

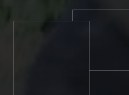


**OBSERVATION MISSION –  
HUMAN RIGHTS IN UKRAINE:**

**SELECTED CASES OF  
PERSECUTION OF CIVIL  
SOCIETY ACTIVISTS  
SINCE 2014**



15 JULY 2020



**The Open Dialogue Foundation** was established in Poland in 2009 on the initiative of Ukrainian student and civic activist Lyudmyla Kozlovska (who currently serves as President of the Foundation). Since its founding, statutory objectives of the Foundation include the protection of human rights, democracy and the rule of law in the post-Soviet area. In July 2017 area of interest of the Foundation was expanded due to the rapidly deteriorating situation in Poland and other EU member states affected by illiberal policies implemented by their populist governments. The Foundation has its permanent representative offices in Warsaw and Brussels.



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**The Italian Federation for Human Rights** (Federazione Italiana Diritti Umani - FIDU) is active since 1987 as Italian Helsinki Committee. FIDU promotes the protection of human rights as enshrined in the Universal Declaration of Human Rights of 1948, the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966, the Helsinki Final Act of the Conference on Security and Cooperation in Europe of 1975, the Charter of Fundamental Rights of the European Union of 2007 and in other relevant international documents.



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**The Centre for Civil Liberties** (CCL) was established in 2007 for the purpose of promoting human rights and respect for human dignity in Ukraine and independent states formed after the collapse of the USSR. The CCL monitors and analyses legislation, verifying its compliance with human rights standards, carries out public control over the actions of law enforcement agencies, courts and local authorities, supervises the investigation of crimes committed during Euromaidan and documents political persecution in the temporarily occupied Crimea, as well as human rights violations and war crimes in the Donbass.



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## 1. Introduction

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This report includes, among else, direct observations made during a human rights monitoring mission to Ukraine in the period between 16–19 March 2019.<sup>1</sup> The mission was held at the invitation of representatives of Ukrainian civil society. The mission visited Odessa and Kyiv, where a number of meetings were held with civil society activists, human rights activists, experts, relatives of Ukrainian political prisoners in Russia, political refugees, Ukrainian officials, and diplomats accredited in the country. In addition to the meetings, the mission participants monitored a peaceful protest in Odessa on 16 March, 2019 and attended a round table in the Verkhovna Rada of Ukraine on 18 March 2019.<sup>2</sup>

The mission was a joint undertaking of three human rights NGOs: Open Dialogue Foundation (Poland/Belgium/Ukraine), the Italian Federation for Human Rights (Italy) and the Centre for Civil Liberties (Ukraine). The mission was organised with the financial support of the Italian Federation for Human Rights.

The mission was attended by the following persons:

**Kornelia Wróblewska** — Deputy of the Sejm of the Republic of Poland of the VIII convocation, member of the Polish–Ukrainian Parliamentary Group;

**Antonio Stango** — President of the Italian Federation for Human Rights;

**Eleonora Mongelli** — Vice-President of the Italian Federation for Human Rights;

**Bartosz Kramek** — Head of the Foundation Board, Open Dialogue Foundation;

**Liudmyla Voloshyna** — member of the monitoring mission of the Italian Federation for Human Rights;

**Natalia Panchenko** — human rights activist, collaborated with the Open Dialogue Foundation and the Italian Federation for Human Rights, mission coordinator.

The mission was primarily dedicated to the problem of attacks on Ukrainian activists struggling against corruption, local oligarchic systems, dysfunctions, or law enforcement agencies that are either passive towards or supportive of the systems, and that are generally believed not to have sufficiently reformed after the Euromaidan revolution of 2013/14. The problem was publicised following the attack on, and death of, Kateryna Handziuk, an activist from Kherson who was drenched in acid and died as a result of her injuries on 4 November 2018.<sup>3</sup>

On 3 October 2018, international organisations such as Amnesty International, Human Rights Watch, Freedom House and Frontline Defenders issued a joint appeal to the Ukrainian authorities regarding the attacks on activists:

*“According to our calculations, in the last nine months of 2018, more than 50 attacks were carried out. Not a single instigator of any of the attacks has been identified. The Ukrainian authorities should publicly condemn all threats against human rights defenders. Officials must immediately take decisive action to ensure that activists are working in a secure environment and that they can safely exercise their right to freedom of expression and assembly, and to work without a risk of attack”* the document reads.<sup>4</sup>

These situations, along with the persecution of political refugees from post-Soviet countries by Ukraine and the case of the Ukrainian journalist and activist Maksym

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<sup>1</sup> <https://en.odfoundation.eu/a/9257,the-open-dialogue-foundation-fidu-and-the-centre-for-civil-liberties-on-a-joint-mission-in-ukraine/>

<sup>2</sup> The round table in the Verkhovna Rada of Ukraine on “Persecution and violation of the rights of Ukrainian citizens in Russia, Belarus and Kazakhstan” was held at the initiative of the Italian Federation for Human Rights and the Open Dialogue Foundation, with the assistance of the Parliamentary Committee on Human Rights, National Minorities and Interethnic Relations: <https://ua.odfoundation.eu/a/9212,u-verhovniy-radi-obgovorili-peresliduvannya-ta-porushennya-prav-gromadyan-ukrayini-na-teritoriyi-rosiyi-bilorusi-ta-kazakhstanu>

<sup>3</sup> <http://khpg.org/en/index.php?id=1541339495>

<sup>4</sup> <https://www.hrw.org/news/2018/10/03/ukraine-address-attacks-against-activists-and-human-rights-defen>

## 1. Introduction

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Demydov, which reverberated widely in Poland, drove the three aforementioned organisations to organise the observation mission. The Open Dialogue Foundation had already been involved in this area of activity, as it monitored the situation around the persecution of reformers and obstruction of their work by the Ukrainian prosecutor's office, which was the subject of the Foundation's reports in 2015<sup>5</sup> and 2017<sup>6,7</sup>.

This document, produced by the Open Dialogue Foundation along with the Italian Federation for Human Rights and the Centre for Civil Liberties, includes the opinions of the civil society activists, human rights defenders and experts whom the mission members met. The full list of interlocutors is presented at the end of the document. The study contains a comprehensive report on the mission, which provides information on the situation of activists from these cities and the general human rights situation in Ukraine.

It is worth noting that the mission was held in the midst of the presidential election campaign, which was won by Volodymyr Zelensky, a candidate who had not previously been involved in politics, and who won 73.22% of the vote.

The study was supplemented with information provided by activists following the completion of the mission. In addition, the report used articles and studies on: the situation in Odessa, Kryvyi Rih, and Kherson; reforms in Ukraine; and attacks on activists from local, national, Polish, and foreign circles. The testimonies of the interlocutors have been mutually confirmed.

This report is a continuation and extension of previous report on attacks on activists in Kryvyi Rih published on 30 May 2019, which was the first report from the March 2019 mission of the Open Dialogue Foundation, the Italian Federation for Human Rights and the Centre for Civil Liberties.<sup>8</sup> It should be noted that the part of the report concerning the situation in Kryvyi Rih was taken from the previous report, and has been updated and supplemented in this document.

**This report is limited to selected cases of persecution of civil society activists in Ukraine, while the situation in the Russian-occupied parts of Donetsk and Luhansk regions and Crimea is not taken into consideration.**

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5 <https://ua.odfoundation.eu/a/5990,dosyagnennya-vitaliya-yaremi-pidsumki-diyalnosti-generalnoyi-prokuraturi-ukrayini-rik-pislya-ievromaydanu>

6 <https://en.odfoundation.eu/a/8206,political-persecution-and-harassment-in-post-maidan-ukraine-how-oligarchs-undermine-reformers-efforts>

7 <https://en.odfoundation.eu/a/8209,tackling-politically-motivated-persecution-against-reformers-in-ukraine-and-moldova-odf-pace-event>

8 <https://ua.odfoundation.eu/a/9348,sposterezhna-misija-prava-ljudyny-v-ukrayini-stanovyshe-antikorupciynih-aktyvistiv-u-kryvomu-rozi/>

## 2. General state of human rights in Ukraine since 2014

### 2.1. Key challenges for civil society

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Following the occupation of Crimea by Russia in 2014 and the beginning of the war in eastern Ukraine, Ukrainian and international human rights defenders focused on the problems arising from the international armed conflict and the regions not under the control of the Ukrainian authorities. The country faced hundreds of thousands of internally displaced persons,<sup>9</sup> families of political prisoners and persons imprisoned in the Russian Federation and Russian-occupied territories, civilians living in the frontline zone,<sup>10</sup> war crimes victims, veterans, and the children of the killed soldiers. According to the provisions of international law,<sup>11</sup> the occupying state, i.e. the Russian Federation, is responsible for respecting human rights in occupied territories. In turn, Ukraine has a duty to ensure the safety of its citizens in the territories under its control.

In the period 2014–19, a serious threat to Ukraine's civil society, highlighted by its representatives, was the tendency of politicians in the ruling circle to use the war as a justification for disproportionate restrictions on human rights in the controlled territories. One such example was the proposal to enshrine at the legislative level, the notion of *“foreign agents”* in reference to public associations and the media that *“directly or indirectly act in the interests of the aggressor state”*.<sup>12</sup> Such innovations are dangerous in nature as they can be used against disloyal civil society representatives.

In recent years, the problem of civil society activists being persecuted while the perpetrators of such persecution avoiding punishment has come to the fore. In the period 2017–19, a wave of attacks on activists fighting corrupt officials and law enforcement officers, illegal construction, raids, and other problems at the regional level, swept through the regions of Ukraine. In 2019, the Coalition for the Protection of Civil Society recorded 83 cases of persecution of activists in Ukraine.<sup>13</sup> According to the Centre for Civil Liberties, in 2019, 90 cases of harassment of civil society were registered.<sup>14</sup>

In addition, it was noted that various paramilitary organisations, some of which were formed after the Euromaidan, were also involved in the attacks. Public activists attribute control over some of them to politicians, and primarily to the Minister of Internal Affairs Arsen Avakov.<sup>15</sup>

It is worth noting that in some cases the perpetrators of the attacks were former servicemen who had returned from the combat zone in eastern Ukraine. However, the vast majority of physical attacks on activists in Ukraine have been carried out by specially hired people from groups who may commit various crimes at the request of interested parties.

Matthew Schaaf, the head of Freedom House Ukraine, explained that the increase in the number of attacks fits into the general post-Euromaidan trend. This is due to the increase in the number of active people fighting corruption at the local level and the gradual restoration of the positions of political and business elites, which, following the revolution of Euromaidan, partially lost their former influence. Ukrainian and foreign human rights activists criticise law enforcement bodies for their inaction in investigating the attacks.<sup>16</sup> Only in isolated cases are attackers found and prosecuted. At the same time, the perpetrators of the attacks almost always go unpunished.

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9 <https://ua.odfoundation.eu/a/6740,zvit-zabezpechennya-prav-vnutrishno-peremishchenih-osib-v-ukrayini>

10 <https://ua.odfoundation.eu/a/6439,zvit-dopomoga-civilnomu-naselennyu-i-bijcyam-v-zoni-ato>

11 Part III, Section III of the Convention for the Protection of Civilian Persons in Time of War: [https://zakon.rada.gov.ua/laws/show/995\\_154](https://zakon.rada.gov.ua/laws/show/995_154)

12 <http://ccf.org.ua/statements/zayava-pravozahysnoho-poryadku-dennoho-iz-vymohoyu-prypynyty-kopiyuvaty-rosijskij-dosvid-schodo-zakonu-pro-inozem-nyh-ahentiv/>

13 <http://cs-coalition.org.ua/mapa-zahroz>

14 [http://ccf.org.ua/map/?fbclid=IwAR1KELOSmt5ImHC1z\\_KY5PuQo-f\\_o2h1YCNFW9FkIsVFpIkY0xWRNReg4U](http://ccf.org.ua/map/?fbclid=IwAR1KELOSmt5ImHC1z_KY5PuQo-f_o2h1YCNFW9FkIsVFpIkY0xWRNReg4U)

15 <https://zaborona.com/pravyj-ta-shche-pravishyj-iak-radykaly-razom-z-sbu-ta-mvs-peretvoriuiut-ukrainu-na-mafiozne-boloto/>

16 [https://org.zmina.info/content/uploads/sites/2/2020/01/stateofhumanrightsdefenders2019\\_reportua\\_.pdf](https://org.zmina.info/content/uploads/sites/2/2020/01/stateofhumanrightsdefenders2019_reportua_.pdf)



## 2. General state of human rights in Ukraine since 2014

### 2.1. Key challenges for civil society

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The dependence of law enforcement agencies on corrupt elites, as well as the lack of appropriate competencies among police officers, are key obstacles in investigating attacks on activists. Law enforcement officers are often allegedly not interested in finding the perpetrators of the attacks, as they are most often high-rank police officers, prosecutor's office employees, or officials linked to them. The elites themselves are not afraid to persecute "*inconvenient*" activists, as they are confident of their impunity.

The Ukrainian authorities have been resorting to various forms of pressure on civil society. For example, in 2018, Ukraine introduced a controversial law on a mandatory electronic statement of property for civil society activists.<sup>17</sup> The law was subsequently condemned by Ukrainian human rights activists and the US State Department.<sup>18</sup> The law primarily targets anti-corruption activists, who once fought for the introduction of the property statement for officials, and thus appears to be a form of revenge by MPs. On 6 June 2019, the Constitutional Court of Ukraine recognised this law as unconstitutional.<sup>19</sup>

By contrast, an "*Euro-optimist*" inter-party parliamentary group's draft law to protect anti-corruption activists from harassment (including personal protection) and financial assistance (draft law No. 384038 "*On the Protection of Whistleblowers and Disclosure of Information on Harm or Threat to Public Interest*") was not even considered by the Verkhovna Rada.<sup>20</sup>

Following the presidential and early parliamentary elections in 2019, there was a reset of power in Ukraine. This gave hope for an end to the persecution of activists and the beginning of effective investigation into attacks. However, there are fears that, despite promises, the team of new President Volodymyr Zelensky will continue the old government's policy of not investigating attacks on activists. This is indicated by the fact that the Verkhovna Rada, which has seen a turnover in personnel of more than 80%, has extended Arsen Avakov's term as Interior Minister. Avakov is implicated in a number of corruption investigations and is considered one of the most influential politicians in modern Ukraine.<sup>21</sup> Activists with whom the mission met spoke about Minister Avakov's "*monkey business interests*" and his real estate in Italy, which, in their opinion, has signs of corruption. It was during Minister Avakov's tenure that the persecution of activists described in the following sections of this report took place.

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<sup>17</sup> <https://www.pravda.com.ua/columns/2019/02/20/7207133/>

<sup>18</sup> <http://jur-gazeta.com/golovna/ssha-zaklikae-ukrayinu-skasuvati-zakon-pro-edeklaruvannya-dohodiv-aktivistiv.html>

<sup>19</sup> <https://www.unian.ua/politics/10578840-ksu-oprilyudniv-rishennya-yakim-e-deklaruvannya-dlya-aktivistiv-viznano-nekonstituciynim.html>

<sup>20</sup> <https://uacrisis.org/uk/68723-draft-law-on-protection-of-whistleblowers>

<sup>21</sup> <http://nashigroshi.org/2018/02/28/palatstvo-avakova-v-italiji/>

## 2. General state of human rights in Ukraine since 2014

### 2.2. Reform of law enforcement bodies, courts and anti-corruption measures

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Following the victory of Euromaidan in 2014 and the coming to power of a pro-European team headed by President Petro Poroshenko in Ukraine, a number of reforms were announced in the country. One key area was the reform of the law enforcement system, which had completely discredited itself after the killings of Euromaidan participants and the support of pro-Russian illegal groups in South and East Ukraine by the police and the Security Service of Ukraine. In 2015, a new National Police was established throughout Ukraine, except in the temporarily occupied territories, where police powers were adopted by Russia.<sup>22</sup>

In the first months, due to the ongoing reform of the patrol service, the new police enjoyed an unprecedented level of trust among the population of Ukraine.<sup>23</sup> However, it quickly became clear that this reform was ineffective and was instead a façade. According to human rights activists, the regional branches of the new police force remained under the influence of corrupt local elites and therefore failed to become impartial in the performance of their duties. The announced vetting of those in control that was supposed to prevent the old compromised officials from working in the new police structure did not bring results, as it took place only on paper.<sup>24</sup> At the same time, the new police officers lacked competence and were allegedly unwilling to defend the safety of citizens.

According to Daria Kalenyuk, the executive director of the Centre for Combating Corruption, the new patrol police make up only 5% of the total police force, so one should not expect essentially unreformed law enforcement agencies controlled by politicians to investigate attacks on activists who expose corruption committed by those politicians.

The National Police (NPU) law, adopted in 2015, does not meet one of the basic requirements of civil society, as it does not guarantee the de-politicisation of the system. Despite some guarantees of the independence of the head of the NPU, a political figure — the Minister of the Interior — keeps the function of appointing the most important police officers in the country.

The General Prosecutor's Office of Ukraine (GPU) has also proven ineffective in investigating crimes against civil society activists. The best proof of this is the impunity of Yanukovich-era officials involved in the violent suppression of peaceful protests, harassment and the killing of protesters.<sup>25</sup> Senior officials systematically avoided responsibility for crimes. A victory for civil society was the high-profile dismissal of ineffective general prosecutors and the cessation of US financial assistance for the reform of the prosecutor's office that had in fact still not been carried out by 2019.<sup>26</sup>

Following the inauguration of President Zelensky, Ruslan Ryaboshapka, the former head of the National Agency for the Prevention of Corruption, which fights corruption at the highest levels of government, was appointed General Prosecutor. The new General Prosecutor launched a reform of the prosecutor's office, which consisted of re-certifying prosecutors and cutting staff.<sup>27</sup> In 2020, the GPU was renamed the General Prosecutor Office.<sup>28</sup> On 5 March 2020, the Verkhovna Rada dismissed Ruslan Ryaboshapka from the post of General Prosecutor alleging *“low efficiency in the performance of his duties”*.<sup>29</sup>

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22 <http://khp.org/index.php?id=1488907079>

23 <https://www.bbc.com/ukrainian/features-40824349>

24 <https://www.dw.com/uk/три-роки-нацполіції-україни-довіра-падає-реальних-змін-немає/a-44526999>

25 <https://ua.odfoundation.eu/a/5990.dosyagnennya-vitaliya-yaremi-pidsumki-diyalnosti-generalnoyi-prokuraturi-ukrayini-rik-pislya-ievromaydanu>

26 <https://nv.ua/world/geopolitics/vystrel-v-nogu-vsey-strane-podrobnosti-skandalnogo-zayavleniya-lucenko-o-spiske-neprikasaemyh-ot-posla-ssha-50012080.html>

27 <https://www.ukrinform.ua/rubric-society/2801920-reformu-prokuraturi-planut-zaversiti-do-lita-nastupnogo-roku-rabosapka.html>

28 <https://www.dw.com/uk/рябошапка-з-нового-року-генпрокуратура-україни-припинить-існування/a-51800660>

29 <https://www.kyivpost.com/ukraine-politics/parliament-dismisses-ruslan-riaboshapka-as-prosecutor-general.html>



## 2.2. Reform of law enforcement bodies, courts and anti-corruption measures

Another problem in modern Ukraine is the judicial system. As with law enforcement bodies, the Ukrainian courts were completely discredited during Viktor Yanukovich's authoritarian presidency. The main obstacle to justice in Ukraine is the esprit de corps, and the corruption that exists at every level from district courts to the Supreme Court. Mykhailo Zhernakov, Chairman of the Board of the DEJURE Foundation, noted that the structure of Ukraine's judicial system makes judges dependent on political and business circles. According to the Constitution of Ukraine, the judiciary is one of the three powers of the State.<sup>32</sup> However, in reality, the Ukrainian courts are subordinated to the executive power; there is a so-called system of "*obedient courts*".

The judiciary has a very low trust rating amongst Ukrainian society. According to research by the Razumkov Centre, 75% of Ukrainians do not trust the courts.<sup>33</sup> Ninety-four percent of respondents named corruption and judges' dependence on oligarchs as the reason for their lack of confidence. After Euromaidan, no comprehensive vetting of the judicial system was carried out. The court chairmen who carried out Yanukovych's criminal orders continue to work in Ukrainian courts.<sup>34</sup>

Among the positive changes, Zhernakov noted the introduction of an electronic property declaration system for judges, the creation of two judicial councils (the High Qualifications Commission of Judges and the High Council of Justice) and the High Anti-Corruption Court, which is designed to hear high-profile corruption cases.

One of the main threats to democracy in Ukraine is corruption. After six years of pro-European changes, Ukraine remains one of the most corrupt countries in Europe.<sup>35</sup> Anti-corruption measures, for which the Ukrainian government receives financial assistance from Western donors, are not bringing any spectacular changes. Experts criticise the activities of Department “K” of the Security Service of Ukraine (SBU), which is responsible for fighting corruption and organised crime, but in reality is engaged in a “war on business”.<sup>36</sup> According to Daria Kalenyuk, the SBU employs 30,000 people, 10,000 of whom are responsible for fighting corruption. In 2017, journalists published an article about the illegal enrichment of the then head of Department “K” of the SBU, Pavlo Demchina.<sup>37</sup> In 2018, the National Anti-Corruption Bureau (NABU) reported him on suspicion of illicit enrichment.<sup>38</sup> In 2019, the compromised head of Department “K” was dismissed from his post.<sup>39</sup>

In the period 2015–19, several new anti-corruption bodies were established with the support of foreign donors: the National Agency for the Prevention of Corruption (NAPC), the National Anti-Corruption Bureau (NABU), the Specialised Anti-Corruption Prosecutor's Office (SAP), the Supreme Anti-Corruption Court (WAKC) and the State Bureau of Investigation (DBR). The creation of anti-corruption bodies was positively

39. <https://www.president.gov.ua/documents/2802019-27041>

## **2. General state of human rights in Ukraine since 2014**

### **2.2. Reform of law enforcement bodies, courts and anti-corruption measures**

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received by both society and Ukraine's foreign partners. At the same time, newly created anti-corruption bodies are often accused of being ineffective, overworked, and in some cases, loyal to representatives of the incumbent authorities.<sup>40</sup>

A clear positive shift in anti-corruption policy is the introduction of a mandatory electronic property statement for officials<sup>41</sup> and the introduction of an electronic public procurement system.<sup>42</sup> The first led to the initiation of criminal cases against corrupt officials, while the second made it possible to save money on public procurement.

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<sup>40</sup> <https://www.dw.com/uk/які-органи-в-україні-борються-з-корупцією/a-50560784>

<sup>41</sup> <https://declarations.com.ua>

<sup>42</sup> <https://prozorro.gov.ua>

## 2. General state of human rights in Ukraine since 2014

### 2.3. Freedom of mass media and media markets

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Since the end of the protests of Euromaidan and the active phase of the military operation in Donbass, hundreds of violations of journalists' rights have been recorded every year in Ukraine. The most common are cases of obstructions of lawful journalistic activity, threats, battery, denial of access to information, and cyber attacks. During the war with Russia, the Ukrainian media space faced the problem of the state needing it to provide information security. Ukrainian legislation in the field of media and information relations does not meet the needs of the time and must be reformed in order to properly protect personal data, to implement human rights in the digital dimension and to counter real threats to information security from Russia. In times of conflict, this task becomes especially important, as one of the main components of a hybrid war is information warfare.

Journalists are most concerned about legislative initiatives aimed at protecting against information aggression and combating Russian disinformation, as these could be used to impose censorship in the country. On the other hand, according to Oleksandr Burmagin, the executive director of the NGO *"Human Rights Platform"*, the National Council on Television and Radio Broadcasting is failing to counter anti-Ukrainian propaganda broadcast on pro-Russian TV channels.<sup>43</sup> Due to the imperfection of the legislation, the TV channels whose materials show signs of incitement to ethnic hatred are not brought to account.

The Ukrainian media market is almost entirely oligarchic. More than 76% of the information space is concentrated in the hands of four oligarchs, each of whom has his own media holding, TV channel, radio station or print publication.<sup>44</sup> On the one hand, this creates a pluralism of opinions and makes it impossible for events to be covered one-sidedly, or for state propaganda to be disseminated unchallenged. On the other hand, consumers of information who do not have the skills to distinguish propaganda from truth are forced to live in a distorted picture of reality and perceive the news from the angle presented by the media-owning oligarchs.

Due to their dependence on oligarchs, most Ukrainian media do not adhere to journalistic standards. Journalists aren't allowed to criticise their owners and are often made tools in information wars between oligarchs.<sup>45</sup> People in the media often violate professional ethics and the balance of opinions, and resort to manipulation, or even retransmission of Russian propaganda. Since 2015, Ukraine has had a law on ensuring the transparency of media ownership<sup>46</sup> that obliges the media to disclose the structure of its property. However, it does not apply to online media, whose popularity in Ukraine is growing every year.<sup>47</sup>

A significant advantage is the existence and popularity in Ukraine of investigative journalism, and specifically programmes that expose corruption schemes and abuse of office by officials. Kateryna Dyachuk, the head of the Freedom of Speech Monitoring Department at the Institute of Mass Media, considers Hromadske to be the most professional and objective media outlet in Ukraine, and it is broadcast online only. The largest audiences are for the oligarch-owned TV channels: Ukraine, 1 + 1, STB, Inter, ICTV, and New Channel.<sup>48</sup>

During 2019, 243 violations of freedom of speech were recorded in Ukraine,<sup>49</sup> which

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<sup>43</sup> In particular, pro-Russian TV channels 112, News One, ZIK, NASH, which are affiliated with the godfather of Russian President Vladimir Putin, Viktor Medvedchuk.

<sup>44</sup> The main actors in the Ukrainian media market are Viktor Pinchuk — StarLight Media (21.68%), Dmytro Firtash — Inter Media (21.42%), Ihor Kolomoisky — 1 + 1 media (20.49%) and Rinat Akhmetov — Media Ukraine Group (12.66%): <http://ukraine.mom-rsf.org/ua/>

<sup>45</sup> <https://imi.org.ua/monitorings/krashhi-druzi-oligarhiv-kogo-z-politykiv-pidtrymuyut-media-tovstosumiv-i31874>

<sup>46</sup> <https://zakon4.rada.gov.ua/laws/show/674-viii>

<sup>47</sup> <https://imi.org.ua/monitorings/napivsvitlo-napivtemriava-ne-prozorist-vlasnosti-internet-zmi-doslidzhennia-imi-i28327>

<sup>48</sup> <https://www.nrada.gov.ua/rejtyngy-televizijnoyi-audytoriyi-u-kvartali-2019-roku-doslidzhennya-itk/>

<sup>49</sup> <https://imi.org.ua/monitorings/svoboda-slova-v-ukrayini-u-2019-rotsi-pogirshylasya-imi-i31267>

## 2. General state of human rights in Ukraine since 2014

### 2.3. Freedom of mass media and media markets

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exceeds the same indicators for 2018.<sup>50</sup> The country ranks 102nd in the world for media freedom.<sup>51</sup> As with society activists, crimes against journalists are not investigated. Unfortunately, threats and lawsuits against investigative journalists have also been recorded under the new government.<sup>52</sup>

In recent years, the most notorious was the murder of journalist Pavlo Sheremet in central Kyiv in July 2016.<sup>53</sup> The then president Petro Poroshenko called it a “*matter of honour*” that all law enforcement agencies investigate this crime.<sup>54</sup> However, during Poroshenko’s presidency, the investigation into Sheremet’s case brought no results.<sup>55</sup> Only in December 2019 were suspects in the murder of the journalist detained; they were volunteers and veterans of the war in Donbass — Andriy Antonenko, Yana Dugar and Yulia Kuzmenko. At a briefing attended by the president, the Interior Minister and the General Prosecutor, they were effectively announced guilty of a crime, which constitutes a violation of the presumption of innocence. The case file, as well as the first court hearings, showed that the prosecution had no real evidence of the detainees’ involvement in the murder of Pavlo Sheremet.<sup>56</sup>

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50 <https://imi.org.ua/monitorings/235-porushen-svobody-slova-zafiksovano-v-ukraini-u-2018-rotsi-doslidzhennia-imi-i28320>

51 <https://rsf.org/en/ranking>

52 <https://www.radiosvoboda.org/a/news-schemes-portnov-novi-pogrozy/30249594.html?fbclid=IwAR1I24WRNEItoY6P54tCWK8or2HyMJ2zKBzbGm09rPET6GAg-Dxx5vEJ6X6k>

53 <https://www.hrw.org/news/2016/07/20/ukraine-journalist-killed-kyiv-car-explosion>

54 <https://www.youtube.com/watch?v=ObL7AuW2hBM>

55 <https://www.osce.org/representative-on-freedom-of-media/426128>

56 <https://www.pravda.com.ua/articles/2020/01/16/7237370/>

## 2. General state of human rights in Ukraine since 2014

### 2.4. Far-right environments and hate persecution

Since the beginning of the war in Ukraine, the work of right-wing radical groups has intensified. The most famous of these include the Right Sector, the National Corps and C14. In addition to anti-Russianism, which is a natural feature of all currents of Ukrainian nationalism, the ideology of these organisations contains elements of ultra-conservatism, xenophobia, and homophobia. The main targets of far-right groups are national minorities, LGBTI representatives and Ukrainian left-wing representatives. According to Vyacheslav Likhachev, an expert with the Congress of National Communities of Ukraine, right-wing radical propaganda identifies centre-left views as pro-Russian, while justice served to right-wing radicals is reframed as *“the oppression of patriots”*.

Contrary to stereotypes, support for radical right-wing ideologies is not limited to the Western part of Ukraine. At the same time, it should be emphasised that the far-right environment is not popular in Ukraine at all. The presence of such organisations in the media and public space is much higher than their real political ratings. None of Ukraine's right-wing radical parties has support that would exceed the electoral threshold. In the 2019 presidential election, from the entire right wing only Ruslan Koshulynsky of the Svoboda party ran, winning only 1.62% of the vote.<sup>57</sup> In the Verkhovna Rada of the ninth convocation, the extreme right is not represented by any party.

In order to have a chance to participate in the institutional life of Ukraine, far-right parties are forced to renounce their most radical postulates; otherwise they will not have a chance to cross the electoral threshold. For example, the Freedom Party, which achieved the greatest political success among the right, was an ordinary faction in parliament that did not stand out among others.<sup>58</sup> The ideology of the far-right Right Sector, which is considered one of the most radical in Ukraine, shows no signs of ethnic nationalism or chauvinism, as, even there, ethnic Russians are represented.<sup>59</sup>

Because it is impossible for them to act in the parliamentary field, representatives of far-right circles present their views on the streets. Veterans of the war in Eastern Ukraine often join their street protest actions, heightening the danger of such actions.<sup>60</sup> Right-wing radicals are most active before elections, when public attention is focused on politics and there is a greater chance for them to get into the media.

Quite often, far-right groups are hired by local business or political elites to physically abuse activists hindering their corrupt interests. Representatives of the far right also defend illegal buildings, disrupt concerts by Russian pop stars and art exhibitions containing left-wing views, and take part in raids and actions against drugs and slot machines.<sup>61</sup> Each of their aggressive actions is accompanied by high media coverage.

In the spring and summer of 2018, the number of attacks on Roma people and attacks against Roma camps increased in Ukraine. The most famous cases were recorded in Kyiv, Lviv and Ternopil. Youth right-wing radical and neo-Nazi movements, C14, the National Squads and others, claimed responsibility for the attacks. In June 2018, 23-year-old Roma David Popp was killed in an attack on a Roma camp in Lviv. The attackers were members of the right-wing radical group *“Sober and evil youth”*.<sup>62</sup> Two years after the tragedy, the perpetrators were yet to be punished.

57 <https://www.cvkk.gov.ua/pls/vp2019/wp300pt001f01=719.html>

58 An example of the Freedom Party, which was represented in the Verkhovna Rada in 2012–14: [https://news.liga.net/politics/articles/ideologiya\\_protiv\\_reytinga\\_analiz\\_spiska\\_partii\\_svoboda](https://news.liga.net/politics/articles/ideologiya_protiv_reytinga_analiz_spiska_partii_svoboda)

59 <https://www.kyivpost.com/article/content/kyiv-post-plus/foreigners-who-fight-and-die-for-ukraine-russians-join-ukrainians-to-battle-kremlin-in-donbas-386999.html>

60 One example is the terrorist attack during the protest of right-wing radical forces near the Verkhovna Rada on 31 August 2015. Then, a grenade explosion killed four nationalists and wounded about 150. According to the investigation, it was a former Sich battalion fighter affiliated with the far-right Svoboda party who threw the grenade at the police: <https://www.ukrinform.ua/tag-bijna-pid-radou>

61 <https://zmina.info/articles/zhodnogo-misyaczya-bez-inczedentu-doslidnyky-zafiksuvaly-137-vypadkiv-ultrapravogo-nasylstva-za-rik/>

62 <https://hromadske.ua/posts/he-na-grunti-nenavisti-rik-pislya-vbivstva-roma-davida-poppa>

## 2. General state of human rights in Ukraine since 2014

### 2.4. Far-right environments and hate persecution

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Every year, right-wing radicals clash during LGBTI marches in various cities of Ukraine. In some cases, local authorities support right-wing radicals by preventing activists from holding pride parades.<sup>63</sup> Although the police guard the parades, members of the LGBTI community are persecuted and attacked before and after the parades (so-called “safaris”). At the same time, those responsible for the attacks on LGBT people are almost never identified.

Attacks on feminist events remain widespread in Ukraine. On 9 February 2019, in Kyiv, members of the right-wing radical group “*Unknown Patriot*” tried to disrupt the event “*Feminist Coffee*”, which was held in the Creative Women Space with the participation of the Government Commissioner for Gender Policy Kateryna Levchenko. The far right tried to award her an anti-award for “*the systematic indoctrination of Ukrainian society by gender ideology*”. On 8 November 2019, in Rivne, in response to threats from the far right, organisers had to cancel the lecture-presentation of the publication *Urbanism and Feminism*. On 27 November 2019, in Lviv, representatives of the far-right group “*Tradition and Order*” tried to disrupt the feminist march “*Take back the night*”, which aimed to draw attention to the danger to girls and women in the dark in the city.<sup>64</sup>

The inaction of law enforcement agencies in investigating hate persecution indicates that Ukraine is unable to provide security for national, ethnic, sexual and gender minorities. The fact that attackers go unpunished and the authorities do not strongly condemn their violence contributes to perpetuating the attacks.

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<sup>63</sup> <https://www.facebook.com/amnestyua/photos/a.393246938977/10156919918513978/?type=3&theater>

<sup>64</sup> [https://zmina.ua/content/uploads/sites/2/2020/01/stateofhumanrightsdefenders2019\\_reportua\\_.pdf](https://zmina.ua/content/uploads/sites/2/2020/01/stateofhumanrightsdefenders2019_reportua_.pdf)



## 2. General state of human rights in Ukraine since 2014

### 2.5. The situation of political refugees

In recent years, Ukraine has positioned itself as a state open to refugees from post-Soviet countries. Hundreds of asylum seekers come to Ukraine every year to escape political persecution in their homeland. The new government declares its desire to provide refuge to *“representatives of all peoples suffering from authoritarian and corrupt regimes”*.<sup>65</sup> Unfortunately, despite official statements at the presidential level, Ukraine remains unfriendly to asylum seekers.<sup>66</sup>

Asylum seekers in Ukraine have the most complaints against the body that considers applications for asylum, i.e. the State Migration Service (DMS). DMS officials systematically delay consideration of applications for recognition of refugee status and unreasonably deny applicants, even despite court decisions in favour of asylum seekers.<sup>67</sup> There are numerous cases of the DMS taking the side of the persecuting country and issuing negative decisions despite clear evidence. Especially worrying are the DMS's refusals to former anti-terrorist operation fighters — citizens of the Russian Federation — who are persecuted in their country precisely for supporting the territorial integrity of Ukraine (e.g. Petr Lyubchenkov, Sergey Anisiforov, Alexei Vetrov and Sergei Sakharchuk).<sup>68</sup> It should be noted that President Zelensky has officially promised to facilitate the process of acquiring Ukrainian citizenship for Russians who are persecuted on political grounds by the Russian authorities.<sup>69</sup>

It is clear from the official statements of the DMS that this body inadequately assesses information on asylum seekers and the human rights situation in the country of origin.<sup>70</sup> The internal procedures of the DMS are obsolete and do not meet modern challenges. There are also serious legal conflicts that prevent asylum seekers from being granted refugee status, despite a court decision.

It is common for authoritarian regimes to abuse the mechanisms of INTERPOL, extradition and international legal aid in order to bring their political opponents back to the country.<sup>71</sup> At the same time, the Ukrainian DMS does not consider the possibility of the organisation being abused by authoritarian regimes, which indicates the incompetence of DMS officials.

In addition to bureaucratic problems with legalisation, refugees in Ukraine are often surveilled, intimidated and even kidnapped by the security services. In July 2018, Turkish journalist Yusuf Inan and businessman Salih Zeki Yigit were illegally transported from Ukraine.<sup>72</sup> In December 2019, the SBU (Security Service of Ukraine) abducted and transported Azerbaijani blogger Elvin Isayev from the country. This was on the eve of President Zelensky's visit to Azerbaijan.<sup>73</sup> These and other incidents attest to the Ukrainian authorities' cooperation with authoritarian regimes in persecuting refugees on the territory of Ukraine.<sup>74</sup> Such cooperation often takes place at an informal level.

The case of journalist and opposition activist from Kazakhstan Zhanara Akhmetova, who has been trying since 2017 to get political asylum in Ukraine along with her young son, is an illustrative example.<sup>75</sup> After Kazakhstan declared Akhmetova *“wanted”* in a non-political *“fraud”* case dating back to 2009, Akhmetova was arrested in Ukraine. After the reaction of human

65 “Ukraine will not give up its mission to be an example of democracy for post-Soviet countries. Part of this mission will be to provide protection, asylum and Ukrainian citizenship to all those who are ready to fight for freedom. We will provide shelter and assistance to all — all who are ready to fight side-by-side with us for our freedom and yours. We will grant Ukrainian citizenship to representatives of all nations suffering from authoritarian and corrupt regimes,” Volodymyr Zelensky posted on Facebook on 27 April 2019: <https://www.facebook.com/zelenskiy95/posts/2236347569948940>

66 [https://nv.ua/opinion/ukrainskaja-lovushka-dlja-politicheskikh-bezhentsev-2252659.html?fbclid=IwAR15S4vLxftdC3\\_p79qc2gmPLrx2sJddDMZMo4P-Tax6OLt0o6YJ0zByFgs](https://nv.ua/opinion/ukrainskaja-lovushka-dlja-politicheskikh-bezhentsev-2252659.html?fbclid=IwAR15S4vLxftdC3_p79qc2gmPLrx2sJddDMZMo4P-Tax6OLt0o6YJ0zByFgs)

67 <https://ua.odfoundation.eu/a/26451,zajava-ukrayinskyh-pravozahysnykiv-po-spravi-zhanary-ahmetovoyi/>

68 <https://ru.odfoundation.eu/a/9583,za-toboy-prishli-zloupotrebleniya-procedurami-ekstraditsiy-i-mezhgosudstvennoy-pravovoy-pomoshchi>

69 <https://www.euronews.com/2019/08/15/ukraine-zelensky-facilitates-process-for-politically-persecuted-russians-to-get-passports>

70 <http://tiny.cc/ew1dsz>

71 <https://ru.odfoundation.eu/a/9106,za-toboy-prishli-zloupotrebleniya-procedurami-ekstraditsiy-nezakonnnye-vydvoreniya-i-pohishcheniya-zhertv-politicheskikh-presledovaniy>

72 <https://www.eurointegration.com.ua/news/2018/07/16/7084447/>

73 <https://www.pravda.com.ua/news/2019/12/15/7234909/>

74 <https://ua.odfoundation.eu/a/8726,kazhstanski-specsluzhbi-stezhat-za-aktivistami-v-ukrayini>

75 <https://ua.odfoundation.eu/a/8678,sprava-zhanary-ahmetovoyi-ukrayina-znovu-dopomahaye-avtorytarnomu-rezhymu-v-zatrymanni-opozycijnoho-zhurnalista/>

## 2. General state of human rights in Ukraine since 2014

### 2.5. The situation of political refugees

rights activists, wide media coverage and the intervention of MPs of Ukraine and other European countries, Akhmetova was released. However, the DMS denied her refugee status. Akhmetova appealed<sup>76</sup> the decision of the Migration Service in court and proved her case in the Supreme Court of Ukraine.<sup>77</sup> The court ordered that the DMS overturn the previous decision regarding Akhmetova and issue a different one. Despite this, in 2018, the DMS denied Akhmetova asylum for a second time.<sup>78</sup>

Reputable Ukrainian<sup>79</sup> and international human rights organisations,<sup>80</sup> members of the European Parliament,<sup>81</sup> the US Congress,<sup>82</sup> the Parliament of Italy<sup>83</sup> and the Verkhovna Rada of Ukraine<sup>84</sup> declared the extradition of Zhanara Akhmetova to Kazakhstan inadmissible. Akhmetova's case was mentioned in the UN Special Rapporteur's report on the situation of human rights defenders,<sup>85</sup> reports of a group of experts requested by the European Parliament,<sup>86</sup> a European Parliament resolution proposal,<sup>87</sup> and a statement by the OSCE Rapporteur on Freedom of the Media.<sup>88</sup>

Despite widespread international support, the journalist and her young son are still in a “suspended” position in Ukraine. On 14 May 2020 the Cassation Court rejected Akhmetova's lawsuit against the Migration Service of Ukraine, the journalist is on the verge of extradition. The case of Akhmetova became illustrative, as it highlighted the problems that exist in the DMS; they are depriving hundreds of refugees protection every year.

**The general human rights situation in Ukraine has not changed significantly since 2014, despite a number of positive government initiatives. Beside the specific situation in territories controlled by Russian occupying forces or by their proxies, impunity for attacks and other forms of persecution remain among the main problems. Neither law enforcement bodies nor the judiciary can protect corruption whistleblowers, investigative journalists or ordinary activists who fight the corrupt system in the regions.**

**Despite the danger, there is a further intensification of civil society activity in Ukraine. In 2020, Freedom House assessed Ukraine as a partially free country, primarily criticising corruption and the lack of an independent judiciary.<sup>89</sup> The cases of harassment and murder of activists described in the following sections of the report confirm the existence of these and other problems related to the implementation of civil rights in Ukraine.**

<sup>76</sup> <http://reyestr.court.gov.ua/Review/75728895>

<sup>77</sup> <http://www.reyestr.court.gov.ua/Review/76519299>

<sup>78</sup> <https://ua.odfoundation.eu/a/9178,ukrayinska-migraciyna-sluzhba-vidmovila-u-pritulku-zhertvam-politichnogo-peresliduvannya-zhanari-ahmetoviy-ta-ar-dak-ashim>

<sup>79</sup> <https://ua.odfoundation.eu/a/26451,zajava-ukrayinskyh-pravozahysnykiv-po-spravi-zhanary-ahmetovoyi/>

<sup>80</sup> Reporters Without Borders: [https://twitter.com/rsf\\_en/status/1216667045305122816?s=12](https://twitter.com/rsf_en/status/1216667045305122816?s=12)

Italian Federation for Human Rights: [https://www.facebook.com/story.php?story\\_fbid=2981547505211559&id=219794638053540](https://www.facebook.com/story.php?story_fbid=2981547505211559&id=219794638053540)

<sup>81</sup> Julie Ward: <https://twitter.com/julie4nw/status/1214947095502827520>

Rebecca Harms: <https://twitter.com/RebHarms/status/1214948525592784897>

<sup>82</sup> <https://www.osce.org/international-impact/press-and-media/press-releases/chairman-hastings-urges-ukraine-grant-akhmetova>

<sup>83</sup> <https://twitter.com/rampi/status/1216718570526298112?s=21>

<sup>84</sup> Marina Bardina: <http://tiny.cc/wu1dsz> Solomiya Bobrovska: <http://tiny.cc/2y1dsz>

<sup>85</sup> <https://undocs.org/A/HRC/40/60>

<sup>86</sup> [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/603472/EXPO\\_STU\(2019\)603472\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/603472/EXPO_STU(2019)603472_EN.pdf)

<sup>87</sup> [https://www.europarl.europa.eu/doceo/document/B-8-2019-0204\\_EN.html?redirect](https://www.europarl.europa.eu/doceo/document/B-8-2019-0204_EN.html?redirect)

<sup>88</sup> <https://www.osce.org/representative-on-freedom-of-media/388634>

<sup>89</sup> <https://freedomhouse.org/country/ukraine/freedom-world/2020>

### 3. Attacks on activists in Ukraine: selected cases (2014–20)

#### 3.1. Odessa: cases of persecuted activists against the backdrop of the local situation



## Oleh Mykhailik

Public activist, head of the Odessa branch of the People's Power political party, which is in opposition to local authorities. Mykhailik criticised local authorities for embezzling funds and constructing illegal buildings in the city.<sup>90</sup> Along with other activists, he investigated the illegal enrichment of the gang of Volodymyr Halanternyk, a person linked to local officials.<sup>91</sup>

On 22 September 2018, an armed attack was carried out against Oleh Mykhailik.<sup>92</sup> In the city centre, near the regional police department, an unidentified person shot him with a non-lethal weapon. As a result of the assassination attempt, Mykhailik lost more than 2 litres of blood and suffered clinical death. The activist is convinced that he was shot by a professional killer and believes that the attack took place under the cover of law enforcement officers. The incident was condemned by members of the Verkhovna Rada of Ukraine,

the Delegation of the European Union to Ukraine<sup>93</sup> and the US Embassy.<sup>94</sup> President Poroshenko personally made a phone call to the hospital where the wounded Mykhailik was being treated to inquire about his health.<sup>95</sup>

Due to large public outcry and public pressure, police detained three suspects in the attack — members of a local criminal group. One of them was later released and another attempted suicide.<sup>96</sup> Mykhailik himself is convinced that the detainees are not the perpetrators.

According to the victim, investigative measures were not carried out in time, and an investigation was not really conducted. Instead, during the investigation, police gained access to Mykhailik's phone book, which contained phone numbers of many local activists, journalists and MPs. Also, during Mykhailik's treatment in Germany, the Ukrainian police and the prosecutor's office did not attach to the case file the main physical evidence — the bullet that was removed from the activist's body by German doctors. Mykhailik did not receive any material or organisational assistance from the state for his medical treatment.

Such actions by law enforcement agencies suggest that the investigation bodies are not interested in finding the real perpetrators of the assassination attempt on Mykhailik. The prosecutor's office is considering various motives for the attack on the activist, except for the most obvious one — revenge on the part of Galanternyk. On 28 September 2018, the Prosecutor of Odessa Province, Oleh Zhuchenko stated that the attack on Mykhailik allegedly aimed to destabilise the situation in the region.<sup>97</sup>

Despite the widespread publicity of the assassination attempt on Oleh Mykhailik, neither the attackers nor the perpetrators of the crime were found. On 31 July 2019, the police ceased its investigative actions and the pre-trial investigation of the case of Mykhailik.<sup>98</sup> According to the activist, the situation will not change unless independent external forces intervene.

90 <https://www.facebook.com/oleg.mykhaylyk/posts/2135185799824997>

91 One of the most influential gangsters in Odessa. According to information in open sources, he is linked to Mayor Gennadiy Trukhanov.

92 <https://www.pravda.com.ua/articles/2018/09/23/7192960/>

93 <https://www.facebook.com/EUDelegationUkraine/posts/2098704560174161>

94 <https://shorturl.at/hnyc7>

95 <https://www.unian.ua/politics/10272909-poroshenko-vpershe-vidreaguvav-na-napad-na-aktivista-v-odesi.html>

96 <https://hromadske.ua/posts/pidozryuvaniy-u-napadi-na-odeskogo-aktivista-mihajlika-zavdav-sobi-7-poranen>

97 <https://hromadske.ua/posts/na-odeskykh-aktyvistiv-mohly-napasty-dlia-detabilizatsii-sytuatsii-v-rehioni-prokuratura>

98 <https://www.unian.ua/society/10707690-odeskiy-aktivist-mihajlik-zayaviv-pro-pripinennya-dosudovogo-rozsliduvannya-u-spravi-pro-zamah-na-nogo.html>

### 3. Attacks on activists in Ukraine: selected cases (2014–20)

#### 3.1. Odessa: cases of persecuted activists against the backdrop of the local situation



## Vitalii Ustymenko

Public activist, leader of the Odessa department of “AutoMaidan”, Ustymenko is fighting against the illegal construction of buildings on the Black Sea coast and in the historic centre of Odessa being carried out by Vladimir Galanternyk’s financial and industrial group under the auspices of local authorities. During his activities, the activist has repeatedly been the victim of brutal attacks. In 2018, Ustymenko entered the Kyiv Post list of the top 30 young Ukrainian leaders (Top 30 Under 30).<sup>99</sup> In 2019, Ustymenko won the Human Rights Tulip award, which is presented by the Embassy of the Netherlands.<sup>100</sup>

On 15 February 2018, Ustymenko was subjected to battery in the courtroom, where the trial of Mayor Gennadiy Trukhanov was being held. Trukhanov himself has been linked by local activists to the local mafia and Interior Minister Avakov. After the acquittal was read out to the corrupt mayor, Vitalii was forcibly removed from the courtroom and severely beaten. According to the activist, Oleksandr Ivanytskyi, a member of the Odessa City Council, and several other athletically built persons took part in the beating. The police and the National Guard, who were present in the courtroom at the time, did not interfere in the fight.<sup>101</sup>

On 5 June 2018, when leaving the building of the TV channel where Ustymenko worked, unidentified people hit him several times on the head, around the kidneys and on a thigh with a sharp cutting object. Only a week after the attack was Vitalii granted state protection.<sup>102</sup> On 14 August 2018, despite the fact that the attackers were at large, Ustymenko’s protection was cancelled.<sup>103</sup> Following a decisive reaction from human rights organisations and broad publicity in the media, protection was restored. During the following months, several attempts were made to deprive Ustymenko of state protection.<sup>104</sup>

On 25 September 2018, two alleged attackers of the activist were detained; however, according to the victim, the investigation failed to search for the masterminds behind the assassination attempt.<sup>105</sup> On 20 February 2019, Yevhen Lisitsky, the main suspect in the attack on Ustymenko, known for his links to criminal circles, was released from the pre-trial detention centre.<sup>106</sup> Thus, the investigation into the attack on Ustymenko has been consistently sabotaged by law enforcement agencies. In addition, in order to exert additional pressure, civil lawsuits with claims for damages and public apologies are

99 <https://www.youtube.com/watch?v=V5974acFYJo>

100 <https://shorturl.at/FHNQ2>

101 [https://m.facebook.com/story.php?story\\_fbid=2314936002096813&id=100007413061867](https://m.facebook.com/story.php?story_fbid=2314936002096813&id=100007413061867)

102 <https://www.unian.ua/society/10163030-odeskomu-aktivistu-ustimenku-cherez-dva-tizhni-pislya-napadu-nadali-derzhohoronu.html>

103 <https://www.radiosvoboda.org/a/news/29433591.html>

104 [https://humanrights.org.ua/material/u\\_aktivista\\_ustimenko\\_zabrali\\_derzhohoronu\\_](https://humanrights.org.ua/material/u_aktivista_ustimenko_zabrali_derzhohoronu_)

105 <https://www.pravda.com.ua/news/2018/09/25/7193195/>

106 <https://tsn.ua/ukrayina/pidozryuvanogo-v-organizaciyi-napadu-na-odeskogo-aktivista-ustimenka-vipustili-z-sizo-1300821.html>

### 3. Attacks on activists in Ukraine: selected cases (2014–20)

#### 3.1. Odessa: cases of persecuted activists against the backdrop of the local situation

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systematically filed against Ustymenko. The activist has also been detained for his activities contrary to the interests of the financial-industrial group, and brought to trial.<sup>107,108</sup>

On 10 June 2020, Ustymenko announced that the Primorsky District Court of the City of Odesa refused to interrogate a suspect Yevhen Lisitsky, most probably the organizer of the attack on the activist<sup>109</sup>. Even the register of witnesses in this case does not include Lisitsky, who, according to the same case materials, is at least a mediator in the attack.

Amongst the biggest problems in Odessa, Ustymenko notes the usurpation of all the city's resources by one financial and industrial group and the mutual integration of local authorities with the prosecutor's office. According to Ustymenko, the police are physically confronting activists striving to prevent illegal actions being carried out by local authorities. Attempts are made to bribe activists or discredit them through the pocket media. If that doesn't work, people are physically eliminated.

According to the activist, following the Euromaidan, the public sector in Odessa became more professional and received many more tools of influence. Investigative journalists are now being threatened by the objects of their investigations. Reforms are taking place, but only under pressure from international partners, who are, in fact, forcing the government to implement them.

Ustymenko requests the attention of the European community and that European structures appeal to the Ukrainian leadership regarding the need to investigate attacks on activists, the subordination of law enforcement agencies in Odessa to the financial and industrial group of Trukhanov-Galanternyk and the general situation of informal groups influencing national and local government.

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<sup>107</sup> <https://www.pravda.com.ua/news/2018/12/25/7202253/>

<sup>108</sup> <https://www.pravda.com.ua/news/2019/02/22/7207430/>

<sup>109</sup> [https://zmina.info/news/ustymenko-zamovnyka-napadu-na-mene-vyvodyat-zi-spravy/?fbclid=IwAR2Y0KTQaALo7a-ZfNK\\_vlL2c2uU3ZzQs4HL0noK1DyIpBIUhttXQNyYGGg](https://zmina.info/news/ustymenko-zamovnyka-napadu-na-mene-vyvodyat-zi-spravy/?fbclid=IwAR2Y0KTQaALo7a-ZfNK_vlL2c2uU3ZzQs4HL0noK1DyIpBIUhttXQNyYGGg)



### 3. Attacks on activists in Ukraine: selected cases (2014–20)

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## Aleksander Orlov



Polish journalist, human rights defender and anti-corruption activist, president of the Ruthenia-Mir Foundation. Victim of criminal prosecutions on trumped-up charges in Ukraine.<sup>110</sup>

On 16 April 2000, a criminal case was initiated against Orlov on charges of drug possession. After many years of litigation, Orlov was acquitted. On 15 December 2011, the European Court of Human Rights ruled that the European Convention for the Protection of Human Rights and Fundamental Freedoms was violated in the case against Orlov.<sup>111</sup>

On 11 September 2007, a second criminal case was initiated against Orlov on charges of premeditated murder. His case was deliberately dragged out for years. More than 150 hearings were scheduled as part of the judicial investigation, most of which did not take place for various reasons. Orlov spent four years, eight months and 18 days in detention, which makes him the Polish prisoner held in detention abroad for the longest period without a court sentence in the history of the Third Polish Republic.<sup>112</sup> While under arrest, Orlov was subjected to ill-treatment and torture. On 25 May 2016, after the case of the Polish journalist became widely known among diplomats and members of the Polish Sejm, Orlov was released.

On 28 December 2017, during a journalistic investigation near the Odessa pre-trial detention centre, SBU officers attempted to detain Orlov.

Due to the violation of reasonable terms of criminal proceedings, the journalist is demanding compensation from Ukraine for moral damages. There are ten criminal cases pending before the Odessa police, civil and military prosecutor's office in which Orlov is a victim. The journalist believes that these cases are not being investigated and are being deliberately postponed.

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<sup>110</sup> <https://ua.odfoundation.eu/a/6820,zvit-sprava-oleksandra-orlova-gromadyanin-polshchi-zitknuvsya-z-kriminalnim-peresliduvannyam-v-ukrayini>

<sup>111</sup> [https://zakon4.rada.gov.ua/laws/show/974\\_921](https://zakon4.rada.gov.ua/laws/show/974_921)

<sup>112</sup> <https://ua.odfoundation.eu/a/7560,oleksandr-orlov-pislya-mayzhe-p-yati-rokiv-uv-yaznennya-buv-zvilneniy-z-pid-areshtu-v-ukrayini>



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## Serhii Sternenko

Lawyer, blogger, active civil society figure. Opposes corrupt local authorities and Galanternyk's financial and industrial group in land grabbing and illegal construction. During his public activities, Sternenko became victim to criminal prosecution, and in 2018 survived three assassination attempts.

On 18 November 2017, Sternenko covered a protest action against the construction of the Odessa Summer Theatre.<sup>113</sup> During the action, clashes broke out between law enforcement officers and activists. On 24 November 2017, Sternenko was arrested on suspicion of hooliganism. The case was later reclassified as a “*mass riot*”. The victim in this case is the chief of police of Odessa Province, Dmytro Golovin who never appeared at any court session. Three days after his arrest, Sternenko was released from a pre-trial detention centre on bail paid by Head of the Odessa Regional State Administration, Maksym Stepanov.

On 28 November 2017, late in the evening, near Sternenko's house, two hooded men threatened him with physical violence if he did not stop “*snooping around where he doesn't belong*”.<sup>114</sup>

On 12 December 2017, a new criminal case was initiated against Sternenko on suspicion of selling psychotropic substances. The evidence consisted of an audio recording in which Sternenko's voice cannot be heard, and the testimony of a previously convicted man who had never seen Serhii. The activist was placed under house arrest. Due to the judges' refusal to hear the case, the trial is yet to begin.

On 7 February 2018, two unidentified individuals opened the door of the car in which Sternenko was driving and started hitting him with a baseball bat with inserted blades. As a result of the attack, the activist suffered a concussion and a hip wound. Police have not yet identified the mastermind, organiser or perpetrator of the attack. At the same time, Serhii was denied state protection, and since criminal cases have been initiated against him, he cannot carry a weapon for self-defence.

On 25 February 2018, a group of *titushki*<sup>115</sup> beat activists who were video-recording the situation of illegal collection of money from drivers for driving on one of the streets of Odessa near the shopping centre. The battery took place in front of police officers. Sternenko, who was covering the developments, became one of the victims of the attack.<sup>116</sup>

On 1 May 2018, an unidentified person twice shot Sternenko in the neck with rubber cartridges. Serhii chased down the attacker and handed him over to police. He transpired to be a former police officer from Kazakhstan, Abzal Baibukashev. The man refused to cooperate with the investigation bodies, and the investigation actually lasted only two weeks. The

<sup>113</sup> <https://www.radiosvoboda.org/a/video/28861653.html>

<sup>114</sup> <https://www.facebook.com/sternenko/posts/2037741389835533>

<sup>115</sup> Young people of athletic build who carry out provocative actions against participants in peaceful protests, activists, civil society figures, and journalists.

<sup>116</sup> <https://www.megafon.od.ua/2018/02/26/titushki-izbili-odessitov-na-glazakh-u-politcii-rezonansnoe-zaderzhanie-foto-video/>

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mastermind and the organiser of the attempt have not been identified. Despite the significant threat to his life, Sternenko was denied state protection for the second time after the attack.

On the evening of 24 May 2018, two unidentified individuals attacked Sternenko near his house and stabbed him several times. As a result of the assassination attempt, Sternenko suffered a concussion, a torn arm wound and several haematomas. He was hospitalised and discharged four hours after the surgery. He was denied painkillers. Private clinics refused to admit him, so Serhii had to be transported to Kyiv, where he underwent another surgery. Kyiv doctors noticed that in the Odessa hospital, the patient had had two nerves damaged for unknown reasons and the tendon that bends the hand had not been sutured.

One of Sternenko's attackers, Ivan Kuznetsov, died as a result of the activist's self-defence. The second attacker, Oleksandr Isaykul, was wounded and later detained. The third possible participant in the attack, Oleksandr Podobedov, who according to Sternenko coordinated Kuznetsov's and Isaykul's actions, was questioned by the police. However, none of the attackers was declared a suspect in the case. After the third attack, the activist was again denied state protection due to an alleged *"lack of threat to life"*. On 27 October 2018, Podobedov was spotted shadowing Sternenko.<sup>117</sup>

On 19 July 2018, Sternenko found devices in his car that served to covertly track his whereabouts and movements. Attacks on the activist could have been planned with the help of these devices. After Serhii posted about it on Facebook,<sup>118</sup> he received phone calls from the police with a request that he hand over the devices under the pretence of a verification. Sternenko denied the request and handed over the tracking devices to the Security Service of Ukraine, which initiated a criminal case. The devices were sent for examination, which is yet to be completed.

On 25 August 2018, driving at high speed on the highway, an unidentified person in a car with Swedish registration plates made several attempts to provoke an accident involving Sternenko.<sup>119</sup>

On 23 May 2019, police alleged that they had lost evidence of the attacks on Sternenko.<sup>120</sup> Thus, there are serious grounds to believe that the Odessa police are involved in organising the attacks on the activist. According to the activist, the only thing that stops attacks on activists is the publicity and attention of international organisations and Western countries. The investigation bodies begin to work only under internal and external pressure on the government. Sternenko believes that activists will continue to be attacked until justice is restored and the masterminds and perpetrators are punished.

In the autumn of 2019, pro-Russian politicians, mostly affiliated with Viktor Medvedchuk and his subordinate media outlets, launched a massive disinformation campaign against the activist, portraying him as a murderer, while his attacker who died as a result of Sternenko's self-defence was presented as a victim.<sup>121</sup> From September to October, pro-Russian media outlets mentioned Sternenko 133 times without any valid informational reasons, while his name was mentioned only 11 times in the neutral media during the same period.<sup>122</sup>

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<sup>117</sup> <http://www.theinsider.ua/politics/ja-znaju-hto-organizuvav-napad-na-mene-i-chomu-vony-ne-zatrymani/>

<sup>118</sup> <https://www.facebook.com/sternenko/posts/2197845647158439>

<sup>119</sup> <https://www.facebook.com/sternenko/posts/2242883912654612>

<sup>120</sup> [https://humanrights.org.ua/material/policija\\_zagubila\\_chastinu\\_rechovih\\_dokaziv\\_u\\_spravi\\_odeskih\\_aktivistiv?fbclid=IwAR2\\_B0b2l7fmtkYq1RzcUBPZcuO9PCIk-DKpo7YyDclCRFCI2pxepE6c2YRY](https://humanrights.org.ua/material/policija_zagubila_chastinu_rechovih_dokaziv_u_spravi_odeskih_aktivistiv?fbclid=IwAR2_B0b2l7fmtkYq1RzcUBPZcuO9PCIk-DKpo7YyDclCRFCI2pxepE6c2YRY)

<sup>121</sup> [https://www.youtube.com/watch?v=3vkq4Sd6\\_N8](https://www.youtube.com/watch?v=3vkq4Sd6_N8)

<sup>122</sup> <https://www.youtube.com/watch?v=q89pihCY5S8>

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In April 2020, it became known that the newly appointed General Prosecutor, Iryna Venediktova intends to declare Serhii Sternenko a suspect in the murder of his attacker Ivan Kuznetsov.<sup>123</sup> In addition, investigative journalists reported that the car of the family of the then adviser to the chief of police of Odessa Province Ruslan Forostyak was recorded near the place of the second attack on Sternenko, which may indicate the possible involvement of local law enforcement officers in the attack.<sup>124</sup>

On 11 June 2020, Serhii Sternenko received a suspicion of murder from the Security Service of Ukraine. However, according to Slidstvo.Info, the SSU investigators prepared the same suspicion for Sternenko a month ago. Then the head of the group of prosecutors refused to sign it, and later withdrew from the considering of the case altogether<sup>125</sup>. On June 11, the Ukrainian Helsinki Human Rights Union issued an open statement regarding the persecution of Serhii Sternenko, considering the criminal prosecution of the activist politically motivated and warning the Prosecutor General's Office and the Security Service of Ukraine against political decisions during the investigation<sup>126</sup>.

On June 15, the Shevchenkivskyi District Court in Kyiv ruled that Serhii Sternenko to be placed on 24-hour house arrest for 60 days<sup>127</sup>.

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<sup>123</sup> <https://www.pravda.com.ua/articles/2020/04/7/7246769/>

<sup>124</sup> [https://www.slidstvo.info/articles/napad-na-sternenka-avto-politsejskogo-na-misti-zlochynu-yak-vypadkovist/?fbclid=IwAR2H52LqNVFJOvzcAdqYGccYPuDUP8pWdTSs3IZ-BpOdL\\_JaKSMMpT3N1SY](https://www.slidstvo.info/articles/napad-na-sternenka-avto-politsejskogo-na-misti-zlochynu-yak-vypadkovist/?fbclid=IwAR2H52LqNVFJOvzcAdqYGccYPuDUP8pWdTSs3IZ-BpOdL_JaKSMMpT3N1SY)

<sup>125</sup> <https://www.slidstvo.info/news/starshyj-prokuror-u-spravi-sternenka-vidmovlyavsya-pidpysuvaty-jomu-pidozru/>

<sup>126</sup> [https://helsinki.org.ua/appeals/vidkryta-zaiava-uhsp-shchodo-peresliduvannia-serhiia-sternenka/?fbclid=IwAR3miY1JKOpB1uuNQ7\\_SD74Xkw5teON2HFBTAq319-3TzJd-1mo0sadxOI](https://helsinki.org.ua/appeals/vidkryta-zaiava-uhsp-shchodo-peresliduvannia-serhiia-sternenka/?fbclid=IwAR3miY1JKOpB1uuNQ7_SD74Xkw5teON2HFBTAq319-3TzJd-1mo0sadxOI)

<sup>127</sup> <https://www.radiosvoboda.org/a/30672398.html>

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## Anton Kravchenko

Anton Kravchenko (born 1990) has been a coordinator of the NGO AutoMaidan in Kryvyi Rih since 2014 and is co-founder of the organisation Kryvyi Rih Against Regime and Dictatorship. He was an activist of the Kryvyi Rih Investigation Centre fighting against corruption. He was one of the organisers of the Euromaidan in Kryvyi Rih in the winter of 2014.<sup>128</sup> In 2014, as a volunteer, he organised support for Ukrainian forces participating in the defence of territorial integrity of the country within the framework of the Anti-Terrorist Operation (ATO) in the East of the country. As a member of the volunteer battalion, he participated in the 2015 defence of Donetsk airport.

The Kryvyi Rih Investigation Centre was founded by a group of local activists including Anton Kravchenko, Maksym Demydov and Bohdan Ryzhak. The centre monitors public procurement and conducts investigative journalism. Its members are analysts and civic journalists. The centre was launched as an alternative to the press and television obedient to the local government. Eight activists are permanently involved in the centre's activities.

The AutoMaidan in Kryvyi Rih consists of three hundred and eighty of the most engaged activists, who, in accordance with the rules of the organisation, remain at constant disposal and take part in protests and other types of demonstrations. They are supported by over a thousand people (supporters) occasionally involved in social media activities, and participants in protests. The AutoMaidan<sup>129,130</sup> is the most recognisable and active anti-corruption initiative in the city, originating from the movement of protesting drivers supporting pro-European, anti-government protests during the "*Revolution of Dignity*" (Euromaidan). Recruited from among its participants, local branches of this social movement were transformed into independent initiatives to fight corruption and abuse of power in numerous cities and towns of Ukraine.

Kryvyi Rih Against Regime and Dictatorship is a civic movement organisation that brought together local activists from a dozen or so non-governmental organisations of various types: women's rights activists, human rights defenders, environmentalists and urban activists, representing seven particular districts. The organisation was established before the outbreak of the revolution on Maidan in Kyiv in 2013/14, but in fact started its activity on 22 January 2014 after the murder of Serhii Nihoyan, a participant in pro-European protests in Kyiv. The protests were held against the government of the pro-Russian President Viktor Yanukovich (whose government ended after his escape to Russia in February 2014).

The victory of Euromaidan did not solve the city's problems; therefore, the organisation remains active, focusing on social and mass-media protest against the city authorities and subordinate administrative structures commonly considered to be corrupt and linked to

<sup>128</sup> <http://euromaidanpress.com/2018/11/23/activist-behind-novorossiyas-defeat-in-kryvyi-rih-i-am-hit-with-five-lawsuits-for-my-civic-stance/>

<sup>129</sup> <https://www.democracyendowment.eu/news/automaids-fights-corruption-in-ukraine/>

<sup>130</sup> <https://www.rferl.org/a/ukraine-activists-automaids/25241507.html>

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#### 3.2. Kryvyi Rih: cases of persecuted activists against the backdrop of the local situation

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organised crime.

The local authorities in Kryvyi Rih have not been replaced for many years. Yurii Vilkul became mayor of Kryvyi Rih in 2006. The city is a large conglomerate of factories and industrial plants whose workers are persuaded during each election to vote for those currently in power; they are threatened with losing their jobs if they don't comply; they are also bribed, and the elections are often accompanied by numerous breaches of election law. These problems have been repeatedly publicised in the Ukrainian press.

Yurii Vilkul (the mayor of the city; Mer in Ukrainian) and his son Oleksandr Vilkul, a member of the Verkhovna Rada of Ukraine and a candidate in the 2019 presidential election, are considered to be the key figures in the city. They started their business and political careers working for the richest citizen of Ukraine, an entrepreneur (one of the so-called oligarchs — the wealthiest people in the country, combining business and political influence) Rinat Akhmetov. After Petro Poroshenko won the presidential election in 2014, Yurii Vilkul was forced to share his influence in the city with the local MP from Petro Poroshenko Bloc, Danylo Usov (Poroshenko Bloc is a political grouping supporting the then President of Ukraine Petro Poroshenko and his faction in the Ukrainian parliament).

The City Council is controlled by the grouping of the overthrown President Viktor Yanukovich, called the Opposition Block (a successor of the former pro-Russian Party of Regions). Both the mayor of the city and his son, a member of the Ukrainian parliament, belong to the grouping.

The November 2015 local government elections significantly shook the position of Yurii Vilkul, who was threatened with losing his position as mayor to Yurii Myloboh, the opposition candidate put forward by the civic movement Kryvyi Rih Against Regime and Dictatorship and supported by the Self Reliance party. Due to apparent electoral fraud (in one of the city districts, one hundred percent of voters<sup>131,132</sup> voted for Yurii Vilkul in the last hours before the closing of the polling stations), he finally won by 752 votes, although he lost in all six remaining districts. Falsified elections led to the outbreak of mass civil society protests,<sup>133</sup> which eventually resulted in the adoption of a special law by the Ukrainian Parliament on 23 December 2015, ordering the re-election of the mayor of the city, which took place on 27 March 2016. The previous elections were thus annulled.

The repeated election was once again won by Yurii Vilkul, who has served as the city mayor since that day. The activists reported further election fraud and the practice of actually forcing factory workers to vote for him under threat of losing their jobs.<sup>134</sup>

The elections, the election fraud, and protests in 2015/16 became one of the most important events in the history of the city and the activity of local activists in recent years.

The main problem faced by civic activists in Kryvyi Rih is persecution by local investigative bodies — the police and the prosecutor's office — which cooperate closely not only with local authorities, but also with organised crime structures. The activists point out that the activities undertaken by the bodies are based on the principle of retaliation against activists for their anti-corruption investigations, media protests and rallies. Meanwhile, reports and notifications by activists are most often ignored and obstructed by the authorities.

Anton Kravchenko is a member of the local verification commission<sup>135</sup> involved in recruiting new officers for the Patrol Police established in 2015, and draws attention to numerous breaches and dysfunctions resulting in such practices as persons without proper qualifications being accepted into the police force purely on account of, for example, their connections with prominent law enforcement officers and local politicians. Information provided by Anton

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<sup>131</sup> <http://euromaidanpress.com/2016/03/05/the-mayoral-election-in-kryvyi-rih-puts-the-system-in-agony/>

<sup>132</sup> <http://euromaidanpress.com/2017/02/28/electoral-reform-not-early-elections-will-help-ukraine/>

<sup>133</sup> <http://euromaidanpress.com/2015/12/13/86663/>

<sup>134</sup> <http://euromaidanpress.com/2016/03/30/the-democratic-movements-election-fiasco-in-kryvyi-rih/>

<sup>135</sup> <https://www.infosecurity24.pl/pelzajaca-reforma-nowa-policja-ukrainy-analiza>



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Kravchenko and Maksym Demydov, the brother of Danylo Usov, MP from the Petro Poroshenko Bloc shows that the acquaintances of police investigation department heads and of prosecutors and members of the City Council have been admitted to the local police.

Currently, five criminal cases are proceeding against Anton Kravchenko (he is accused, amongst others, of directing criminal threats against prosecutors,<sup>136</sup> and assaulting a policeman<sup>137</sup>), he has also been assaulted 23 times, which resulted in him being diagnosed with light and medium bodily harm along with temporary loss of ability to work, as well as numerous cases of damage to his property. The activist consistently reported all attacks at the police station.

In September 2018, the security guards of the Mayor of Kryvyi Rih beat Anton Kravchenko with rubber batons. As a result of the assault, the activist was accused of “hooliganism”.

The activist stresses that each subsequent criminal case against him carries a greater risk of incarceration and increases the maximum penalty that he faces.

In the vast majority of cases, the perpetrators of the attacks have been identified, but no one has been charged, and all are at large.

On 13 April 2019, Anton Kravchenko was identified and beaten by three police officers. This was how the police responded to his call to help a person who had been loudly asking for help on the street. For the activist, it resulted in a broken nose and jaw, and stitches to the face.<sup>138</sup> According to his AutoMaidan friends, he was beaten “because he is Anton Kravchenko”. The police consistently refuse to accept the report of a crime.

Anton Kravchenko is known in Kryvyi Rih as “troublesome” due to, among other things, his constant and persistent interest in the work of the city authorities, his demands for public information and his interventions in city structures in response to irregularities he has noticed.

According to the activist, apart from general activity, the direct and main cause of the attacks on himself — and his own problems with the law — is the important role he played during the protests against the rigging of local elections in 2015 and the previous report (September 2014) of a crime committed by municipal officials and members of the City Council.

The report concerned Yehor Prokopchuk, the director of the state water supply company, Krivbaspromvodopostostachannya, in the city who, activists allege, committed numerous financial offences, including the free-of-charge transfer of water supplies (worth 2 million hryvnias per year) to the fish farm of his acquaintance, local businessman Yurii Zakordonets. His companies not only evaded municipal payments but also illegally emptied pollution from their own ponds into the river. According to the activist, this practice continues to this day.

Reportedly, director Prokopchuk also collaborated with a criminal group in stealing water pipes supplying water to suburbs and suburban plots of land. The company he led made the maps with their layout available to criminals who knew where to dig them up. Then, through other companies, the same pipes were resold back to the water supplier.

The report was filed with the General Prosecutor’s Office of Ukraine, which registered the case but failed to take any further action.

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<sup>136</sup> <https://www.0564.ua/news/2254271/v-dele-ob-ugroze-ubijstvom-musornym-bakom-eks-prokuror-povtoril-pokazania-video>

<sup>137</sup> <https://www.0564.ua/news/2251276/v-dele-krivorozskogo-avtomajdanovca-sud-issleduet-pismennyye-dokazatelstva-i-pozuril-prokuraturu-video>

<sup>138</sup> <https://shorturl.at/czHJM>



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In the activists' report, a political shield ("*backing*") is provided by the member of the Supreme Council of Ukraine (parliament) Danylo Usov, who is the real "*representative*" and guardian of the interests of President Poroshenko in Kryvyi Rih. Usov is also an informal curator of the company Kryvbaspromvodopostostachannya.

On 25 April 2019, the first instance court of the city of Kryvyi Rih (Dzerzhinsky District) found Anton Kravchenko guilty of inflicting minor bodily injury and assault on a policeman. He was sentenced to a fine of 850 hryvnia for the first act and a three-year suspended sentence for the second. The judgments concerned cases in which the activist himself was beaten by police officers. On 13 May 2019, Kravchenko appealed against the sentence, drawing attention to numerous violations of his rights, irregularities during the investigation and the sentence's basis on very questionable evidence. On 9 October 2019, the court overturned Kravchenko's sentence.<sup>139</sup>

At the same time, it is important to note that in 2015, Gay Alliance Ukraine accused Kravchenko of involvement in an attack on LGBT party participants. The activist himself denied the allegations.<sup>140</sup>

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<sup>139</sup> <https://www.radiosvoboda.org/a/news-dnipro-kryvyi-rig-avtomaydanivets/30208129.html>

<sup>140</sup> [https://zmina.info/news/u\\_krivomu\\_rozi\\_napali\\_na\\_uchasnikiv\\_lgbtvechirki-2/](https://zmina.info/news/u_krivomu_rozi_napali_na_uchasnikiv_lgbtvechirki-2/)

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## Ruslan Bondarenko

Ruslan Bondarenko (born 1976) has been an activist of Kryvyi Rih's AutoMaidan and the organisation "*Just position*" since 2014. As a volunteer, he has been involved in supporting Ukrainian forces as part of the Anti-Terrorist Operation against separatists supported by Russia in Eastern Ukraine. He took part in protests against irregularities in law enforcement agencies, including the use of torture and ill-treatment against detainees and inmates, and in social protests against the rigging of local elections in Kryvyi Rih in 2015.

The activist links his problems with the case of his investigation of an unlawful transfer of land to the Ukrainian Orthodox Church of the Moscow Patriarchate by the City Council in 2016 and the subsequent protest against the decision.

On 12 September 2015, the activist and his wife were subjected to battery by unknown perpetrators. Ruslan Bondarenko was hospitalised as a result of the attack. Later, the perpetrators were identified, but despite the aforementioned facts, the proceedings were discontinued due to "*the absence of elements of a crime*".

On 26 April 2017, the activist was informed that criminal charges had been brought against him and a bill of indictment filed with the court. He was accused of stealing walnuts from a tree growing in front of the building where he lived and of inflicting injuries on the perpetrators who assaulted him in September 2015. The court placed him under house arrest (granting the motions of the prosecutor and police chief).

In the opinion of local activists and journalists, the case against Ruslan Bondarenko is retaliatory in nature; it is related to his civic activities.

The activist expresses concerns about his own and his family's safety.

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## Artem Moroka

AutoMaidan activist, former member of the local structures of Oleh Lyashko's Radical Party; head of the city structures of the party in Kryvyi Rih in 2015.

He left the party in protest against the party management's cooperation with Yuriy Vilkul in the rigging of local elections in Kryvyi Rih in December 2017, resigning as the head of the party's local electoral staff. He reported the agreement between the Radical Party and the Opposition Bloc in Kryvyi Rih to the media. Artem Moroka also described the actual sale of the leading place on the Radical Party's electoral list to the City Council to Oleksandr Smaliy — Yuriy Vilkul's colleague with a criminal past — and a similar situation with Hennadiy Shapalov, who was put on the electoral

list of the Poroshenko Bloc.

On 28 December 2015, Artem Moroka was kidnapped by unidentified perpetrators armed with firearms and taken by car to a nearby forest. The struggle that took place on the spot resulted in injuries to him and two attackers; still, the activist managed to escape. The kidnapping is connected with revenge by two persons whose criminal past he described; namely: O. Smaliy (currently a member of the City Council) and G. Shapalov (currently mayor of the Kryvyi Rih's Metallurgical District), both linked to organised crime.

The activist did not report the assault in the police, fearing revenge from the kidnappers and the true masterminds, with whom officers may have been cooperating. Afraid of facing a criminal case related to his own defence (he suspected that he might be accused of the assault or even attempted murder of the attackers), he hid in his friend's flat for ten days. In the end, no criminal charges were brought against him.

In the activist's opinion, the patrol police in the city in fact provide private security for city officials, and particularly for the mayor and members of the City Council, and take part in persecution, including attacks on activists. In the case of reports of attacks on social activists, the police intervene with a deliberate delay; officers often come to the scene only two hours after a crime has been reported.

In early 2018, the regional police brought 14 corruption charges against Mr Smaliy.

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#### 3.2. Kryvyi Rih: cases of persecuted activists against the backdrop of the local situation



## Iryna Turovska

Iryna Turovska (born 1964), entrepreneur, civil society activist since 2010; since 2015, she has been a member of the Regional Council in Dnipro (the capital and largest city of the Dnipro region, which also includes Kryvyi Rih, the second-largest city and industrial centre of the region). In 2013/14, during the Revolution of Dignity, she was one of the organisers and leaders of Euromaidan in Kryvyi Rih. She is a member of the conservative-liberal party Self Reliance led by the mayor of Lviv, Andriy Sadovyi.

She is involved in the protection of civil rights, and promotes administrative transparency in Kryvyi Rih. She participated in numerous protests organised by Kryvyi Rih's AutoMaidan in particular, against the decisions of local government officials and city politicians.

During the Euromaidan, on 19 February 2014, unidentified perpetrators committed arson on the activist's car parts shop Autostop in Kryvyi Rih.<sup>141</sup> A year later, on 13 February, 2015, she was assaulted by unknown perpetrators and severely beaten.<sup>142, 143, 144, 145</sup>

The investigation into this case turned up empty — the perpetrators were not found (despite the fact that she reported the registration plate numbers of the cars used by the arsonists). During this period (February 2015), city activists (including AutoMaidan members) blocked the City Council's meeting room for two weeks, demanding that the mayor change the human resources policy in the city's administration and its subordinate municipal structures (due to widespread nepotism and corruption).

Iryna Turovska pointed to the manner in which police officers had questioned her on the attack she had suffered; when talking to her neighbours and other potential witnesses, they did not try to obtain the facts (the circumstances of the attack), but instead discredited the victim herself. One of the police officers publicly stated that all the commotion was the fault of the activist herself, who was trying in this manner “to promote herself”.

The activist perceives the arson of the shop and the assault on her as revenge from the city authorities and law enforcement agencies in Kryvyi Rih. The activities of Iryna Turovska and the problems she encounters were presented in the Social Microphone programme.<sup>146</sup> In the programme, she had described the corruption practices of the city authorities; the attack described above took place two days later.

<sup>141</sup> <https://www.0564.ua/news/477996/v-krivom-roge-nocu-podozgli-avtomagazin-avtostop>

<sup>142</sup> <https://www.0564.ua/news/740103/na-odnogo-iz-liderov-akcii-protesta-v-krivorozskom-gorispolkome-soversili-napadenie-foto-video-18>

<sup>143</sup> <https://www.radiosvoboda.org/a/26850724.html>

<sup>144</sup> <https://www.youtube.com/watch?v=7A-zIm0HSF8&t=275s>

<sup>145</sup> <https://www.0564.ua/news/741028/irina-turovskaa-na-mena-napali-i-izbili-ctoby-zapugat>

<sup>146</sup> [https://www.youtube.com/watch?v=6-fCeSwzYtg&fbclid=IwAR3U69F16-YOTq2wSFcALUb8NkzEGNs4AsOMuvICluLzhhJq-iVsQm4\\_1gQ](https://www.youtube.com/watch?v=6-fCeSwzYtg&fbclid=IwAR3U69F16-YOTq2wSFcALUb8NkzEGNs4AsOMuvICluLzhhJq-iVsQm4_1gQ)

### 3. Attacks on activists in Ukraine: selected cases (2014–20)

#### 3.2. Kryvyi Rih: cases of persecuted activists against the backdrop of the local situation



## Maksym Demydov

Maksym Demydov is a Ukrainian journalist, AutoMaidan activist in Kryvyi Rih, collaborator with the Kryvyi Rih Investigation Centre, soldier of the 40th Volunteer Battalion “*Kriv-Bas*” participating in defending the territorial integrity of Ukraine in 2014–15 in Donbass, and veteran of the battle of Ilovaisk and the defence of Donetsk airport. He took part in anti-government protests on Maidan and against the rigging of local elections in Kryvyi Rih in 2015.

Since 2010 he has been a journalist for local newspaper Kryvyi Rih: Evening Edition, describing corruption scandals, embezzlement of public property, and the impunity of involved representatives of municipal authorities and local

law enforcement agencies.

His journalistic investigations focused on the deputy head of the regional prosecutor’s office, Oleksiy Kryvenko, as the value of his assets exceeded his official income many times.

On 26 November 2011, unidentified perpetrators assaulted the activist near his house. In spite of medically confirmed injuries, the police refused to investigate.

On 21 November 2013, he was kidnapped and subjected to torture: he was beaten and subjected to a mock execution; as a result, Demydov was seriously injured. The activist identified the kidnappers — Prosecutor Kryvenko, famous criminal Valeriy Moskalchenko and businessman (owner of the local television station 1TVKR) and Serhii Dranov, a subsequent chief of Petro Poroshenko’s election headquarters in Kryvyi Rih.

Despite filing a report and recognised the perpetrators, the investigation has brought no results. Oleksiy Kryvenko testified that he had been in a “social meeting” with Maksym Demydov at the time. The police assigned guards to the victims, but only for two weeks.

According to the activists’ accounts (confirming the account of events presented by Demydov), Kryvenko, Moskalchenko and Dranov form a close social and business circle. In Kryvyi Rih, residents call them “*The 11-77 Gang*” (due to the fact that all of them use the same numbers on the number plates of their cars).

The attacks and threats have not stopped the activist from carrying out his activity, and he continues to screen the activities of Prosecutor Kryvenko and has joined the organisation “Stop Drugs” that fights the problem of semi-public drug trafficking in the city.

The activist’s journalistic investigations and further civic activity have caused problems among the city authorities and the immediate entourage of Mayor Vilkul.

One of the reports filed by Anton Kravchenko and Maksym Demydov with the General Prosecutor’s Office of Ukraine concerned activities detrimental to the state company “*Parking and Advertising*”, which manages parking spaces, outdoor advertising and

### 3. Attacks on activists in Ukraine: selected cases (2014–20)

#### 3.2. Kryvyi Rih: cases of persecuted activists against the backdrop of the local situation

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municipal properties in Kryvyi Rih. According to the report of the activist, the director of the company, Olga Shabliyan, deliberately led to its bankruptcy, and then bought it out for a symbolic price, thus extorting forty million hryvnia worth of property.

Shabliyan was supported by Mayor Vilkul and his deputy Oleksandr Katrichenko, responsible for real estate and municipal services, transport and ecology. Despite the fact that an investigation was opened by the General Prosecutor's Office of Ukraine, no personal consequences were drawn and Ms Shabliyan continues to head the company.

The activists were to work to get the General Prosecutor's Office to bring criminal charges against the Deputy Mayor, Yevheniy Udot. The charges concerned the creation of a criminal organisation to abuse the position and to appropriate property on a particularly large scale, as well as making death threats. He is accused of responsibility for misappropriating state funds. Udot hid from the law enforcement agencies by going to Poland, where — despite the investigation — he lives undisturbed by law enforcement agencies. According to Demydov's account, he is not even registered as wanted in Ukraine.

Anton Kravchenko and Maksym Demydov also filed a crime report (with the municipal and regional prosecutor's offices), which led to an investigation being opened into suspected corruption in a tender for catering services for students of local schools. Cases of severely poisoned children led to the discovery that the company supplying food to the schools was delivering out-of-date food, often with fake expiry dates. The sanitation services found, among other things, *Staphylococcus* and *Clostridium botulinum* bacteria.

The case, which incriminated another Deputy Mayor, Nadia Podopleyova, who was responsible for education in the city, and Natalia Kasimova, was also presented to the City Council. Having listened to Kasimova's statement that she had no knowledge of the irregularities, the matter was closed. The prosecutor's investigation is formally in progress; however, the activists have no knowledge of its current state of progress, and all the facts indicate that no investigative activities are being carried out.

Two days after Maksym Demydov opened his own café (on 5 July 2015) it was forcibly seized by people whom the activist links with a city criminal, the owner of a nightclub famous for his involvement in drug trafficking and extortion, Ilham Halilov. This was done by eight men who forcibly led the activist off the premises. The police, notified by him, arrived at the scene but did not intervene. At the police station, the officers confronted him with documents that showed that the café was owned by Sewda Halilova; the name suggests that she was related to Ilham Halilov.

After losing the café, the activist settled permanently in Kyiv, where, in addition to his professional work as an investigative journalist (with the help of the then head of the parliamentary Commission for Combating Corruption, Yehor Sobolev), he began working with the National Anti-Corruption Bureau (NABU).

After months of preparation, in consultation with the NABU, he prepared an entrapment (consisting in the purchase of a large amount of amphetamine) in order to collect evidence against members of a drug gang linked to the prosecutor's office. The entrapment was thwarted by information about NABU plans leaking from the prosecutor's office, but it was possible to identify the source and bring about the arrest of Dmytro Sus, a prosecutor cooperating with criminals, in July 2017. However, on 22 December 2016 there had been an attempt to kidnap the children of Demydov, which had by chance been thwarted by a passing police patrol.

On 5 May 2017, the activist gave his last testimony about the anti-drug action and the next day, on the advice of NABU officers warning him of the constant threat while in



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#### 3.2. Kryvyi Rih: cases of persecuted activists against the backdrop of the local situation

Ukraine, he left for Poland.

Upon his arrival in Poland, Mr. Demydov was detained (2 March 2018) and arrested on the basis of an INTERPOL red notice — an international wanted notice. The basis for this was allegations from the prosecutor's office of the city of Kryvyi Rih; in 2015, the activist allegedly stole the equipment of his own café, including a router and a CCTV camera, as well as items with a total value of approximately PLN 2,000. According to Ukrainian law, due to the low value of the “*damage*”, the maximum penalty is a fine.

On 23 August 2018, he filed an application for international protection with the Office for Foreigners. On 10 September 2018, the activist left the detention facility on bail of PLN 50,000; the bail was paid by an unknown person due to the efforts of Polish human rights activists and journalists who by chance learned about the case.

On 29 November 2018, Demydov won the case in the court of first instance. The District Court in Warsaw found the extradition of the journalist to Ukraine inadmissible. However, the prosecutor's office appealed. The hearings lasted until mid-2019. On June 7, 2019 the Court of Appeal in Warsaw ruled to close the case and uphold the court of first instance. Thanks to publicity for the case and the activity of human rights activists, the journalist remained safe.

Meanwhile, following his release from custody, the activist took up a job as a journalist for *Gazeta Wyborcza* (Duży Format), where he published reports. He also received a special award at the Grand Press Gala 2018<sup>147,148</sup> for his steadfastness in journalistic and social activity.

Since his beating in Kryvyi Rih, which led to repeated concussions, the activist has suffered recurrent unconsciousness.

The case of Maksym Demydov has been repeatedly presented by *Gazeta Wyborcza* daily,<sup>149,150</sup> as well as the *Oko.press* online portal.<sup>151,152</sup>

Ludmila Denisova, Ukrainian Ombudsman (whom members of the mission met on 18 March 2019) was not aware of the cases of Maksym Demydov and other activists from Kryvyi Rih. She expressed scepticism about Ukrainian citizens defending themselves against extradition to their country of origin and was generally reluctant to address the growing number of attacks on activists in the country. In the opinion of the mission members, this seems to be due to fears about the image of the country abroad, which may, however, lead to them being deprived of the possibility of obtaining effective assistance from her office.

While staying in Poland, Maksym Demydov continues his journalistic activity, presenting cases of abuse of power in Kryvyi Rih and other cities of Ukraine, thus constantly encountering threats directed at him through social media from his persecutors and people closely associated with them.

On 6 May 2019, Andrei Karpovich, a human rights defender, was attacked in Kryvyi Rih. The activist was stabbed several times and underwent surgery, but his condition remains severe. The person was in conflict with the same persons (including Prosecutor Oleksiy Kryvenko) whose activities were presented by Demydov.

<sup>147</sup> <https://www.press.pl/tresc/55563,bertold-kittel-dziennikarzem-roku-2018>

<sup>148</sup> [https://www.press.pl/tresc/55435,zbiorka-i-list-w-obronie-dziennikarza\\_-ktoremu-grozi-ekstradycja](https://www.press.pl/tresc/55435,zbiorka-i-list-w-obronie-dziennikarza_-ktoremu-grozi-ekstradycja)

<sup>149</sup> <http://wyborcza.pl/7,87648,23995114,kazali-mi-spierdalac-do-polski-jesli-chce-zyc-a-polska-mnie.html>

<sup>150</sup> <http://wyborcza.pl/7,75398,24225317,sad-ekstradycja-ukrainskiego-dziennikarza-niedopuszczalna.html>

<sup>151</sup> <https://oko.press/tam-nie-ma-dla-mnie-zycia-tylko-strach-dziennikarzowi-sledczemu-grozi-ekstradycja-na-ukraine/>

<sup>152</sup> <https://oko.press/udalo-sie-ukrainski-dziennikarz-sledczy-zostaje-w-polsce-sad-ekstradycja-niedopuszczalna/>

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#### 3.3. Kherson: the case of Kateryna Handziuk



## Kateryna Handziuk

Kateryna Handziuk (1985-2018) — civil society activist, volunteer, and anti-corruption activist from Kherson. Participant in the Orange Revolution and Euromaidan. She worked in many NGOs, as well as for the Office of the United Nations High Commissioner for Refugees in Kherson Province. Handziuk's activities focused on countering pro-Russian movements in the region and fighting corrupt local elites. From 2016, Handziuk was adviser to the Mayor of Kherson Volodymyr Mykolayenko, a former participant of the Euromaidan (non-partisan). From the same year, Kateryna Handziuk was manager of the Executive Committee of the Kherson City Council.

In 2018, Handziuk became one of the hundred most influential women in Ukraine.<sup>153</sup>

Because of her activism and pro-Ukrainian stance, Handziuk repeatedly had open conflicts with local law enforcement officials involved in corruption schemes and pro-Russian forces. In 2017, Handziuk accused Artem Antoshchuk,<sup>154</sup> the head of the Kherson Province Police Protection Department, of corruption, for which she faced a lawsuit from him in court to protect his honour, dignity and business reputation.<sup>155</sup> In 2018, Handziuk accused the local police of issuing weapons to front persons pretending to be journalists.<sup>156</sup> In addition, the activist investigated illegal deforestation in the region and made public the use of titushky by local authorities.<sup>157</sup>

On 31 July 2018, near the house where Handziuk lived, unidentified persons poured one litre of sulphuric acid on her head. The activist received severe burns to her head, back, arms, legs and chest. The burns covered about 40% of her body. Handziuk was hospitalised in Kyiv and underwent 14 surgeries.

Initially, the police of Kherson Province initiated a criminal case on charges of hooliganism. The case was later reclassified as *"infliction of grievous bodily harm for the purpose of intimidation"*. On 1 August 2018, the charge was finally changed to *"attempted murder"*.<sup>158</sup>

Due to the broad reverberation of the case, on 3 August 2018, the police detained the first suspect, Mykola Novikov, who had previously been prosecuted by the police for criminal offences. Contrary to the presumption of innocence, Anton Gerashchenko, a member of the Collegium of the Ministry of Internal Affairs and one of the people closest to Minister Avakov, stated as follows: *"It took the police only three days to find and detain the rogue who doused Kateryna Handziuk with acid."*<sup>159</sup> The suspicion against

<sup>153</sup> According to Focus magazine: <https://focus.ua/rating/archive/2018/409989-pervye-sredi-ravnyx-100-samyx-vliyatelnyx-zhenshhin>

<sup>154</sup> <https://www.facebook.com/uakateryna/posts/10215020208925120>

<sup>155</sup> On 12 March 2018, Kherson City Court ruled in favour of Handziuk. An official inspection was conducted against Antoshchuk; still, the results were not made public. The policeman was subsequently transferred to the Economic Protection Department of the National Police in Kyiv: <https://www.bbc.com/ukrainian/features-russian-46091124>

<sup>156</sup> <https://www.facebook.com/uakateryna/posts/10217086502621171>

<sup>157</sup> <https://www.facebook.com/photo.php?fbid=10217658503240829&set=a.3650500187580&type=3>

<sup>158</sup> <https://www.pravda.com.ua/news/2018/08/1/7187998/>

<sup>159</sup> <https://www.facebook.com/anton.gerashchenko.7/posts/1825113580908814>

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#### 3.3. Kherson: the case of Kateryna Handziuk

Novikov was based on the testimony of only one witness, although police reported questioning 250 people. Subsequently, an independent journalistic investigation revealed that Novikov had an indisputable alibi, as he was in a completely different city 100 km from the crime scene on the day of the attack.<sup>160</sup> At the same time, the suspect stated that investigators had offered to close existing cases against him if he gave new evidence.<sup>161</sup> On 22 August 2018, after five more suspects had been detained, Novikov was released.

In the period 15–18 August 2018, Volodymyr Vasyanovych, Vyacheslav Vyshnevskiy, Viktor Gorbunov, Mykyta Grabchuk and Serhii Torbin were detained. The investigation body later came to the conclusion that Torbin was one of the organisers of the assassination attempt, and Grabchuk was the direct attacker who had poured acid on the activist. All suspects transpired to be former participants in the war in Donbass. They admitted their guilt and cooperated with the investigators. In addition, Serhii Torbin transpired to be a former police officer with family ties to Serhii Kurdilov, the head of the Kherson Police Criminal Investigation Department. In fact, Kurdilov had ordered the arrest of the innocent Novikov.<sup>162</sup>

On 4 November 2018, Kateryna Handziuk died of multiple organ failure and chemical burns to about 40% of her body as a result of the chemical attack.

On 5 November 2018, friends of the deceased activist announced the name of the agent between the perpetrators of the crime and the mastermind. According to them, it was Igor Pavlovsky, nicknamed “Dog”, who had a criminal record and was assistant to the People’s Deputy of Ukraine Mykola Palamarchuk.<sup>163</sup> According to the activists, the perpetrators of the attack on Kateryna worked for Pavlovsky and received money from him for the attack on Kateryna. Their words were later confirmed by the attackers themselves.<sup>164</sup>

In addition, journalists of the Slidstvo.Info project reported that on the day of attack on Handziuk, Pavlovsky contacted heads of the local police, the prosecutor’s office and the SBU.<sup>165</sup> This could indicate possible collaboration between law enforcement bodies and masterminds behind the attack on the activist.

On 12 November 2018, the Shevchenkivskiy District Court of Kyiv arrested Pavlovsky on suspicion of co-organising the murder. On 2 May 2019, at the request of the Prosecutor’s Office, the court released Pavlovsky and placed him under house arrest, which was not extended, due to which the suspect was released.<sup>166</sup>

On 5 November 2018, the General Prosecutor’s Office transferred the case of the murder of Handziuk to the Security Service of Ukraine (SBU). SBU investigators later reported that part of the evidence had disappeared during the transfer of the case, including wiretappings of suspects and recordings from CCTV cameras.<sup>167</sup>

On 6 November 2018, the Verkhovna Rada members set up a temporary commission of inquiry to verify the status of the investigation into the attacks on Kateryna Handziuk and other public activists. The initiators were the heads of parliamentary factions and ordinary members of Parliament. The commission consisted of 18 MPs from all factions and groups of

<sup>160</sup> <https://www.pravda.com.ua/news/2018/08/12/7189007/>

<sup>161</sup> <https://www.pravda.com.ua/news/2018/08/22/7189915/>

<sup>162</sup> [https://dt.ua/UKRAINE/rozsliduvannyam-napadu-na-gandzyuk-opikuvavsya-kum-vikonavcya-torbina-aktivisti-295623\\_.html](https://dt.ua/UKRAINE/rozsliduvannyam-napadu-na-gandzyuk-opikuvavsya-kum-vikonavcya-torbina-aktivisti-295623_.html)

<sup>163</sup> <https://www.facebook.com/gandziukgate/posts/330614741073516>

<sup>164</sup> <https://www.ukrinform.ua/rubric-society/2810968-sprava-gandzyuk-pavlovskogo-suditimut-5-listopada-v-odesi.html>

<sup>165</sup> <https://www.slidstvo.info/news/fihurant-spravy-handzyuk-pavlovskij-zidzvonuyavsya-z-pravoohorontsyamy-pislya-napadu/>

<sup>166</sup> <https://www.pravda.com.ua/news/2019/07/30/722226/>

<sup>167</sup> <https://www.unian.ua/society/10363392-u-peredanih-do-sbu-materialah-spravi-pro-vbivstvo-gandzyuk-nemaye-znachnoji-chastini-dokaziv.html>

### 3. Attacks on activists in Ukraine: selected cases (2014–20)

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Parliament. Boryslav Bereza, a non-partisan MP, became the chairman of the commission.<sup>168</sup>

On 4 December 2018, the General Prosecutor's Office announced that the suspect in organising the murder was Oleksiy Levin nicknamed "*Moskal*", a former assistant to Mykola Stavytskyi, a member of the Kherson Regional Council. Immediately after the assassination attempt, Levin had fled abroad. It follows from the case materials that the chief of the Kherson Police, Artur Merikov, helped Levin flee the country.<sup>169</sup> Later it became known that Levin had worked closely with Chairman of the Kherson Regional Council Vladislav Manger, Chairman of the Kherson Regional State Administration Andrey Gordeyev, and his deputy Yevhen Ryschuk.<sup>170</sup> At the same time, Levin did not deny being acquainted with Pavlovsky and Torbin.<sup>171</sup>

On 11 February 2019, the General Prosecutor's Office declared Vladislav Manger a suspect in the case. On 15 February 2019, Manger was arrested with the right to be released on bail, which he executed and he was released the same day.<sup>172</sup>

On 6 June 2019, the Pokrovsky District Court of Dnipropetrovsk Province found the perpetrators of the Kateryna Handziuk's murder Volodymyr Vasyanovych, Vyacheslav Vyshnevsky, Viktor Gorbunov, Mykyta Grabchuk and Serhii Torbin guilty of committing the crime and, in connection with an agreement to cooperate with the investigating bodies, sentenced them to terms of three to six and a half years' imprisonment.<sup>173,174</sup>

On 1 August 2018, immediately after the attack on the activist, Kateryna's friends established a civil society initiative "*Who ordered the assassination of Katya Handziuk?*".<sup>175</sup> It brought together more than 100 people, including Kateryna Handziuk's friends and colleagues: Maryna Khromykh, Roman Sinitsyn, Yevhenia Zakrevska, Masi Nayem, Vitalii Ustymenko, Vladyslav Grezev and others. Activists demanded that the Ukrainian authorities conduct a fair investigation into the murder of Kateryna Handziuk. According to them, the case of Handziuk was being investigated only due to public pressure. They were the first, acting independently of the police, to create a portrait of the activist's attackers.<sup>176</sup>

In the following months, there were cases of pressure being exerted on the activists of the initiative, which could probably be related to their participation in its work.

On 11 February 2019, a criminal case was initiated against one of the activists, Roman Sinitsyn, on charges of threatening violence against a police officer.<sup>177</sup> On 22 February 2019, unidentified persons broke into the apartment of Svitlana Matvienko, the chairman of the Council of the Laboratory of Legislative Initiatives and a participant of the initiative "*Who ordered the assassination of Katya Handziuk?*". The thieves did not steal anything, but deliberately scattered everything around the activist's apartment.<sup>178</sup> On 2 April 2019, a participant in the initiative and a counsel of the Handziuk family, Yevhenia Zakrevskaya, was illegally removed from the process of choosing a measure of restraint for Vladyslav Manger. Previously, Zakrevskaya had reported being under surveillance.<sup>179</sup> The deceased

168 <https://www.ukrinform.ua/rubric-polytics/2573960-rada-stvorila-tsk-iz-rozsliduvanna-vbivstva-gandzuk-i-napadiv-na-aktivistiv.html>

169 <https://gordonua.com/ukr/news/politics/aktivisti-zajavili-shcho-glava-natspolitsiji-hersonskoj-oblasti-merikov-dopomig-utekti-pidozryvanomu-v-napadi-na-gandzyuk-755764.html>

170 <https://www.facebook.com/gandzyukgate/photos/a.267997314001926/378011583000498/?type=3&theater>

171 <https://thebabel.com.ua/news/25232-vbivstvo-gandzyuk-pidozryvany-levin-zustrichavsya-z-dvoma-inshimi-figurantami-spravi>

172 <https://www.pravda.com.ua/news/2019/02/15/7206760/>

173 [https://humanrights.org.ua/material/virok\\_u\\_spravi\\_gandzyuk\\_pjiatero\\_vikonavciv\\_napadu\\_otrimali\\_po\\_shist\\_chotiri\\_i\\_tri\\_roki\\_uvjaznennja](https://humanrights.org.ua/material/virok_u_spravi_gandzyuk_pjiatero_vikonavciv_napadu_otrimali_po_shist_chotiri_i_tri_roki_uvjaznennja)

174 <https://www.euronews.com/2019/06/06/kateryna-handziuk-five-men-jailed-over-acid-attack-on-ukraine-anti-corruption-activist>

175 <https://www.facebook.com/gandzyukgate/>

176 <https://www.pravda.com.ua/news/2018/08/2/7188098/>

177 <https://www.facebook.com/romabira/posts/10205123885094880>

178 <https://www.facebook.com/svitlana.matvienko/posts/2626410074042146>

179 <https://www.facebook.com/khromykh.maryna/posts/10157600591512668>

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#### 3.3. Kherson: the case of Kateryna Handziuk

activist's father, Viktor Handziuk, also claimed psychological pressure. He was called from unknown phone numbers, his movements were monitored and images were posted on the Internet.<sup>180</sup> Law enforcement agencies did not find the perpetrators of these incidents.

In total, the activists held dozens of direct actions, picketing near the homes of officials and heads of law enforcement agencies. They forced the authorities to publicly comment on the investigation into the attack on the activist. Kateryna Handziuk's death sparked mass protests throughout Ukraine and beyond.<sup>181,182</sup> It was the case of Kateryna Handziuk that brought the topic of attacks on activists in Ukraine to the political agenda.

Following Kateryna's death, a register of attacks on activists was created in Ukraine. The so-called "*Handziuk list*" contains the names of 55 activists who were attacked in the period 2017–18.<sup>183</sup> Only in six cases relating to this list have the attackers been detained.

In early 2020, the investigation into Handziuk's murder intensified. On 20 January 2020, the General Prosecutor's Office, along with the Security Service, carried out a series of searches in Kherson, including in the homes of those suspected of being the masterminds behind the murder of Handziuk: Vladyslav Manger, Andriy Gordeyev and Evhen Ryschuk. On the same day, prosecutors detained Ihor Pavlovsky.<sup>184</sup>

On 24 January 2020, Oleksiy Levin, a suspect in the attack on Kateryna Handziuk, was detained in Bulgaria. On 16 March 2020, Levin was extradited to Ukraine and handed over to the SBU and the General Prosecutor's Office.<sup>185</sup>

On 18 June 2020 Vladyslav Manger was arrested without bail by the Pechersk District Court<sup>186</sup>.

Despite the fact that the government in Ukraine has changed, those who ordered the murder of the activist remain unpunished.<sup>187</sup> The case of Kateryna Handziuk is a dramatic example of how the police and the prosecutor's office are not fulfilling their responsibilities. This story is not unique to modern Ukraine, but it became known to the world through the death of the activist and the officials' attempt to shift responsibility for it to someone else. A fair and impartial investigation into Handziuk's case should be an indicator of the transparency and good intentions of the new Ukrainian government.<sup>188</sup>

180 <https://www.nasze-slowo.pl/tato-kati-gandzyuk-ya-nichogo-ne-boyusya-i-gotovij-iti-do-kintsya/>

181 <https://www.nytimes.com/2018/11/05/world/europe/kateryna-handziuk-dies-ukraine.html>

182 <https://www.aljazeera.com/indepth/features/ukrainians-demand-answers-year-murder-kateryna-handziuk-191106200258355.html>

183 <http://handziuk-list.com>

184 [https://www.gp.gov.ua/ua/news?\\_m=publications&\\_c=view&\\_t=rec&id=264983](https://www.gp.gov.ua/ua/news?_m=publications&_c=view&_t=rec&id=264983)

185 <https://www.ukrinform.ua/rubric-society/2897501-sprava-gandzuk-do-ukraini-ekstraduvali-pidozruvanogo-levina.html>

186 <https://www.facebook.com/gandziukgate/posts/711561239645529>

187 <https://www.opendemocracy.net/en/odr/who-ordered-murder-katya-handziuk-year-without-answers/>

188 <https://www.thetimes.co.uk/article/hew-ukraine-president-volodymyr-zelensky-trying-to-drain-swamp-of-corruption-zfdnb3xzf>



## 4. Conclusions and recommendations

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The persecution of civil society activists is an illustration of the all-Ukrainian problem of inefficient law enforcement, lack of independent justice, and impunity for high-ranking officials. Despite the recent change of the government, attacks on activists continue, while law enforcement bodies continue to procrastinate with investigations, and courts pass controversial sentences. Due to the ineffectiveness of the investigation and impunity, attacks on activists in the regions of Ukraine are still taking place.

Part of the civil society was counting on changes in connection with the election of President Volodymyr Zelensky, who repeatedly mentioned attacks on activists during the campaign, criticising his predecessor, the then President Poroshenko. However, these expectations are becoming more and more illusory every day, especially after the appointment by the renewed Verkhovna Rada of the previously compromised Arsen Avakov to the post of Minister of Internal Affairs. Avakov's appointment is an act which is contrary to President Zelensky's previous statements about the renewal of power. No political agreement of the Ukrainian elites should go against security of its citizens.

Unlike his predecessor, President Zelensky has all the power to carry out all the announced reforms, and to investigate attacks on civil society activists and prevent new ones. It is necessary not to repeat the mistakes of the previous government, which showed passivity and even sabotage in reforming law enforcement and the judiciary, as well as the chronic inability to prosecute corrupt politicians and officials. The lack of real political will in the period between 2014 and 2018 led to the sanctioning of actions that created a sense of the local authorities' impunity and arbitrariness. Under these circumstances, the international community (on whose support Ukraine depends) is perceived as a real driving force capable of improving the human rights situation in Ukraine. The civil society of Ukraine is capable of extraordinary mobilisation and determination regarding protecting the law and regarding society's own resistance against violations and arbitrariness on the part of the authorities.

The Ukrainian authorities should be aware that the inability or unwillingness to guarantee basic security for members of their own civil society may provoke a negative reaction in the international arena.

### **Recommendations for the Ukrainian authorities:**

- 1) Ensure effective investigation into attacks on, and other forms of persecution of, public activists committed in the period 2014–20, bringing to justice not only the perpetrators, but also the organisers and masterminds behind the attacks;
- 2) Prosecute officials who, through their actions or omissions, have led to delays in investigations, the escape of suspects, or the disappearance or falsification of case files relating to activists who have been made victim to attacks or harassment;
- 3) Continue, as a necessary condition for the restoration of credibility of the Ukrainian law enforcement agencies, the reform of the Ministry of Internal Affairs, which continues to be impeded under the leadership of Arsen Avakov;
- 4) Continue and strengthen cooperation between civil society and public authorities within the framework of the Temporary Commission of Inquiry under the Verkhovna Rada of Ukraine and on other platforms;
- 5) Monitor the human rights situation continuously, publicly condemning attacks and other forms of persecution against public activists, and monitor the progress of investigations into crimes against activists;
- 6) Comply unconditionally with the requirements of national legislation and fulfil all



## 4. Conclusions and recommendations

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international human rights obligations assumed by Ukraine within the framework of international agreements.

### **Recommendations to Ukraine's international partners:**

- 1) Monitor the progress of investigations into attacks and other forms of persecution against public activists, sending representatives to court hearings in such cases, preparing periodic reports and organising public meetings with persecuted activists;
- 2) Respond publicly to new attacks and harassment of activists, strongly condemning these incidents and the inaction of law enforcement agencies in cases of ineffective investigation;
- 3) Raise the issue of attacks and other forms of persecution against civil society activists in Ukraine and demand investigation into these crimes during bilateral meetings with the Ukrainian authorities and on all international fora;
- 4) Demand from the Ukrainian authorities that they continue reforming law enforcement agencies and the judiciary as a condition for the provision of any financial support to Ukraine, and exercise greater control over the targeted use of funds;
- 5) Investigate the origin of the elite real estate of Ukrainian high level officials or oligarchs, suspected of grand corruption, in other countries;
- 6) Provide funding for high-quality legal assistance directly to public activists who have fallen victims of attacks, as quite often their needs are not met by the existing system of free legal aid; often, in these cases, the counsel is forced to stand against the combined system of local government and local law enforcement bodies all by him- or herself.

### **Recommendations for the civil society of Ukraine:**

- 1) Continue to publicly respond to attacks and other forms of harassment of public activists, exercising civil society control over the investigation of cases and monitoring of court hearings in such cases;
- 2) Organise and participate in advocacy campaigns for the protection of public activists in Ukraine;
- 3) Inform foreign missions in Ukraine and international human rights organisations about the incidents of persecution and attacks on public activists, and about the actual state of investigation of these crimes by law enforcement agencies;
- 4) Carry out joint trainings for activists, which would include exchanges of experience, legal advice, basics of self-defence, etc.

## 5. List of interlocutors whose opinions are included in the report

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### a) State officials:

**Yehor Sobolev** — member of Parliament of Ukraine of the VIII convocation, former Member of the Committee of the Verkhovna Rada of Ukraine on Prevention and Counteraction to Corruption;

**Liudmyla Denisova** — Commissioner for Human Rights of the Verkhovna Rada of Ukraine;

### b) diplomats:

**Hugues Mingarelli** — Head of the EU Delegation to Ukraine;

**Dimitri Gorchakov** — employee of the EU Delegation for Public Relations;

**Eamonn Prendergast** — employee of the EU Delegation for Political Affairs;

**Matteo Cristofaro** — Deputy Head of Mission of the Italian Embassy in Ukraine;

### c) experts:

**Oleksandr Burmagin** — Head of Human Rights Platform;

**Kateryna Diachuk** — Head of the Department for Monitoring Freedom of Speech of the Institute of Mass Information;

**Mykhailo Zhernakov** — Chairman of the Board of the DEJURE Foundation;

**Daria Kaleniuk** — Executive Director of Anti Corruption Action Center;

**Dmytro Kupya** — political analyst, project coordinator of the civil society organisation the “Life” Centre for Civic Representation;

**Viacheslav Likhachev** — leading expert of the Congress of National Communities of Ukraine;

**Oleksandra Matviychuk** — Chairwoman of the Centre for Civil Liberties;

**Matthew Shaaf** — Head of Freedom House Ukraine;

### d) civil society activists, city of Odessa:

**Tetiana Gerasymova** — journalist, leader of the Expert-Analytical Agency “Group of May 2”;

**Oleh Mykhailyk** — Head of the Odessa branch of the People’s Power party;

**Aleksander Orlow** — Polish investigative journalist, former political prisoner in Ukraine;

**Oleksandr Slavskyy** — Programme Director of Impact Hub Odessa;

**Serhii Sternenko** — lawyer, Head of the NGO “Not Indifferent”;

**Vitalii Ustymenko** — leader of the civil society organisation “AutoMaidan Odessa”;

### e) civil society activists, city of Kryvyi Rih:

**Ruslan Bondarenko** — volunteer, activist;

**Anton Kravchenko** — journalist, activist;

**Artem Moroka** — participant in AutoMaidan Kryvyi Rih, former head of the city unit of the Radical Party of Oleh Lyashko;

**Iryna Turovska** — Member of the Dnipropetrovsk Regional Council;

## 5. List of interlocutors whose opinions are included in the report

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### **f) a group of activists of the initiative “Who ordered the assassination of Katya Handziuk?”:**

**Kateryna Butko** — activist of the “AutoMaidan” All-Ukrainian Civil Society Organisation;

**Vladyslav Greziev** — founder of the Lobby X platform, organiser of TEDxKyiv;

**Nazarii Kravchenko** — Head of the NGO “Physical evidence”;

**Masi Nayem** — lawyer, founder of Miller Law Firm;

**Bohdan Chumak** — President of the civil society organisation Human Rights Initiative;

### **g) relative of political prisoners:**

**Eleonora Bekirova** — daughter of Edem Bekirov, Ukrainian political prisoner in Russia;

### **h) political asylum seeker in Ukraine:**

**Zhanara Akhmetova** — journalist and asylum seeker from Kazakhstan;

### **i) participants in the round table “Persecution and Violation of the Rights of Citizens of Ukraine in Russia, Belarus and Kazakhstan”:**

**Iryna Suslova** — Member of Parliament of Ukraine of the VIII convocation, Member of the Committee on Human Rights, National Minorities and International Relations;

**Vasyl Kyrylych** — Deputy Director of the Department — Head of the Consular Support Department of the Ministry of Foreign Affairs of Ukraine;

**Oleksandra Romantsova** — Executive Director of the Centre for Civil Liberties;

**Petro Vyhivskyy** — representative of the civil society organisation Association of Relatives of Kremlin Political Prisoners, the father of political prisoner Valentyn Vyhivsky.

We would like to express our sincere gratitude to all those who met with the members of the mission and provided information on the actual human rights situation in Ukraine.



## OPEN DIALOGUE

**The Open Dialogue Foundation** was established in Poland in 2009 on the initiative of Ukrainian student and civic activist Lyudmyla Kozlovska (who currently serves as President of the Foundation). Since its founding, statutory objectives of the Foundation include the protection of human rights, democracy and the rule of law in the post-Soviet area. In July 2017 area of interest of the Foundation was expanded due to the rapidly deteriorating situation in Poland and other EU member states affected by illiberal policies implemented by their populist governments. The Foundation has its permanent representative offices in Warsaw and Brussels.

**FIDU**  
**Federazione Italiana**  
**Diritti Umani** <sup>ETS</sup>  
*Italian Federation for Human Rights*



**The Italian Federation for Human Rights** (Federazione Italiana Diritti Umani - FIDU) is active since 1987 as Italian Helsinki Committee. FIDU promotes the protection of human rights as enshrined in the Universal Declaration of Human Rights of 1948, the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966, the Helsinki Final Act of the Conference on Security and Cooperation in Europe of 1975, the Charter of Fundamental Rights of the European Union of 2007 and in other relevant international documents.



**Центр  
Громадянських  
Свобод**

**The Centre for Civil Liberties** (CCL) was established in 2007 for the purpose of promoting human rights and respect for human dignity in Ukraine and independent states formed after the collapse of the USSR. The CCL monitors and analyses legislation, verifying its compliance with human rights standards, carries out public control over the actions of law enforcement agencies, courts and local authorities, supervises the investigation of crimes committed during Euromaidan and documents political persecution in the temporarily occupied Crimea, as well as human rights violations and war crimes in the Donbass.