who planted an explosive device at the door.

### ATTACK AT STATION KHARKIV

On January 8, 2015 in the evening unidentified armed men in Kharkiv attacked the humanitarian aid distribution outlet of the Station Kharkiv volunteer initiative.

5 armed men in balaklavas broke into the premises of the volunteer outlet at the address: 20, Chervonozhovtneva Str., and in blunt terms required the security man to explain the political position of their volunteer movement<sup>92</sup>.

The volunteers said that the incident did not result in injuring persons or damage to property or premises. The activists filed a statement to the law enforcement bodies.

Station Kharkiv representatives said that the assistance outlets will continue operating as usual.

<sup>91</sup> Explosion in Odesa will be investigated as a terrorist act // Deutsche Welle. 10.11.2014. URL: <http://www.dw.com/uk/%D0%B2%D0%B8%D0%B1%D1%83%D1%85-%D0%B2-%D0%BE%D0%B4%D0%B5%D1%81%D1%96-%D1%80%D0%BE%D0%B7%D1%81%D0%BB%D1%96%D0%B4%D1%83%D0%B2%D0%B0%D1%82%D0%B8%D0%BC%D1%83%D1%82%D1%8C-%D1%8F%D0%BA-%D1%82%D0%B5%D1%80%D0%B0%D0%BA%D1%82/a-18119922>

<sup>92</sup> Attack on the volunteers' office in Kharkiv. The police investigates the details // ATH. 09.01.2015. URL: <http://atn.ua/proisshestviya/napadenie-na-ofis-volonterov-v-harkove-v-milicii-ustanavlivayut-obstoyatelstva>

The police failed to identify the perpetrators of discover their motives.

Station Kharkiv is a volunteer initiative established in Kharkiv in May 2014 to provide help to people facing hardship because of the armed conflict in the East: internally displaced persons from the Crimea and the anti-terrorist operation (ATO) area of Donbas, as well as families of the combatants killed during the armed conflict and residents of Kharkiv and oblast.

### ATTACK AGAINST THE VOLUNTEER HUNDRED OFFICE IN KYIV

On January 25, 2015 in Kyiv unidentified persons fired several shots at the Volunteer Hundred office and damaged the entrance to the aid collection center.



Volunteers located four holes in the glass doors of the office at 21B Verkhovna Rada Blvd. *“When the*

*police arrived, they found that the holes in the glass were made by rubber-bullet handgun, and the rubber bullets discovered inside confirmed this assumption,”* volunteer Nataliya Voronkova said<sup>93</sup>.

The volunteers filed a written statement to the police, but no criminal proceedings were initiated and no investigation of the incident was carried out.

## Attorneys, lawyers

### ARSON OF THE OFFICE OF BEZPALYY & PARTNERS IN KYIV

On the night of January 20, 2016 in a five-storey building on 24/11-V Mykhaylivska Street in the center of Kyiv a fire accident happened in the office of Bezpalyy & Partners attorneys association.

Security cameras recorded two people spraying them blind with white paint. The fire started in Taras Bezpalyy attorney's office, spreading from the cabinet where he kept his files and archives.

According to the State Emergency Service of Ukraine, during the firefighting an explosion happened resulting in destruction of the building layer between the first and second floor. A police officer was injured. A woman born in 1927 who resided in the second floor died in the fire: her body was taken out from the debris after the fire was contained.

Taras Bezpalyy connects the arson with his professional activities and says it was aimed to intimidate him<sup>94</sup>. In particular, he mentions the case in which he defended the ATO participants, one of whom was killed in a violent fight on September 27, 2016 in Kyiv. The arson occurred the day before the preliminary court hearing in this case, when the court had to admit the evidence and hear witnesses.

<sup>93</sup> In Kyiv, the entrance to the volunteers' office damaged by rubber bullet gun shots / Ukrainska Pravda, 25.01.2015 – <https://www.pravda.com.ua/news/2015/01/25/7056273/>

<sup>94</sup> «Office arson might be an act of intimidation», — ATO fighters' attorney / Hromadske radio, 23.01.2016 – <https://hromadskeradio.org/programs/hromadska-hvylya/pidpal-ofisu-ce-mozhlyvo-zalyakuvannya-advokat-biy-civ-ato>



**SETTING ON FIRE OLEKSANDR DIADIUK'S  
CAR IN KYIV**

On January 28, 2017 in Dniprovs'kyi district of Kyiv the car of lawyer Oleksandr Diadiuk, who defended the activists from Petropavlivska Borschahivka, was set on fire and burned out. The event occurred about 4 AM.

*"About 3 AM I looked from my balcony and everything was quiet, but no later than 4 AM the police rang at my door. My car in the yard was already on fire, and the neighbors ran out and were moving their cars away so that the fire did not spread", Diadiuk told*<sup>95</sup>.



Criminal proceedings were initiated under Art. 194 of the Criminal Code of Ukraine (intentional destruction or damage to property), but as of March 2017 the investigators have not identified the arsonists.

He connects this incident with his law struggle against the site development by the Building Development Holding company in Petropavlivska Borschahivka. *"Since I am running the cases concerning Praz'kyi Kvartal-2 residential complex of this construction company, I am getting numerous threats via the Internet and by phone, they threaten to kill me, bury me. They are constantly trying to frighten me",* the lawyer said.

The State Architectural Construction Inspectorate (DABI) found a number of major violations and canceled all permits and suspended the construction. The activists and DABI also won the lawsuits against the developer. Thus, the construction of two Building Development Holding objects was stopped.

<sup>95</sup> Attorney fighting illegal buildings has his car burned in Kyiv// Ukrainska Pravda. Kyiv. 28.01.2017. URL: <https://kiev.pravda.com.ua/news/588c9ac65ba74>



In addition, on January 24, 2017 the local community won the lawsuit at the Court of Appeal concerning the cancellation of Petropavlivska Borshchagivka village general plan according to which Building Development Holding was to build high-rise buildings on the site of Vumiskyy forest. When the general plan was cancelled the monopolist developing company would lose its future profits, so it could avenge the activists who sued it.

### ATTACK AGAINST ANDRIY VERBA IN DNIPRO

On the morning of February 16, 2017 in Dnipro at Oleksandr Pol Avenue two unidentified people attacked the lawyer Andriy Verba and inflicted bodily injuries on him. Before the attack the house where Verba resided was under surveillance by unknown persons.

The lawyer attributes<sup>96</sup> the attack to his professional activities and believes that it was aimed to force him give up the defense of a client, because the attackers who inflicted the injuries told him the names of the persons who ordered of the attack. *"After the beating I was told that it was ordered by Lysychenko and Lekishvili"*, the lawyer said<sup>97</sup>.

Andriy Verba runs the case of a person who in 2015 was kidnapped by several people and forced by torture to transfer his family property to them. According to the lawyer, the attackers intended to intimidate him by beating.

The Dnipro police investigates the criminal case based on the fact of the attack qualified according to Art. 397 of the Criminal Code of Ukraine "Interference with a defense attorney's or a person representative's activity".

Some people already tried to attack Andriy Verba in October 2016. He was spied after and was getting death threats. The lawyer says<sup>98</sup> that when he contacted the police for the first time

they did not even summon him for questioning as a victim.



Verba has told the Human Rights Information Centre that the investigation of his case is delayed, the attackers have not been identified because the police is inactive in doing so.

<sup>96</sup> On the progress of investigation of Andriy Verba beating // Most, 03.03.2017. URL: <http://most-dnepr.info/press-centre/archives/145424.htm>

<sup>97</sup> Urgent! Attorney Andriy Verba brutally beaten (Photo 18+) // 056.ua. 16.02.2017. URL: <https://www.056.ua/news/1549740>

<sup>98</sup> Dnipro attorney Andriy Verba severely beaten this morning (comment) // 9 Channel. 16.02.2017. URL: <http://9-channel.com/sogodni-vrantsi-zhorstokopobili-dniprovskogo-advokata-andriya-verbu-komentar-000128212.html>

## PRIVACY VIOLATIONS AND SURVEILLANCE

### Spying on Inna Bilenko

On July 13, 2016 the Chairperson of the NGO “Customs Control”, Inna Bilenko, denounced<sup>99</sup> being watched due to her social activities.

*“Almost a week ago, I noticed that I was under outdoor surveillance. On Monday morning I first noticed a car which continuously followed me. In the evening, two cars were following me. The watching did not stop even for a day. The pursuers changed about five cars during that period”, Bilenko told.*

The Chairperson of “Customs Control” believes that she has been watched due to her social activities, because the proposals to reform the customs legislation proposed by the NGO conflict with interests of many people.

*“I have repeatedly stated that the customs terminals are breeding grounds for corruption. So we need to decrease the number of internal customs. The second issue we bring up is protecting the risks database from external interference. We require establishing the same risk assessment algorithms for all customs and automating the risks database. We also bring up the issue of manipulations arising in the course of customs value formation”, Bilenko said.*

She believes that each of these aspects is a field for corruption where big money is being earned. *“Of course those who benefit from the deficiencies of the Ukrainian customs system do not want to allow reforms and are trying to intimidate the team of “Customs Control”, Bilenko said.*

The Chairperson of “Customs Control” turned to the police and the prosecutor’s office.

### Spying on Vitaliy Shabunin

In September 2016 a number of activists opposing corruption stated that<sup>100</sup> the government was carrying out illegal surveillance of individual activists and organizations to find information that could discredit them. In particular, on September 20, 2016 the Head of the Centre for Combating Corruption Vitaliy Shabunin made such a statement.



According to him, the key personnel of the Centre for Combating Corruption has been wiretapped for a long time, and now they start getting “secret visits.”

Vitaliy Shabunin said that photos<sup>101</sup> of his unfinished house had earlier appeared online: *“It is impossible to get the address from public sources. They could have learned it using outdoor surveillance, or from my phone talks of from the traffic of my phone movement”.*

He has mentioned that no comments have been asked from him concerning the house and explained from where he has got the money to buy the land plot and build the house. Shabunin also attached a photo of the house<sup>102</sup>, to make the “un-invited guests stay away from there”.

Earlier the information about the flow of funds at the account of the Centre for Combating Corrup-

<sup>99</sup> I. Bilenko thinks she is persecuted for civic activities// UNN. 13.07.2016. URL:<http://www.unn.com.ua/uk/news/1586541-i-bilenko-vvazhaye-scho-yiyi-peresliduyut-cherez-gromadsku-diyalnist>

<sup>100</sup> Government attracts special services to wage war on anti-corruption activists, – RPR experts // censor of reforms. 27.09.2016.URL:[http://reforms.censor.net.ua/news/3012305/vlada\\_zaluchaye\\_spetsslujby\\_dlya\\_viyiny\\_prot\\_yantykorupsioneriv\\_eksperty\\_rpr](http://reforms.censor.net.ua/news/3012305/vlada_zaluchaye_spetsslujby_dlya_viyiny_prot_yantykorupsioneriv_eksperty_rpr)

<sup>101</sup> Vitaliy Shabunin's residence near Kyiv// YouTube. 31.03.2016. URL:[https://www.youtube.com/watch?v=dSWEMgq\\_rc4](https://www.youtube.com/watch?v=dSWEMgq_rc4); Anti-corruption fighter Shabunin bought 6 acres of land near Kyiv (+document, video) // KievVlast. 01.04.2016.URL: [http://kievvlast.com.ua/news/antikorrupcioner\\_shabunin\\_priobrel\\_6\\_sotok\\_pod\\_kievom\\_dokument\\_video37613.html](http://kievvlast.com.ua/news/antikorrupcioner_shabunin_priobrel_6_sotok_pod_kievom_dokument_video37613.html).

<sup>102</sup> V. Shabunin's FB post 20.09.2016. URL:<https://www.facebook.com/vitaliy.shabunin/posts/10153960115964537?aid=13P92Y.wghot>



tion has also appeared online. No one other than banks and law enforcement agencies has access to such information. Vitaliy Shabunin accuses<sup>103</sup> them of deliberate “leaking” of the data.

Vitaliy Shabunin turned to law enforcement agencies with a statement about the illegal surveillance and information leaking, but got only a formal answer.

*“The situation differs from the times of Yanukovych only in that it still involves no physical threat to those who are watched. Everything else remains the same. At the same time the smear campaigns are going at full speed, not only against people but also against institutions (NABU) or procedures (e-Declaration),”* Yaroslav Yurchyshyn said.

Activists do not rule out the involvement of the Security Service of Ukraine and the General Prosecutor’s Office of Ukraine into the surveillance, since the information that is leaked is not openly available. They consider that the authorities are trying to manipulate the society this way and to enforce the view that *“there are no good activists and nobody can be trusted”*.

Since 2008 Vitaliy Shabunin started working in the Opora civil network. At the same time he became a leader of the youth organization All-Ukrainian Foundation of Regional Initiatives (FRI). In 2012 he established the Centre for Combating Corruption NGO and still runs it.

## DISCREDITATION OF HUMAN RIGHTS DEFENDERS

### Campaigns against anti- corruption activists

The activists opposing corruption have become the target of a number of intentional smear campaigns organized over the previous several years.

<sup>103</sup> Witch hunt: war of defamations against anti-corruption activists // Deutsche Welle.

In particular, numerous media attacks<sup>104</sup> have been aimed at the Centre for Combating Corruption, the Patients of Ukraine Charitable Foundation, the All-Ukrainian Network of People Living with HIV/AIDS, and Transparency International Ukraine.

These organizations actively participated in the launch of new anti-corruption institutions – the National Agency on Corruption Prevention (NACP), the National Anti-Corruption Bureau (NABU), and the introduction of the electronic declaration of Ukrainian public officers’ financial status. They are promoting anti-corruption reforms in the health-care system, working to improve the transparency and accountability of public procurement of medicines and transfer the public procurement of pharmaceuticals to international organizations.

The smear campaigns were distributed through paid materials in the mass media and on the websites of disreputable online media, as well as actively spread through social networks. They also pushed the notion of the inefficiency of anti-corruption authorities, of the electronic public procurement system ProZorro and of the procurement of medicines by international organizations<sup>105</sup>.

In particular, defamatory material was published to discredit the members of the Centre for Combating Corruption Vitaliy Shabunin<sup>106</sup>, Oleksandra Ustinova<sup>107</sup> and others.

<sup>104</sup> See: V. Boiko. On civic lobbyists, medical mafia and anti-corruption // Rakurs. 11.07.2016. URL: <http://ua.rakurs.ua/1242-korupciya>

<sup>105</sup> UNICEF procures HIV medicines for Ukraine at skyrocketing prices // Hyser, 05.07.2016. URL: <http://hyser.com.ua/economics/yunisef-zakupil-dlya-ukrainy-lekarstva-ot-vich-spil-po-bespretsidentno-vysokim-tse-nam-93706>; Procurements via international organizations: victory or failure? // Apteka.Ua. 07.12.2015. URL: <http://www.apteka.ua/article/3532204>; saving on medicines procurement through international organizations: disclosing the fraud // medical control. URL: <http://medcontrol.com.ua/ekonomiya-na-zakupkah-lekarstv-cherez-mezhdunarodne-organizatsii-razoblachenie-manipulyatsij>

<sup>106</sup> The journalist told what Vitaliy Shabunin really does in the Center for Combating Corruption // Antikor. 29.03.2016. URL: <https://antikor.com.ua/articles/95283-hurnalyst-rasskazal-chem-na-samom-dele-zanimaetsja-vitalij-shabunin-v-tsentre-protivodejstvija-korru>; Anti-corruption fighter Shabunin cheats in his property declaration – Boyko // 368.media.01.04.2016. URL: <https://368.media/2016/04/01/borets-s-korruptsiej-shabunin-navral-v-sobstvennoj-deklaratsii-o-dohodah-bojko/>; “Wastes grant money for babes”: an interesting photo with corruption fighter Shabunin revealed // Obozrevatel. 15.04.2016. URL: <https://www.obozrevatel.com/ukr/crime/48367-spuskae-granti-na-divok-splivlo-tsikave-foto-z-antikoruptionsioner-shabunin.htm>; Shabunin: a closed-type corruption fighter // КОД. 01.07.2016. URL: <http://kod-ua.com/novosti-ukrainy/item/45747-vitalij-shabunin-antikoruptionsioner-zakritogo-tipu>; How much Vitaliy Shabunin takes for fighting corruption // Informator. 09.07.2016. URL: <http://informator.news/za-skilky-vitalij-shabunin-boretsya-z-koruptsijeyu>.

<sup>107</sup> Grant wasters under Prosecutor General Lutsenko’s umbrella // Tema. 15.06.2016. URL: <http://tema.in.ua/article/9907.html>



Other discrediting materials were aimed against the Chairman of the Board of the Patients of Ukraine NGO, the member of the Coordination Council of the All-Ukrainian Network of People Living with HIV/AIDS Dmytro Sherembey<sup>108</sup>, as well as other employees of the organization.

Activists supporting the anti-corruption reforms in the health care system believe that various parties are responsible for the discrediting campaigns against them: the officials who have previously profited from non-transparent tenders or the manufacturers of pharmaceuticals and local distributors participating in them etc. In addition, the reason may be not only in the procurement but in the list of medicines either included in the treatment guidelines of particular diseases or excluded from them.

The latest episode of discrediting of anti-corruption activists happened at the end of March 2017, after the adoption of amendments to the legislation in which the obligation to submit income statements was additionally assigned to the activists opposing corruption (for more details see p.10). The Presidential Administration has sent instructions to the deputies of the Petro Poroshenko Bloc concerning the arguments to support the extension of e-declaration duty on anti-corruption NGOs. The respective documents have been published by the online media outlet *Ukrayinska Pravda*<sup>109</sup>.

These instructions, in particular, mention that the *“persons involved in the implementation of the respective international aid programs in Ukraine, in the activities of non-governmental associations*

*and other non-profit organizations the activities of which are aimed at preventing and combating corruption, have a decisive influence upon the formation of public policy and on the activities of key authorities concerning preventing and combating corruption.”* And also that the *“today’s civil leaders are tomorrow’s politicians.”*

The members of the Presidential Administration support the legislative change saying that supposedly, *“recently there are frequent incidents of accusation of unscrupulousness against individual prominent representatives of civil society organizations”*. Thus, the electronic declaration of incomes of the representatives of public organizations should, according to the instructions, *“minimize the speculations concerning the income and conflicts of interests of such persons”*, and also *“enhance their responsibility and contribute to building public trust in anticorruption activists”*. They also declare that the new rules will *“apply only to the senior members of non-governmental organizations and not affect the ordinary members of the organizations”*.

## Discreditation of activists who visited parts of the Donbass region not controlled by the government of Ukraine

Another smear campaign is connected with the work of Ukrainian human rights advocates and civil society activists in the so-called “Donetsk People’s Republic” (DPR) – the part of Donbass uncontrolled by Ukrainian government.

In December 2016 on the *PBS-News* website linked with *Myrotvorets* website<sup>110</sup> (it publishes the personal details of persons suspected of “crimes against the fundamentals of the national security

<sup>108</sup> Patients of Ukraine turn out to be Musiy's pocket organization // *Obozrevatel*. 07.09.2014. URL: <https://www.obozrevatel.com/crime/96714-fond-patsientyi-ukrayini-okazalsya-karmannoj-organizatsiej-musiya.htm>; Chairman of Patients of Ukraine fund makes money by selling commercial secrets // *Власти.Net*. 24.10.2014. URL: <http://vlasti.net/news/204727>; Ch. 30.10.2014. Chairman of Patients of Ukraine Dmytro Sherembey serves the Russian interests URL: [https://antikor.com.ua/articles/17840-golova\\_patsijentiv\\_ukrajini\\_dmitro\\_sherembej\\_pratsjuje\\_v\\_interesah\\_rosiji](https://antikor.com.ua/articles/17840-golova_patsijentiv_ukrajini_dmitro_sherembej_pratsjuje_v_interesah_rosiji); Patients of Ukraine select the valuables // *Vashe Zdorovya*. 25.12.2015. URL: <http://www.vz.kiev.ua/paciyenti-ukrayini-vibirayut-najkoshtovnishe/>; Not all grants are good enough // *Economic News*. 09.10.2015. URL: <http://eizvestia.com/publications/full/137-ne-vse-granty-odinakovo-polezny-patient>; Patient organizations brawling over millions of dollars // 23.11.2015 <http://racurs.ua/1013-ludi-jivuschih-s-vich-spid-cena-voprosa-desyatki-millionov>; Sherembey: the success story: the beginning // *ЛікиLeaks*. 18.10.2016. URL: <http://likileaks.com.ua/article/dima-shieriembei-kak-patsan-k-uspiekhu-shiel-nachalo>; A huge fail of anti-corruption fighters: truth about the past and doubtful profits of Dmytro Sherembey, Vitaliy Shabunin and Volodymyr Kurpita / *pharma*. 21.06.2016. URL: <http://pharma.net.ua/publications/articles/15780-guchne-fasko-borciv-iz-korupcieju-pravda-pro-minule-i-sumnivni-dohodi-vitalija-shabunina-dmitra-sherembeja-ta-volodimira-kurpiti>

<sup>109</sup> Presidential Administration distributes the instructions of how to justify the controversial e-declaration amendments // *Ukrainska Pravda*. 28.03.2017. URL: <http://www.pravda.com.ua/news/2017/03/28/7139524>

<sup>110</sup> The website was created in the spring of 2014 by the Narodnyy Tyl volunteer group. It is associated with the Adviser to the Minister of Interior of Ukraine Anton Gerashchenko. The website pays special attention to manifestations of separatist and terrorist activity in Ukrayiny. Myrotvorets center is working with the Security Service of Ukraine, the Headquarters of the Armed Forces, Ministry of Internal Affairs of Ukraine, State Border Service and the State Penitentiary Service. Ukraine Parliament Commissioner for Human Rights Valeria Lutkovska in 2015 and 2016 required to shut Myrotvorets down as one that violates the law on protection of personal data, and to hold the individuals involved in its operation liable according to the law. Appropriate criminal proceedings were instituted but the site is operating so far.

of Ukraine, peace and security of humankind and international rule of law”), the personal data were disclosed of activists who in pursuit of their work traveled from the controlled territory to the uncontrolled part of Donbass.

In particular they published<sup>111</sup> the details of the representatives of the Center for Social and Labor Research Nina Potarska, Vitaliy Atanasov and Roman Klimenko, who made trips to the uncontrolled part of Donbass to conduct a study<sup>112</sup> on the socio-economic situation in the uncontrolled territories, which was prepared with the support of the Swiss Federal Department for Foreign Affairs. Another objective was to collect information about the transformation of lives of women in the conflict territories, because Nina Potarska worked at the Women’s International League for Peace and Freedom and was preparing a report concerning the discrimination against women for the UN Committee on the Elimination of All Forms Discrimination against Women (CEDAW).

The *PBS-News* published the screen shots of the hacked online correspondence of the activists, the scans of their passports as well as accreditation press cards which they had to get to work on the territory of the so called DNR and LNR. In the defamatory article the activists were called the “aides of the invaders,” “presstitutes” and “media sluts”.

*“It looks like a purposeful tip-off. The details get published but we do not know who will make use of them. I cannot feel safe and I worry about the safety of my children”, Nina Potarska said.*<sup>113</sup>

Earlier her details had been already published<sup>114</sup> by the website *Myrotvorets* when in May 2016 the website posted online and granted free access<sup>115</sup> to the personal details of more than 4000

journalists who obtained accreditation in the so-called DNR, including employees of BBC, Reuters, AFP, The Independent, Ceska televize, CNN, Bloomberg, Aljazeera, AP, Liberation, ITAR-TASS, RT and other media.

After that Potarska started receiving threats. With the support of the Ukrainian Helsinki Human Rights Union she approached law enforcement agencies, but no efficient investigation was carried out.

Besides, the publications of *Myrotvorets* includes family names and personal detail of other activists who worked in the uncontrolled part of Donbass, for example S. (for more details see p.48). The activists were called “terrorists’ aides”, they faced obstacles crossing the demarcation line and received threats.

On July 9, 2016, representatives of the Toretsk local police broke into the house of Olga Rudenko, Head of the public organization Ecology and Social Protection, and demanded her to follow them to the police station.



*“They said that she is a separatist and that she should get ready to leave. They named the basis for this: she is on the Myrotvorets website”. She protested the request, said that she is not on the list of Myrot-*

<sup>111</sup> P. Zaytsev. One more time about presstitutes, or how cheap you sell the Motherland, mediasluts? // *PBS-News*. 07.12.2016. URL: <https://psb-news.org/eshhe-raz-o-zhurnashlyuhah-yly-pochem-rodyna-medya-lyady/>

<sup>112</sup> Economic Connectivity in Ukraine a Regional Focus / CASE-Ukraine. URL: <http://www.case-ukraine.com.ua/en/ekonomichni-zvyazki-v-ukraini-regionalnij-vimir/>

<sup>113</sup> Who is included in the new Myrotvorets list? // *Hromadske radio*. 11.12.2016. URL: <https://hromadskeaudio.org/ru/programs/kyiv-donbas/kto-v-novom-spiske-sayta-mirotvorec>

<sup>114</sup> Urgent comments: Myrotvorets against journalists// *Politychna Krytyka*. 13.05.2016. URL: <http://ukraine.politicalcritique.org/2016/05/aktualni-komentari-mirotvorets-proti-zhurnalistiv/>

<sup>115</sup> T. Pechonchuk. Personal data leak of 4000 journalists. Who will be held responsible? // *Human Rights Information Center*. 13.05.2016. URL: [https://humanrights.org.ua/material/vitik\\_personalnih\\_danih\\_4000\\_zhurnalistiv\\_khto\\_vidpovist](https://humanrights.org.ua/material/vitik_personalnih_danih_4000_zhurnalistiv_khto_vidpovist)



vorets website, and that she will appeal to the Ombudsman for Human Rights. Therefore they left, but promised to deal with her” – Volodymyr Berezin, Director of the Bakhmat Ecological-Cultural Center reported.

Berezin called the Head of Bakhmut Police Department, V. Goncharov, who in is also the head of the Toretsk police, and he confirmed that *“Olga was visited, but not because she is on the list of Myrotvorets website, but because “a signal was received”.*

Olga Rudenko is an activist who defended environmental rights, provided legal assistance to Roma and taught them how to evacuate from the war zone.

## CRIMINAL PROSECUTION

### The cases of Dmytro Sherembey and the Patients of Ukraine

After the corruption scheme used when registering the drug for hepatitis C treatment was revealed to the public, in 2014 the Director of the Patients of Ukraine CF, Dmytro Sherembey, was prosecuted and criminal proceedings were initiated against him. Besides, Valartin Pharma has brought a civil lawsuit against Dmytro Sherembey and the *Capital* newspaper editorial board because it published the information provided by activists concerning the fact that “Alphapeg”, a medicine for hepatitis C treatment, has been registered in violation of proper procedure and may harm patients.

Learning that a drug that has not passed clinical trials entered Ukraine, the activists approached the Ministry of Health of Ukraine with a request to check a suspicious company that marketed it. However, the manufacturers of “Alphapeg” wanted the state to procure their medicine without any checks. The company also ignored the demands of activists to confirm the efficacy of the drug.



In August 2014 in his interview to the *Capital* newspaper, Dmytro Sherembey told about the activities of the pharmaceutical company and corruption schemes commonly used in the pharmaceutical business. After that a suit was filed against him concerning the protection of business reputation, and also a criminal case was initiated. Sherembey was suspected of unlawful collection and use of information constituting a commercial secret and causing material damage to the pharmaceutical company.

The Executive Director of the Patients of Ukraine Charitable Foundation Olha Stefanyshyna explained<sup>116</sup>: *“The representatives of Valartin Pharma are aiming to win a government tender. Since their drug does not meet the criteria, they are blocking procurement through the Antimonopoly Committee”.*

*“This is the first time after Maidan that in Ukraine a civil activist gets to court as an accused party because he defends the rights of patients”<sup>117</sup>*, the leader of Centre for Combating Corruption Vitaliy Shabunin said.

<sup>116</sup> Dmytro Sherembey: «I am ready to stand for the truth» // Den. 05.11.2014. URL: <https://day.kyiv.ua/ru/article/obshchestvo/dmitriy-sherembey-ya-got-ov-otstaivat-pravdu>

<sup>117</sup> Dmytro Sherembey: “They opened a criminal case against me after I told about unlawful registration of Hepatitis C medicine” // Fakty. 05.11.2014. URL: <http://fakty.ua/190565-dmitrij-sherembey-posle-togo-kak-ya-rasskazal-o-nezakonnoj-registracii-lekarstva-protiv-gepatita-s-protiv-menyia-voz-budili-ugolovnoe-delo>



Eventually the Patients of Ukraine Charitable Foundation won both proceedings in the lawsuit of the pharmaceutical company Valartin Pharma LLC. According to the decision of the Kyiv Court of Appeal dated July 12, 2016, the claims of the pharmaceutical company against the Patients of Ukraine CF for spreading misinformation are unsubstantiated. That is why the court decided to dismiss the claim of the pharmaceutical company<sup>118</sup>.

In 2017 Dmytro Sherembey was involved in another criminal proceedings about the alleged misappropriation and embezzlement by the management of the Network Charitable Organization and the Patients of Ukraine Charitable Foundation of funds in especially large amounts from the international financial aid of the Global Fund to Fight AIDS, Tuberculosis and Malaria.

The criminal proceedings were initiated on February 1, 2017 by the Principal Investigation Department of the National Police of Ukraine according to part 5 art. 191 of the Criminal Code of Ukraine.

The proceedings were initiated by Prosecutor O. Bohdanov of the Prosecutor General's Office of Ukraine, based on information posted on Facebook almost a year ago (a posting by Volodymyr Boyko<sup>119</sup> from June 2016).

Conducting investigation in the said case, the police interrogated the Chairman of the Coordinating Council of the Network CF Dmytro Sherembey and the officials of the Patients of Ukraine CF. At the request of the investigator, the organization transferred to the investigation the reports on its activities for 2014-2016, the audit reports by Deloitte in respect of programs financed by the Global Fund as well as other documents evidencing the program and financial activities.

Members of the organization are concerned about the "atypical and anomalous nature" of this: the investigation initiated according to the report of the Prosecutor of the Prosecutor General's Office of Ukraine has been assigned to the Principal Investigation Department of the National Police and

information obtained from social networks which "does not contain any evidence"<sup>120</sup> served a basis for its initiation.

Speaking about the reasons for prosecution, Dmytro Sherembey claims that they are the same as in the case of the Centre for Combating Corruption (for more details see p.45): *"The fact of initiating a criminal case, no matter how ridiculous it may be, offers the prosecutors' office a wide range of procedural opportunities. They use it to wiretap, keep track of activists, to have access to documents and financial information of the organization. And later this information emerges in smear campaigns* (for more details see p.40)".

The activist calculated that the proceedings initiated against him and his organization took 400 hours because they had to attend investigative interviews and court hearings. *"In addition to wasting working time it is also emotionally draining"*, he added.

Dmytro Sherembey is a public figure, human rights defender, the Chairman of Board of the Patients of Ukraine NGO (before 2014 — UCAB), a member of the coordinating council of the All-Ukrainian Network of People Living with HIV/AIDS. He is an expert in public health, combating corruption, protection of the rights of people living with HIV and ensuring access to treatment for HIV/AIDS, hepatitis, cancer. In particular, he is known as an organizer of numerous public actions highlighted in national and foreign mass media in order to attract public attention to the problems of people with severe diagnoses and lobbying government decisions for saving these people.

One of the recognizable "brand marks" created by Dmytro Sherembey are the shirts bearing a slogan: "Ukraine F\*\*\* corruption". He and a significant number of other public figures have used such t-shirts to attract attention to the necessity of combating corruption in Ukraine.

In his teens he started using drugs. From 16 to 24 he got to jail three times. In the early 2000-s after the release from prison he learned that he was infected with three deadly diseases: tuberculosis, hepatitis C and HIV. Due to timely and successful treatment he recovered from the first two diseases. He is openly living with HIV diagnosis.

<sup>118</sup> A pharmaceutical company lost the lawsuit to the Patients of Ukraine CF. Patients of Ukraine. 27.07.2016. URL: <http://patients.org.ua/2016/07/27/farmatsevtichna-kompaniya-prograla-u-sudi-bf-patsiyenti-ukrayini>

<sup>119</sup> URL: [https://www.facebook.com/permalink.php?story\\_fbid=1717712945112163&id=100006204226091](https://www.facebook.com/permalink.php?story_fbid=1717712945112163&id=100006204226091)

## Case of Vitaliy Shabunin and the Centre for Combating Corruption

On March 22, 2016 the Pechersky District Court of Kyiv granted access to the investigators of the Prosecutor General's Office with the right of seizure of property and documents of the Centre for Combating Corruption as well as documents constituting a banking secret. The investigators of the Prosecutor General's Office investigated the alleged embezzlement of money assigned by the US government and European partners for the prosecutor's office reform.

The members of the Centre for Combating Corruption called these criminal proceedings an intervention and blocking of the operations of the NGO, to block its account and start criminal prosecution of its employees who publicly criticize the work of the senior staff of the Prosecutor General's Office (PRO).

According to Vitaliy Shabunin, the Centre for Combating Corruption is not involved with the funds that the US government has allocated for the reform of the prosecutor's office.

He believes the reason of the start of the criminal proceedings has been the political pressure created by his organization. *"We are consistently criticizing the Prosecutor General and his two deputies – Sevruck and Stolyarchuk –, telling over the last six months how this team has dropped the key criminal trials against Yanukovich and his cronies,"* the activist said<sup>120</sup>. He also added that in addition to this the Centre for Combating Corruption has demanded from the Prosecutor General Viktor Shokin to dismiss Stolyarchuk because in the opinion of the public he has failed the case of the notorious oligarch Yuriy Ivanyushchenko.

On March 28 the PGO Prosecutor Vladyslav Kutsenko assured that the Prosecutor General's Office has not initiated any criminal proceedings against the Chairman of the Board of the Centre for Combating Corruption Vitaliy Shabunin and his colleagues, but he believes that no one will prevent him from ac-

cessing the documents associated with obtaining foreign aid by the Centre. According to Kutsenko, this has not been initiated by the PGO senior staff but by the deputies from a number of factions, *"who have asked the PGO to check the efficacy and the legality of the use of foreign financial aid"*.

The PGO explained their interest in the activities of the non-governmental organization with the fact that they were attempting to figure out the use of the money allocated by the U.S. government to reform this law enforcement body. According to the Prosecutor General's Office, the money was to be transferred to the accounts of the Department. In response, the Centre published a grant agreement and explained that USD 189,000 were allocated for the monitoring of candidates and training of detectives eligible to the National Anti-Corruption Bureau.

After Yuriy Lutsenko was appointed the Prosecutor General of Ukraine in May 2016 he stated that *"the materials concerning the use of the U.S. grant funds contain no grounds for criminal proceedings, and so it will be closed"*<sup>121</sup>. According to Vitaliy Shabunin, the criminal case was indeed closed.

The Centre for Combating Corruption is engaged with the promotion of anti-corruption legislation and establishing anti-corruption bodies in Ukraine – the National Anti-Corruption Bureau (NABU), the Specialized Anti-Corruption Prosecutor's Office (SAP), the Agency for Asset Recovery as well as anti-corruption courts. During 2014-2016 the activists terminated contracts involving a corruption element in government agencies amounting to about 1.9 billion UAH.

## The case of Kachyne lake defenders

In April 2016 the activists defending Kachyne lake in Kyiv were attacked several times by unidentified men. The perpetrators were camouflaged and masked, some of them wore body armor and were armed. 3 persons were injured in these attacks. They appealed to the police, the criminal proceedings still continue.

<sup>120</sup> Shabunin explained why the PGO prosecutes the Center for Combating Corruption// Ukrainska Pravda. 30.03.2016. URL:<https://www.pravda.com.ua/news/2016/03/30/7103811>

<sup>121</sup> Shabunin's case will be closed, the NABU will work on Kasko// Ukrainska Pravda. 30.05.2016. URL:<http://www.pravda.com.ua/news/2016/05/30/7110174>

The representatives of the developer claim they have the right to perform preparatory works, that is, to flatten Kachyne lake, because in 2014 the city authorities granted a permission for the construction of a 6-section residential building with 1276 apartments and a two-level underground parking. The developer claims that there is no lake there but only a marshy area. The director of the municipal enterprise is the developer and City Council member Vyacheslav Nepop from the Solidarnist Party.

On April 21 2016 the developer and the General Contractor filed a civil lawsuit against five local activists who participated in peaceful protest against the filling of Kachyne lake with soil. In a month the developer replaced these five defendants with another four participants of the peaceful protest. These four persons were: Serhiy Kutsenko, Serhiy Mironyuk, Tamara Kharchilava and Victoria Begal. The developer wants to collect UAH 195,000 from the participants of the peaceful protest. The Ukrainian Helsinki Human Rights Union has volunteered to defend the activists in court.

The representatives of the developer accuse them that on March 17, 2016 they allegedly obstructed the performance of "general labour activities" that is, they prevented the movement of the trucks transporting debris for flattening Kachyne lake.

The representatives of the developer submitted to the court as evidence fragments of a video in which the activists are allegedly hindering the labour activities. The video shown in the courtroom demonstrates the activists laying down on the road, trying to stop the trucks and explain why it is wrong to build up the lake.

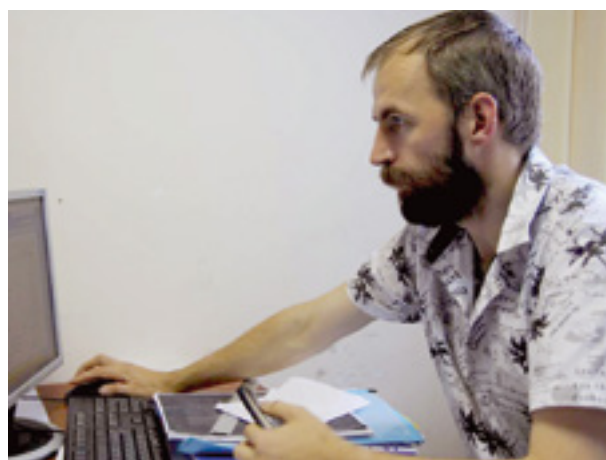
In turn, the representative of the participants of the peaceful protest from the Ukrainian Helsinki Human Rights Union asserts that the actions of Serhiy Kutsenko, Serhiy Mironyuk, Tamara Kharchilava and Victoria Begal have been legitimate, because there has been no violence on their part, and they exercised their constitutional right to peaceful assembly.

The trial is now at the stage of examination of witnesses, and the criminal proceedings regarding whether the filling of Kachyne lake is lawful continues already for a year.

## The case of Oleh Veremiyenko

On February 20, 2017 the prosecutor's office served two charges against a lawyer who cooperates with the Ukrainian Helsinki Human Rights Union, Oleh Veremiyenko. He is charged with resisting a law enforcement officer (part 2 of Art. 342 of the Criminal Code of Ukraine) and improper influence on a policeman (part 1 of Art. 343 of the Criminal Code of Ukraine).

This case involves a search of office of the Chudovsky lawyers on September 01, 2016, when the investigators wanted to seize two computers without a court order. *"They had only an order to search the office. They were looking for papers concerning a certain company. When they said they would take two computers, I told them: 'Guys, please show me the court decision. According to the law 'On advocacy and practice of law' there is an attorney-client privilege and you may not violate",* says Oleh Veremiyenko. But the staff members of the Prosecutor General's Office ignored his explanation and started packing computers into garbage bags. In response, Veremiyenko said that he would detain them according to the procedure provided for by Art. 207 of the Criminal Procedure Code and called the police.



The lawyer wrote a crime incident statement. The National Police claim they have transferred the materials to the Kyiv prosecutor's office, but they were lost there. The prosecutor's office initiated proceedings against Veremiyenko instead.



The lawyer believes that his prosecution is instigated by the Security Service of Ukraine. According to him, SSU members have a grudge because of the fact that he defends Colonel Ivan Bezzyakov whom the law enforcement officials accuse of involvement in a terrorist organization and treason.

Oleh Veremiyenko does not admit his guilt. He faces up to two years of imprisonment and the prohibition to practice law.

The Ukrainian Helsinki Human Rights Union has decided <sup>122</sup> to support this case and to monitor its development because it involves a number of important issues related to the ability of the defenders (lawyers) to perform their professional duties without a risk of being subject to undue persecution by law enforcement authorities.

## ADMINISTRATIVE PROSECUTION

### The case of Maksym Korniyenko

On November 14, 2016, human rights activist Maksym Korniyenko was arrested for 15 days because he refused to proceed from the courtroom to the district police station<sup>123</sup>.

Korniyenko was observing open hearings in the criminal case against two representatives of the Roma community in Volchansky district court of Kharkiv oblast. He recorded what was going on in the courtroom on his cell phone when the judge ordered him to stop without providing a legal justification for the prohibition.

Since Maksym Korniyenko refused to stop recording video, the judge called the police who took the

human rights activist and charged him with “*malicious disobedience to a lawful order or demand of a police officer*” according to Art. 185 of the Administrative Code of Ukraine.



The hearing on this case took place on the same day with the same judge who had called the police, which is evidence of an obvious conflict of interest.

The court found the actions of the human rights advocate to be an administrative offense under Art. 185 of the Code of Ukraine on Administrative Offenses and chose the maximum punishment for him – an administrative arrest for up to 15 days. The court has not substantiated the circumstances aggravating Korniyenko.

On November 18, 2016 the lawyer defending Korniyenko appealed against the court decision. In his claim Maksym Korniyenko stressed the inadmissibility of the situation when the sentence is imposed by the same judge that prohibited the video recording and sanctioned the arrest. The human rights advocate also noted the following violations committed by the judge: he accepted the incorrectly prepared protocol on detention, did not allow the lawyer to attend the trial and refused to provide medical care to the human rights advocate whose blood pressure increased.

All these arguments were taken into account by the Kharkiv Court of Appeal which on November 23, 2016 canceled the decision of the lower in-

<sup>122</sup> UHHRU statement on prosecution of Oleh Veremiyenko// Ukraine Helsinki Human Rights Union. 06.03.2017. URL:<https://helsinki.org.ua/appeals/zayava-uhspl-schodo-peresliduvannya-advokata-oleha-veremijenka>

<sup>123</sup> In Kharkiv region a well-know human rights defender arrested for 15 days// Human Rights Information Center. 17.11.2016.URL:[https://humanrights.org.ua/material/na\\_kharkivshini\\_vidomogo\\_pravozahisnika\\_areshtuvani\\_na\\_15\\_dib](https://humanrights.org.ua/material/na_kharkivshini_vidomogo_pravozahisnika_areshtuvani_na_15_dib)

stance court<sup>124</sup> and sent the protocol for redrafting. Kornienko, who at that time had spent 9 days in custody, was released. On February 3, 2017 Velykoburlutsky regional court of Kharkiv oblast admitted that the actions of the human rights do not include the set of elements of an administrative offense. The facts of a criminal offense in the actions of judges and law enforcement officers have been entered to the Unified Register of Pre-trial investigations. The investigation continues.

The lawyer, and director of the Pravozahysnyk ("Human Rights Defender") coordination centre Maksym Korniyenko investigates cases of torture and human rights violations, defending victims, and monitors court proceedings. He is also a member of the Public Council at the Kharkiv Oblast Administration.

## OTHER CASES

### Hindering the work of human rights activists on the administrative border with the Crimea

On October 6, 2015 the representatives of the Crimean Human Rights Group (CHRG), Olga Skrypnyk and Vissarion Aseev faced the hindering of their work by paramilitary groups near the Chongar checkpoint on the administrative border with the occupied Crimea.

The CHRG observers went there to monitor the situation during the campaign "Civil blockade of the Crimea". They reported that on the highway near the checkpoint some people armed with firearms and blade weapons organized a roadblock. These people introduced themselves as members of the Right Sector and also there were people wearing the insignia of Azov, Donbass battalion, etc.

*"The armed people who are not law enforcement officials force car drivers to open the trunk and produce documents. Human rights activists said that the Right Sector fighters tried to prevent recording the violations", claims the CHRG statement.*

The Right Sector members informed the human rights activists that they were keeping two people in custody for a day and told that they were the "separatists trafficking drugs". They denied the request of the human rights activists to talk to the arrested. The Right Sector fighters claimed that they reported to the police and the SSU about the detainees and were waiting for the SSU to take them. The police told they were not aware of the detention.

The human rights activists also made a video recording of fighters with the Azov insignia interrogating a man detained at the checkpoint who had a Russian passport with a residence permit in Kerch. On his face traces of a beating are seen.

The Crimean Human Rights Group regarded such action as a violation of freedom of movement and right to liberty and personal security. The human rights activists stressed that the appropriation of the functions of law enforcement authorities by the volunteer battalions is inadmissible.

### Obstructions on the contact line in Donbass

In 2016, the head of the Donetsk charitable organization S.<sup>125</sup> was faced with disproportionate restrictions while crossing the contact line in Donbass into the armed conflict area.

The organization carried out its activities both in government-controlled Ukrainian territory and in the occupied part of the territory of Donbass, in particular concerning the provision of necessary aid for HIV-positive people. Due to work requirements S. had to cross the contact line to help people who needed psychological, medical and social support and assistance.

<sup>124</sup> Human rights defender Korniyenko sentenced to 15 days' arrest is acquitted. Human Rights Information Center. 01.12.2016. URL: [https://humanrights.org.ua/material/prigovorennij\\_k\\_15\\_sutkam\\_adminaresta\\_pravozashhnik\\_korniyenko\\_priznan\\_nevinovnym](https://humanrights.org.ua/material/prigovorennij_k_15_sutkam_adminaresta_pravozashhnik_korniyenko_priznan_nevinovnym)

<sup>125</sup> Activist's name and organization are not disclosed for safety reasons.



In April 2015, the personal information of S. had been included in *Myrotvorets* database and published on the same website that collects and publishes information about persons suspected of crimes against national security of Ukraine, peace and security of humankind and international legal order. The website has been created and is being updated by “volunteers”, but it is associated with the counsellor Anton Gerashchenko of the Minister of Internal Affairs.

The *Myrotvorets* website calls S. a “militants’ accomplice” and states that he is “*directly related to the structures of terrorist organizations (representatives of the so-called DPR and LPR – Ed.) and interacts with them.*” They published his address, phone number, date of birth, links to his profiles in social networks and other personal data.

After that S. started having problems with crossing the demarcation line in Donbass. For example, during three months in 2016 he got detained each time when he was crossing the checkpoints: according to the officers, his name is included in the data base under the “index I”. This involves a detailed inspection while crossing official checkpoints on the ATO contact line. In this regard, S. was detained each time, subject to a detailed inspection and a few hours’ questioning.

At the request of the Human Rights Information Center, the State Border Service replied that they had fulfilled the order of the Security Service of Ukraine concerning additional inspection measures in respect of S. The Security Service of Ukraine did not respond to the request and provided a formal reply.

# Recommendations

To improve the situation of human rights defenders and activists striving to protect the public interest the state authorities in Ukraine should fulfill the following recommendations:

1. Consult the international standards on protection of human rights defenders, in particular, the OSCE ODIHR Guidelines<sup>126</sup> on the Protection of Human Rights Defenders and uphold these standards.
2. Abolish systematic barriers for the activities of HRDs and activists striving to protect the public interest by implementing efficient judiciary and law enforcement reform, and anti-corruption measures.
3. Initiate the establishment of a position of the Special Representative with the Parliament (or under the President of Ukraine) on the situation of human rights defenders and activists striving to protect the public interest.

## TO VERKHOVNA RADA OF UKRAINE:

4. Cancel the amendments to the Law of Ukraine "On Combating Corruption" extending the duty to submit electronic declarations of property status (e-declarations) to civic activists combating corruption, and avoid imposing legislative acts which restrict freedom of assembly and association.
5. Initiate the legislative process for approval of the Model Law<sup>127</sup> for the Recognition and Protection of Human Rights Defenders.

## TO THE CABINET OF MINISTERS OF UKRAINE:

6. Simplify access for foreign HRDs and international human rights missions to the Crimea and replace permission-based entry procedure to a notification procedure by amending the Resolution of the Cabinet of Ministers No.367.

## TO LAW ENFORCEMENT BODIES:

7. Efficiently investigate all cases of threats and physical violence against HRDs, attorneys and activists striving to protect the public interest, including murder, violent assault, property damage (arsons of offices, cars etc).
8. Cease politically motivated criminal prosecution of anti-corruption and environmental activists, as well as attorneys protecting human rights, close related criminal cases and refrain from such types of prosecution in the future.

9. Efficiently investigate cases of violation of the right to privacy, tapping and surveillance over activists, in particular, information on possible involvement of the representatives of the Prosecutor General's Office and the State Security Service of Ukraine.

## TO COURTS:

10. While considering cases on peaceful assemblies of LGBT activists, abide by international standards and the case law of the European Court of Human Rights, in particular, do not prohibit assemblies on the basis of overlap with other events, including counter-demonstrations, or claimed inability of local authorities and police to ensure public order and safety during such events.

<sup>126</sup> Guidelines on HRDs protection – <http://www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders?download=true>

<sup>127</sup> Model Law for the Recognition and Protection of Human Rights Defenders – [https://www.ishr.ch/sites/default/files/documents/model\\_law\\_full\\_digital\\_updated\\_15june2016.pdf](https://www.ishr.ch/sites/default/files/documents/model_law_full_digital_updated_15june2016.pdf)







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