



Проект Закону про іноземних агентів

У проекті закону передбачається ввести окреме поняття для громадських об'єднань з іноземною підтримкою, під яке підпадатиме організація, яка отримує від іноземців більше 50% всього фінансування або обсяг річної підтримки з-за кордону перевищує 50 тис. євро; організація також підпадає під визначення «громадського об'єднання з іноземною

підтримкою», якщо вона займається перерахованими в проекті суспільно-політичними питаннями (наприклад конституційної політики тощо) або зовнішньої політики тощо) або намагається впливати на формування державної політики; Інформаційні матеріали в рамках проектів із іноземною підтримкою мають відповідно маркуватися, а їхні копії треба надсилати в Мін'юст; передбачено особливе звітування про джерела фінансування та напрямки діяльності таких об'єднань за згодою матимуть проходити поліграф щодо можливості зради державних інтересів країни; вимоги щодо звітування про джерела фінансування та напрямки діяльності стосуються і благодійних організацій.

Аналогічна заборона передбачається також для осіб, які систематично (більше трьох разів на рік) у період останніх 10 років перед днем призначення (обрання) на посаду, щодо якої здійснюється заход з очищення влади (люстрації), виконували роботи, надавали послуги чи будь-яким іншим чином залучалися до діяльності відповідного громадського об'єднання, іншого підприємницького товариства, якщо вони знали, що опісля їх роботи, послуг чи іншої участі здійснюється за рахунок коштів члена їх родини з джерела фінансування, отриманого за межами України.

Люстраційна заборона передбачається для осіб, які займають посаду, щодо якої здійснюється заход з очищення влади (люстрації), займали посаду неуправління або були членами підприємницького товариства, яке безпосередньо або через будь-яких третіх осіб отримує чи отримувало кошти, майно, послуги від іноземних держав, органів держави чи посадових осіб іноземних держав, міжнародних неурядових організацій чи неурядових органів іноземних держав або від громадян, осіб без громадянства чи уповноважених ними осіб, або з будь-якого іншого джерела фінансування, розташованого за межами України.

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Проект Закону про люстрацію вихідців із громадського сектору

Отримання особами, які претендують на зайняття посад, держави або місцевого самоврядування, зараз або в минулому допомоги від іноземних суб'єктів (держав, фізичних чи юридичних осіб) істотно знижує рівень довіри до таких осіб, до їхньої здатності віддано служити інтересам держави і у випадку конфлікту інтересів держави, а не осіб, які здійснювали фінансування їхньої діяльності.

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Activism 2020:

A MONITORING REPORT ON PERSECUTION OF ACTIVISTS AND HUMAN RIGHTS DEFENDERS

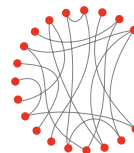
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HUMAN RIGHTS CENTER



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The report has been prepared by the ZMINA Human Rights Centre as a part of the Increasing the Role and Protection of Human Rights Defenders in Ukraine project, in partnership with the Netherlands Helsinki Committee and with financial support by the European Union.

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The views of the report's authors do not reflect the official position of the European Union.



The ZMINA Human Rights Centre works in the field of protecting the freedom of speech, freedom of movement, opposing discrimination, preventing torture and cruel treatment, fighting impunity, supporting human rights defenders and activists in the Ukrainian territory, including the occupied Crimea, and defending the rights of people who have suffered from the armed conflict. The organization conducts information campaigns, education programs, works to monitor and document cases of human rights violations, prepares studies and analyses, and achieves change through national and international advocacy.

This publication may contain graphic descriptions of incidents or victims of attacks and persecution which may shock, affect or provoke anxiety in some readers.

See more details about the ZMINA Human Rights Centre and its activities at:

zmina.ua



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INTRODUCTION

The ZMINA Human Rights Centre team is glad to present the monitoring report on the pressure on and persecution of activists in the second quarter of 2020, produced as a part of the Increasing the Role and Protection of Human Rights Defenders in Ukraine project. ZMINA is implementing this project in partnership with the Netherlands Helsinki Committee and with financial support by the European Union.

The purpose of this report is to assess the situation with the persecution of and pressure on civil activists in April-June 2020, to describe the new incidents and newly revealed circumstances in the earlier cases of attacks on human rights defenders that became known in this period.

This study supplements and expands on the materials provided in the previous monitoring report,¹ which covers the first quarter of 2020.

In view of an acute need for protecting civil society actors, for revealing gaps in legislation and in the activities of law enforcement agencies, the main purpose of this study is to provide full and relevant information about the situations with persecution of and pressure on human rights defenders and civil activists in the government-controlled territory of Ukraine to representatives of the authorities, mass media, international missions, partners and the wider public.

In the context of decentralization, mobilization of efforts in the solidary fight against the consequences of the COVID-19 pandemic and socioeconomic perturbations, the topic of persecution of activists and human rights defenders, as well as of impunity for such persecution, is becoming increasingly relevant for promoting and defending human rights standards, for monitoring the government's fulfillment of its obligations and its defense of public interests.

We hope that the information described in the report will be useful for analysing and drawing conclusions about the safety climate for human rights defenders and civil activists.

¹ See *Activism 2020: A Monitoring Report on Persecution of Activists and Human Rights Defenders* / ZMINA <https://zmina.ua/publication/aktyvizm-2020-monitoryngova-dopovid-shhodo-peresliduvan-aktyvistiv-i-pravozahysnykiv/>

METHODOLOGY

The general methodology of the monitoring is based on the ZMINA Human Rights Centre's developments in monitoring and documentation, adopted by the Coalition for Protecting Civil Society,² as well as on the methodology used in composing the analytical report³ on *The Situation of Human Rights Defenders and Civil Activists in Ukraine in 2019*.

This report contains descriptions of the cases of persecution of, attacks and pressure on human rights defenders and civil activists in the government-controlled territories of Ukraine which took place in April-June 2020, as well as of newly discovered circumstances in the cases of similar incidents that took place in the period of January-March 2020.

See more details on the study methodology, as well as the list of incidents for the previous period, in *Activism 2020: A Monitoring Report on Persecution of Activists and Human Rights Defenders*.⁴

² See *Documenting Methodology* / Coalition for Protecting Civil Society, November 20, 2018 <http://cs-coalition.org/ua/dokumenty/metodolohiia-dokumentuvannia>

³ *The Situation of Human Rights Defenders and Civil Activists in Ukraine in 2019: Analytical Report* / M. Lavrinok, V. Likhachov; ed. by T. Pechonchyk; Ukrainian Helsinki Human Rights Union, ZMINA, Truth Hounds. – Kyiv, 2020. – 88 p. <https://zmina.ua/publication/stanovyshhe-pravozahysnykiv-ta-gromadskyh-aktyvistiv-v-ukrayini-u-2019-rocz-analitychna-dopovid/>

⁴ See *Activism 2020: A Monitoring Report on Persecution of Activists and Human Rights Defenders* / ZMINA https://zmina.ua/content/uploads/sites/2/2020/04/aktyvizm2020_monitoryngova-dopovid.pdf (pp. 5-8).

SITUATION AND TRENDS

SITUATION IN THE SECOND QUARTER 2020

In the second quarter of 2020, 22 cases of persecution of activists were recorded in the territory controlled by Ukraine: 7 in April, 6 in May, and 9 in June.

The highest number of them took place in Kyiv (11), Odesa Region (3), Kharkiv Region (2) and Donetsk Region (2). In addition, in the monitoring period, Kyiv Region, Zhytomyr Region, Dnipropetrovsk Region and Lviv Region had one case each.

Of all the recorded cases, 5 involved the destruction or damage of activists' property, 4 involved physical aggression against them, particularly with the use of explosives, 3 involved threats and other forms of pressure. 3 other cases had signs of legal persecution, two were categorized as privacy violations, and two as illegal detention or search.

The most risky types of activities among those which we can categorize unambiguously are still anti-corruption activities (5 incidents), opposing illegal construction (2), defending the LGBT+ rights (2) and defending women's rights (1).

5 of the cases described in the second quarter of 2020 were related to the quarantine in one way or another: in three cases, the police wrote misdemeanor reports about activists (most of them were later acquitted in court); in two cases, activists were attacked because they reported quarantine violations.

In April⁵ 2020, the Digital Security Lab NGO counted 8 incidents where the victims were civil activists or journalists: 2 hacked accounts, 4 phishing emails; 2 more incidents were related to pressure and intimidation: against an activist after his cell phone number was published, and against a journalist with the goal to deceive her by making her believe that her Telegram account was hacked.

In May 2020, researchers from the aforementioned organization reported 9 cases: 3 attempts to hack social media accounts (1 of them successful), several cases of Facebook account blocking, a phishing attack, and an attempt to hack an activist's online bank account after his cell phone number was published.⁶

In June 2020, the Digital Security Lab recorded⁷ three incidents: one case of targeted phishing in Microsoft Office365, one on Instagram, and an attempt to hack a Facebook account by resetting the password.

⁵ Digital threats for civil activists and journalists: April 2020 (Цифрові загрози для громадських активістів та журналістів: квітень 2020) / Digital Security Lab, May 15, 2020: <https://dslua.org/publications/tsyfrovizahrozydlia-hromads-kykh-aktyvistiv-ta-zhurnalistiv-kviten-2020/>

⁶ Digital threats for civil activists and journalists: May 2020 (Цифрові загрози для громадських активістів та журналістів: травень 2020) / Digital Security Lab, June 16, 2020: <https://dslua.org/publications/tsyfrovizahrozydlia-hromads-kykh-aktyvistiv-ta-zhurnalistiv-traven-2020/>

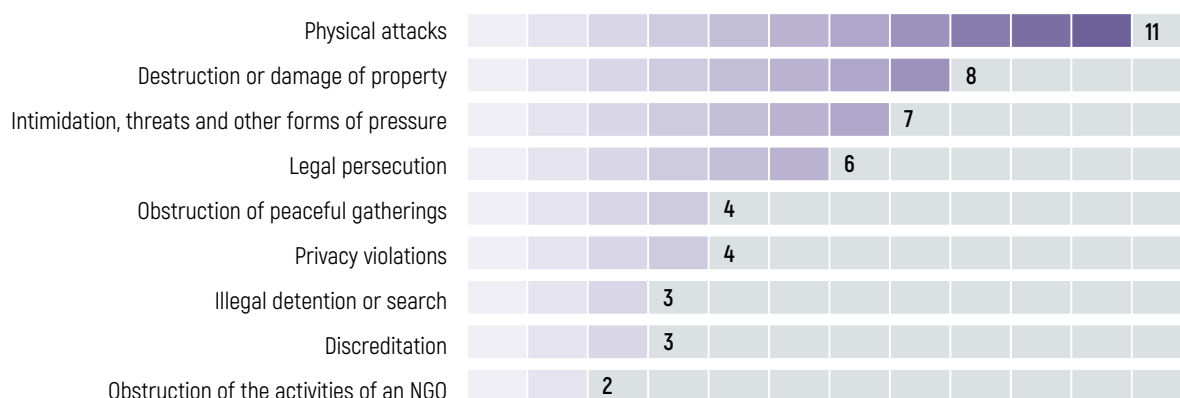
⁷ Digital threats for civil activists and journalists: June 2020 (Цифрові загрози для громадських активістів та журналістів: червень 2020) / Digital Security Lab, July 15, 2020: <https://dslua.org/publications/tsyfrovizahrozydlia-hromads-kykh-aktyvistiv-ta-zhurnalistiv-cherven-2020/>

RESULTS FOR THE FIRST HALF OF 2020

TYPES OF PERSECUTION

In total, in half a year, 48 cases of attacks and pressure on civil activists in Ukraine were recorded. Of these, 11 involved physical aggression against activists (2 of the cases were submitted to court), 8 involved destruction or damage of property, 7 involved intimidation, threats or other forms of pressure.

6 of the incidents had signs of legal persecution, 3 of illegal detention or search. 4 cases were categorized as obstruction of peaceful gatherings, 4 as privacy violations, 3 as discreditation, and 2 as obstruction of activities of non-governmental organizations.



GEOGRAPHICAL DISTRIBUTION

In territorial terms, the highest number of cases was recorded in Kyiv (23); Odesa Region is on the second place (5); the third place is shared by Donetsk Region (3) and Kyiv Region (3). Dnipropetrovsk Region, Lviv Region and Zhytomyr Region recorded two incidents each. Vinnytsia Region, Zakarpattia Region, Zaporizhia Region, Rivne Region and Chernivtsi Region recorded one incident each.



TYPES OF ACTIVITY

According to the results of six months of observation, the most risky activities among those types of activism that can be identified by our methodology remain anti-corruption (9 cases of persecution), protection of LGBT+ rights (5 incidents) and environmental protection (4 cases).

One of the most glaring cases among the ones recorded in the monitoring period is the attempt to murder the civil activist **Valentyna Buchok** in Donetsk Region in June 2020: unidentified individuals set up explosives in the yard where she lived with her family in a village near Kostiantynivka. According to the woman, a similar case took place last year, but then, her husband, a military officer, discovered and neutralized the explosives. At the same time, as journalists discovered, for unknown reasons, the police registered that case as “voluntary submission of weapons or explosives,” rather than an attempted murder.⁸

In addition, the story around the trial of civil activists **Vitaliy Shabunin** (Anti-Corruption Action Center) and **Dmytro Sherembey** (CO 100% Life), accused by the non-partisan MP Andriy Derkach of embezzling \$149 million, which has characteristics of a politically motivated legal persecution, continues to develop. In the second quarter of 2020, a media component was added to the case.

In addition, social media bullying of the human rights defender, co-coordinator of the No Borders Project **Maksym Butkevych** continued in the second quarter. The monitoring has recorded new posts about him (publishing a photograph) in the far-right Telegram channel Volary. This channel has transformed its work, reducing its open publishing of information about activists who can then become targets of attacks, and at the same time announcing that it would do that in a closed chat. There is testimony (*see the Description of the Incidents section*) that this activity is currently being carried out.

In addition, a disturbing event in terms of opposing discrimination is the fact that on July 2, 2020, the District Administrative Court of Kyiv refused to satisfy We Are NGO's administrative lawsuit against the Chernivtsi Regional Council following the latter's attempt to ban events on LGBTI topics in 2018.⁹ The activists demanded to recognize the officials' actions as illicit and inciting discrimination. The ZMINA Human Rights Centre's previous monitoring report¹⁰ recorded a repeated attempt by the Chernivtsi City Council to pass the aforementioned decree, but that time, the issue was not put up for discussion because the quarantine was imposed.

DEFINING TRENDS

In the second quarter of 2020, a number of phenomena continued to negatively affect the general atmosphere for civil society in Ukraine. The most crucial of them was the SARS-CoV-2 pandemic, which became a reason for narrowing the forms and options for the work of civil society organizations and individual activists. In addition, in the period in question, the campaign “against the Sorosians” continued to unfold (mostly through social media and media known for systematic failure to comply with journalistic standards); the campaign is aimed at discrediting civil society and reformers in the government through associating them with the figure of the American businessman and philanthropist George Soros. It primarily involves the use of the word “Sorosians” [Soros kids] by a number of media and political figures in a negative context, as well

⁸ “Everything comes from the DPR.” In Donetsk Region, a former Isolation prisoner blew up on a booby trap («Все тянется из «ДНР». В Донецкой области на растяжке подорвалась бывшая пленная «Изоляции») / Graty, June 25, 2020: <https://graty.me/vse-tyanetsya-iz-dnr-v-doneczkoj-oblasti-na-rastyazhke-podorvalas-byvshaya-plennaya-izolyaczii/>

⁹ The Unified Registry of Court Decisions. Webpage: <http://reyestr.court.gov.ua/Review/90191887?fbclid=IwAR0FoRbBtsANSr4cdjij3CNBFGnUKXp0XLwwJmVzdz0FGPZ7GKq5KKTCrg>

¹⁰ Activism 2020: Monitoring Report on the Persecution of Activists and Human Rights Defenders (1st quarter of 2020): <https://zmina.ua/publication/aktyvizm-2020-monitoryngova-dopovid-shhodo-peresliduvan-aktyvistiv-i-pravozahysnykiv/>

as publications of false information about NGOs, activists' private information, manipulative statements, etc. The purpose of this campaign is to undermine the trust in civil activists and human rights defenders, as well as government representatives who try to implement reforms. *(These trends are described in more detail in the previous monitoring overview.¹¹)*

In addition, in the second quarter of 2020, individual Ukrainian MPs continued the practice of registering bills in the parliament which contain undemocratic restrictions of the freedom of unions and associations. For instance, following the bills which equated the advocacy of non-governmental organizations to lobbying, new bills emerged: about foreign agents, about lustration of those who come from the civil sector, etc.

Despite the introduction of strict quarantine restrictions by the government, there were peaceful gatherings in Ukraine in April-May 2020. Some of the protest actions were related to the criminal persecution of the Odesa civil activist Serhiy Sternenko; the protesters also demanded the resignation of the Ukrainian Internal Affairs Minister Arsen Avakov. The police's actions during these peaceful gatherings were not always legal and proportional.

A more detailed analysis of the outlined trends is provided below.

THREATS OF LEGISLATIVE RESTRICTION OF THE FREEDOM OF UNIONS AND ASSOCIATIONS

In the second quarter of 2020, a number of bills were registered in the Verkhovna Rada which threaten civil society, violate the Constitution and Ukraine's international commitments, and illegitimately restrict the freedom of unions and associations in Ukraine. Most of them were not developed to regulate civil society specifically, but were related to other spheres. But some provisions of these documents directly or indirectly affect the activities of civil society organizations and civil liberties in general. In addition, some of these initiatives were synchronized with the discreditation campaign against the "Sorosiata" and the anti-western rhetoric promoted by some political forces.

In general, in the first half of 2020, at least 8 bills were registered in the Ukrainian parliament which were discriminatory against non-governmental organizations and activists and carried risks for the free development of civil society in Ukraine, because they equated the advocacy of civil society organizations (CSOs) with commercial lobbying, provided for lustration of those who come from the civil sector, introduced the concept of "foreign agents," banned civil activists from holding protest actions near courts, introduced "polygraph tests" for civil activists, etc. These bills were proposed by MPs from three political factions: the Servant of the People, Fatherland and the Opposition Platform – For Life; in particular, they include:

1. The bill on the state registration of lobbying actors and on conducting lobbying in Ukraine (#3059 of February 11, 2020). Authors: Yulia Tymoshenko, the head of the parliamentary faction of the political party All-Ukrainian Union "Fatherland"; Serhiy Vlasenko, a member of the parliamentary faction of the political party All-Ukrainian Union "Fatherland."
2. The bill on lobbying (#3059-1 of February 28, 2020). Authors: Oleksandr Dubinsky and Olha Vasylevska-Smahliuk, members of the parliamentary faction of the political party Servant of the People.
3. The bill on lobbying activities (#3059-3 of March 3, 2020). Authors: Denys Monastyrsky and Pavlo Frolov, members of the parliamentary faction of the political party Servant of the People.
4. The bill on introducing changes to some legislative acts on ensuring citizens' equal rights and opportunities for representation in supervisory boards and management bodies of

¹¹ See *Activism 2020: A Monitoring Report on Persecution of Activists and Human Rights Defenders* / ZMINA https://zmina.ua/content/uploads/sites/2/2020/04/aktyvizm2020_monitoringova-dopovid.pdf (pp. 12-14).

public unitary enterprises, economic companies and public banks, and ensuring the fair formation and effective activities of these supervisory boards while taking into account Ukraine's national interests (#3193-1 of March 17, 2020). Authors: Andriy Derkach, a nonpartisan MP; Oleksandr Dubinsky, a member of the parliamentary faction of the political party Servant of the People.

5. The bill on introducing changes to Article 6 of the Law of Ukraine "On judicial system and the status of judges" to ban rallies near court buildings (#3291 of March 30, 2020). Author: Serhiy Demchenko, a member of the parliamentary faction of the political party Servant of the People.
6. The bill on introducing changes to the Law of Ukraine "On cleansing the government" (on preventing external influence on the state's interests) (#3326 of April 13, 2020). Author: Fedir Khrystenko, a member of the parliamentary faction of the political party Opposition Platform – For Life.
7. The bill on introducing changes to some legislative acts of Ukraine (on the transparency of the activities of civil associations with foreign support) (#3564 of May 29, 2020). Author: Oleksandr Dubinsky, a member of the parliamentary faction of the political party Servant of the People.
8. The bill on introducing changes to some laws of Ukraine to ban foreign funding for government bodies and their officials and to prohibit the top state officials to have citizenship (nationality) of a foreign state (#3572 of June 2, 2020). Author: Vadym Rabinovych, a co-head of the parliamentary faction of the political party Opposition Platform – For Life.

In addition, another bill was registered which complicates the work of human rights organizations that work with the topics of opposing discrimination, defending the rights of women and the LGBT community:

9. The bill on introducing changes to the Criminal Code of Ukraine (on establishing criminal responsibility for public calls for and/or propaganda of refusal to have children, destruction of the institution of the family, non-marital and unnatural sexual relations and lewd behavior) (#3316-1 of April 24, 2020). Author: Oleh Voloshyn, a member of the parliamentary faction of the political party Opposition Platform – For Life.

Below, we provide a brief overview of the bills registered in the second quarter of 2020 which pose a threat to civil society.

Bill on the lustration of those who come from the civil sector

On April 13, 2020, a member of the **Opposition Platform – For Life** faction **Fedir Khrystenko** submitted the bill **#3326** "On introducing changes to the Law of Ukraine 'On cleansing the government' (to prevent external influence on the state's interests)," which proposes to lustrate representatives of government bodies who come from the civil sector.

According to this document, the lustration applies to people who, in the past 10 years, have held the position of a head or have been a member of a civil society organization or association which received funding from any source located outside of Ukraine, as well as to those professionals who provided services to such organizations or carried out any work for them more than three times a year. The bill contradicts human rights standards and is discriminatory towards civil activists.

Bill on the criminalization of "family destruction"

On April 24, 2020, **Oleh Voloshyn**, a member of the parliamentary faction of the political party **Opposition Platform – For Life**, submitted the bill **#3316-1** "On introducing changes to the Criminal

Code of Ukraine (to establish criminal responsibility for public calls for and/or propaganda of refusal to have children, destruction of the institution of the family, non-marital and unnatural sexual relations and lewd behavior).”

Essentially, the document copies the previously registered bill #3316 on criminalizing hate crimes based on sexual orientation and gender identity (SOGI), which was proposed for consideration by MP Olha Vasylevska-Smahliuk from the Servant of the People party.

However, instead of the hate motive based on SOGI, Voloshyn’s bill proposes to amend a number of Criminal Code articles with the motive of “intolerance of the institute of the family or family values,” and to include it in the circumstances that aggravate the punishment.

The document separately proposes to add Article 161-1 to the Criminal Code, according to which public calls for and/or propaganda of refusal to have children, destruction of the institution of the family, non-marital and unnatural sexual relations and lewd behavior will be punished with a fine from 3,400 to 8,500 UAH for citizens and from 8,500 to 17,000 UAH for officials, or with imprisonment for a term of up to five years with forfeiture of the right to hold certain offices or to engage in certain activities for a term of up to three years or without it.

The bill proposes to punish the same actions committed by an organized group of people, or the ones that have led to severe consequences, with imprisonment for a term of five to ten years.

This bill sets unconstitutional restrictions of the right to the freedom of beliefs, to their free expression, to the freedom of searching, obtaining and spreading information and ideas, and poses a threat for the human rights organizations which work on the problems of non-discrimination, women’s and LGBT rights.

Bill on foreign agents

On May 29, 2020, **Oleksandr Dubinsky**, an MP from the **Servant of the People** party, registered the Bill **#3564** “On introducing changes to some legislative acts of Ukraine (on the transparency of activities of civil associations with foreign support)”, or the so-called bill “on foreign agents,” in the Verkhovna Rada.

This is an attempt to place the activities of civil society organizations (CSOs), their leaders and employees under strict control, to limit the right of CSO members to become members of supervisory boards, to be a part of the managing bodies of public and communal companies.

Bill #3564 proposes to introduce a new term of “civil associations with foreign support.” According to the document, these are the associations that work with sociopolitical and security problems and have funding in the amount of over 50,000 euros in a calendar year, half of which has been provided from abroad.

According to the bill, they will have to indicate the receipt of foreign support in their name and to specially mark the information materials created as a part of grant projects. The name of such a CSO will have to include the words “with foreign support,” which will essentially form a prejudiced attitude to such organizations.

Civil associations with foreign support will be obligated to ensure the publishing of information about the funding for their activities: the sources, amounts and purposes of the funding; to ensure separate accounting for the income (expenses) received from foreign sources and for the income (expenses) received from other sources.

At the same time, the bill proposes to ban former heads of such associations from heading public and communal companies or from being on these companies' supervisory boards for a year after their resignation. The MP also proposes to ban former heads of civil associations from holding public service positions.

In addition, Oleksandr Dubinsky wants the heads of civil associations to take annual polygraph tests "regarding the possible commitment of offenses in the part of betraying Ukraine's national interests," and wants this process to be recorded on video.

Bill on banning foreign funding for government bodies

On June 2, 2020, **Vadym Rabinovych**, a co-head of the parliamentary faction of the political party **Opposition Platform – For Life**, registered bill **#3572** "On introducing changes to some laws of Ukraine to prohibit foreign funding for government bodies and their officials and to prohibit the top government officials to have citizenship (nationality) of a foreign state" in the parliament.

This bill prohibits funding for government bodies and receipt of monetary funds or other property by their officials as a part of funding from abroad or from legal entities registered in Ukraine which receive funds from foreign sources, including through programs of the European Union, governments of foreign countries, international organizations, donor institutions.

Since a major part of the international technical aid is used for modernization and reforms in Ukraine, including through cooperation between government bodies and CSOs, this bill threatens the advocacy, educational and other types of activities of CSOs which involve interaction with government bodies.

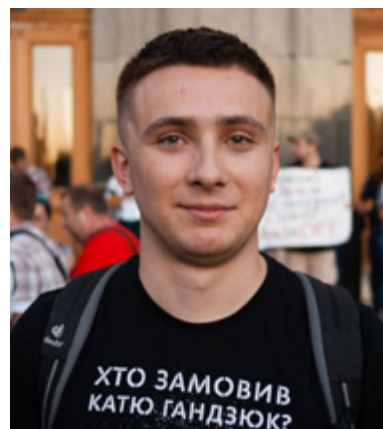
INVESTIGATIONS AND COURT TRIALS OF HIGH-PROFILE CASES ABOUT CIVIL ACTIVISTS

In the reporting period, ZMINA continued to monitor high-profile criminal cases involving human rights defenders and civil activists. In particular, these include the investigations and court trials of the cases of the murder of the Kyiv human rights defender Iryna Nozdrovska, the murder of the Kherson activist Kateryna Handziuk, and the criminal case in which the Odesa activist Serhiy Sternenko is charged with murdering his attacker.

Serhiy Sternenko's case

In 2018, in Odesa, there were three attacks on Serhiy Sternenko, the coordinator of the Nebayduzhi NGO and a former head of the regional branch of the Right Sector organization, who also defended the Odesa City Garden from illegal construction. On February 7, 2018, the activist was beaten and suffered stab wounds; on May 1, he was shot in the neck with a rubber bullet. During the third attack, on May 25, 2018, Sternenko fatally wounded one of the two attackers, Ivan Kuznetsov.

In May 2020, it became known that Oleksandr Isaykul and the deceased Ivan Kuznetsov were declared suspects in the case of the third attack on Serhiy Sternenko. The suspects' actions were categorized as hooliganism with the use of a weapon or another object adapted to causing bodily injuries.



Regarding the first attack on Sternenko, the police have not determined the identities of the person who ordered it, the perpetrators and other accomplices of the attack, and nobody was declared a suspect. Regarding the second attack, only the previously convicted Abzal Baymukashev (who was detained on the scene by Sternenko himself) was declared a suspect. Nobody was declared a suspect except for the perpetrator of the crime.

On June 11, 2020, Sternenko was called to the Security Service of Ukraine department in Kyiv and Kyiv Region and declared suspect in the intentional murder of Kuznetsov and illegal carrying of a cold weapon.

On June 15, the Shevchenkivsky District Court of Kyiv chose the preventive measure for the Odesa activist Serhiy Sternenko in the form of around-the-clock house arrest for 60 days.

The trials of Serhiy Sternenko's case were accompanied by rallies and protests throughout May and June 2020. Their participants made statements about the politically motivated persecution of the activist. Statements about political pressure in Sternenko's case have been made by the Verkhovna Rada of Ukraine's Temporary Investigative Commission¹² for parliamentary control over the investigations into the attacks on Kateryna Handziuk and other civil activists in 2017-18, and by a number of human rights organizations and civil activists.¹³

Kateryna Handziuk's case

The Kherson activist Kateryna Handziuk had sulfuric acid thrown at her on July 31, 2018. On November 4 of the same year, she died in hospital as a result of burns to 40% of her body. On June 6, 2019, the five perpetrators of the attack – Serhiy Torbin, Mykyta Hrabchuk, Volodymyr Vasianovych, Vyacheslav Vyshnevsky and Viktor Horbunov – were sentenced to three to six years in prison.

The family and friends of the murdered activist demand to prosecute not only the perpetrators, but also those who ordered the attack.



On April 27, 2020, the Security Service of Ukraine announced that it had completed the pretrial investigation in the criminal proceedings in which Vladyslav Manger, the head of the Kherson Regional Council, and Oleksiy Levin, an assistant to a councilor in the same council, were suspected of organizing the attack on Kateryna Handziuk. However, in June 2020, the investigation was resumed due to new circumstances and prolonged until July 29. According to the investigation's version, Vladyslav Manger is suspected of organizing, in preliminary conspiracy with Oleksiy Levin, the causing of severe bodily injuries to the victim which led to her death.

The case is tried by the Pechersky Court of Kyiv. On June 19, the court changed the preventive measure for Vladyslav Manger to arrest until July 28 without the right to bail, and later until August 24, 2020.

The activists of the Who Ordered the Assassination of Katia Handziuk? initiative constantly emphasize that the conspiracy to attack Handziuk also involved Andriy Hordeyev, the former head of the Kherson Regional State Administration, and his deputy Yevhen Ryshchuk. However, the Gen-

¹² The Temporary Investigative Commission in Handziuk's case called the law enforcement's actions against Sternenko illegal / ZMINA, June 12, 2020 <https://zmina.info/news/tsk-u-spravi-gandzyuk-nazvala-dij-sylovykiv-shhodo-sternenka-porushennyam-konstytucziyi/>

¹³ Open Statement by the UHHRU on the persecution of Serhiy Sternenko / Ukrainian Helsinki Human Rights Union, June 11, 2020 <https://helsinki.org.ua/appeals/vidkryta-zaiava-uhsp-l-shchodo-peresliduvannia-serhiia-sternenka/>; How did Sternenko's judges violate the law and common sense? / De Jure Foundation, June 19, 2020 <https://dejure.foundation/news/yak-porushuvaly-zakon-ta-zdorovii-gluzd-suddi-sternenka>

eral Prosecutor's Office has stated on multiple occasions that they do not have sufficient evidence to declare them suspects.

In general, the Security Service has started several criminal proceedings directly or indirectly related to the Handziuk case. One of them is about Hordeyev and Ryshchuk, regarding their possible involvement in the attack either as those who ordered it or as instigators or accomplices. The other criminal cases are related to the circumstances that preceded the attack. In particular, these are the crimes of which Handziuk publicly accused the regional leadership and which could serve as a motive for the attempt on her life, including setting fire to a forest, embezzling budget funds and others.

Iryna Nozdrovska's case

The human rights defender Iryna Nozdrovska worked on the case of her sister Svitlana Sapatynska's death for several years; on September 30, 2015, in the village of Demydiv, the latter was hit by a car driven by a nephew of the head of the Vyshgorodsky District court, Dmytro Rossoshansky, and killed. In May 2017, Rossoshansky was sentenced to seven years in prison. Later, in November 2019, he was released from serving his sentence. Nozdrovska demanded a just punishment for Rossoshansky.



Her body was found on January 1, 2018, in a water reservoir near Demydiv, Vyshgorodsky District, Kyiv Region. According to forensic experts, the woman died from multiple stab wounds. The 63-year-old Yuriy Rossoshansky, the father of the convicted Dmytro Rossoshansky, was arrested as a suspect in her murder on January 8.

In the second quarter of 2020, the case of the murder of Iryna Nozdrovska was still on trial in the Shevchenkivsky District Court of Kyiv. Among other things, the court extended the preventive measure in the form of detention of Yuriy Rossoshansky, and examined a video recording of his interrogation about preparations for the murder.

ILLEGAL ACTIONS BY THE POLICE DURING PEACEFUL GATHERINGS

In March 2020, the Cabinet of Ministers of Ukraine passed Decree #211 "On preventing the spread of the acute respiratory disease COVID-19, caused by the SARS-CoV-2 coronavirus, in the Ukrainian territory" and introduced a number of restrictions which were supposed to help contain the coronavirus. However, the restrictions were imposed rather inconsistently and situationally, sometimes they lacked legal definition or any sense whatsoever (such as the prohibition to visit parks and forest-park zones).¹⁴

Despite the introduction of the quarantine, peaceful gatherings took place all over the country in the second quarter of 2020; in some places, they were rather massive (such as the rallies of the Movement for Resisting Capitulation, the protests in the case of Serhiy Sternenko, actions for the resignation of the Foreign Affairs Minister Arsen Avakov, etc.).

In this period, human rights organizations recorded a number of cases of excessive or illegal use of force by law enforcement agencies.

¹⁴ See *The legal foundations of introducing the quarantine restrictions: Report for March-July 2020* / H. Rozhkova, S. Pernykoza, ed. by V. Batchayev. – Kyiv: Association of UMHRC, 2020. – 26 p. <http://umdpl.info/library/28049/>

For instance, the Association of UMHRC, together with the Centre for Civil Liberties, documented¹⁵ 41 cases of violations involving representatives of law enforcement agencies in the period between April 4 and 15, 2020. In the period between April 15 and May 20, 2020, they recorded¹⁶ 71 incidents related to control over the implementation of quarantine restrictions by representatives of law enforcement agencies. The leaders in terms of the number of discovered violations was the city of Kyiv and the Kherson Region. In general, the incidents were recorded in practically all regions of Ukraine. Some of them were related to illegal police actions during peaceful gatherings.

The ZMINA Human Rights Centre recorded 6 cases of illegal police actions during peaceful demonstrations in the second quarter of 2020, out of them 4 in Kyiv, one in Lviv and one in Kharkiv.

In particular, on April 6, 2020, the police wrote nine misdemeanor reports about participants of the indefinite protest Spring on the Granite, which took place in Kyiv near the Office of the President of Ukraine, accusing them of violating the quarantine.

On April 8, 2020, the police and special police forces arrested the people who came out to protest near the construction site of the residential complex #Washington_Concept_House in Laboratna Street in Kyiv after construction equipment began to be transported to the territory of the construction site.

On May 1, 2020, in Lviv, the police wrote a misdemeanor report about a quarantine violation by the entrepreneur Vladyslav Orlov, who announced a single picket demanding to “restore the constitutional right to labor,” which was limited due to the quarantine. Before, the man informed the local government about his intention to hold the protest.

On May 31, 2020, in Kyiv, the police wrote a misdemeanor report in accordance with the article about petty hooliganism against Roman Hardashuk, one of the participants of the Spring on the Granite protest which was held near the Office of the President of Ukraine building for two months.

On June 5, 2020, in Kharkiv near the Regional Administration building, the police obstructed the activities of the activist Iryna Salnyk, who was at a single picket holding a sign reading, “Whom do I call if the police are killing me?”

On June 15, 2020, near the building of the Shevchenkovsky District Court of Kyiv, where a rally was held in support of the activist Serhiy Sternenko, for whom a preventative measure was being selected at that moment, the police used force and arrested five participants of the protest: the host of the rally Mykila Vyhovsky, Vitaliy Ovcharenko, Anton Kovalenko, Andriy Martynenko and Oleksandr Kiryakov. (*See detailed description of these incidents in the next chapter*).

In a number of statements, human rights organizations have called¹⁷ to conduct an effective, independent and quick internal investigation and to take all measures to preventively counteract the possible cases of disproportionate use of force by police officers.

¹⁵ Typical violations by law enforcement representatives during the introduction of the quarantine restrictions. Periodical report / Association of UMHRC, April 27, 2020 <http://umdpl.info/library/typovi-porushennya-predstavnykiv-organiv-pravoporyadku-pid-chas-zaprovdzhennya-karantynnyh-obmezhuvalnyh-zahodiv-periodychnyj-zvit/>

¹⁶ Typical human rights violations by law enforcement representatives during the introduction of the quarantine restrictions. Periodical report / Association of UMHRC, May 27, 2020 <http://umdpl.info/library/drugyj-periodychnyj-zvit-typovi-porushennya-prav-lyudyny-predstavnykam-organiv-pravoporyadku-v-hodi-vprovadzhennya-karantynnyh-obmezen/>

¹⁷ Statement by the Centre for Civil Liberties on cases of disproportionate use of force by law enforcement officers while protecting the public order at peaceful gatherings / July 7, 2020 [https://zmina.ua/statements/vidkryta-zayava-shchodo-zastosuvannya-vybirkovogo-tysku-na-uchasnykiv-myrnyh-zibran-pid-chas-karantynu-na-pryklyad-akcziyi-vesna-na-graniti/](https://ccl.org.ua/statements/shchodo-vypadkiv-neproportsynoho-zastosuvannia-syly-pravookhorontsiamy/?fbclid=IwAR1HcXu8VKqBy3CJZTtQa0Da9zdGx5hCAIvZq7veHlwu-iWbWTSJUAHhzw; Open statement on the use of selective pressure on the participants of peaceful gatherings during the quarantine, using the example of the Spring on the Granite action / ZMINA, May 20, 2020 <a href=)

BRIEF OVERVIEW OF INCIDENT

■ APRIL 2020

#destruction_or_damage_of_property

On the night of **April 3, 2020**, in **Kamyanske**, Dnipropetrovsk Region, unidentified individuals burned the car of the blogger and civil activist **Oleh Yefimov**, which was parked in the yard of an apartment building next to other cars. Surveillance camera footage which was later published online¹ shows, from afar, two people who come up to the car, pour something all over it and set it on fire.

According to the victim, there were no threats directly before the incident. He himself believes that the arson was ordered, and associates it with his anti-corruption blogging activities (Yefimov is the administrator of the public pages *Levyi Bereg Kamenskoye*² and *Dneprostroy Kamenskoye*, where he, in particular, analyzes the city's tender purchases and regularly publishes posts titled *What They Don't Buzz About*, criticizing the mayor Andriy Belousov and the party affiliated with him, *Bdzhola – the Bee*).



■ Photo from the *Levyi Bereg Kamenskoye* Facebook group

On April 3, the National Police of Dnipropetrovsk Region started proceedings according to Article 194 of the Criminal Code (intentional destruction or damage of property). The investigation is underway.

As reported by the Ukrainian Helsinki Human Rights Union (UHHRU),³ this is not the first case of attacks on active residents of Kamyanske in the past few years: in April 2019, unidentified individuals shot the head of the Civil Watch NGO, Yevhen Nayda. At that time, the police started proceedings according to the article on “intentional murder,” and, after establishing the identities of the possible attackers, announced them as suspects and, on July 17, handed the case to court. This was indicated by the police in its reply to a request from the ZMINA Human Rights Centre.

In December the same year, unidentified individuals tried to burn the residence where an NGO defending the rights of workers of the local metal processing plant, the Extraordinary Council of Only the Workers of Dniprovsky Metal Processing Factory, was registered; in July 2018, the editorial office of the newspaper *Sobytiye* was blown up. According to police information, proceedings were started following both incidents, but as of May 6, the investigation was still underway and nobody had been announced as a suspect.

¹ Shock: Footage of today's car arson in Kamyanske (video) (Шок: кадры сегодняшнего поджога авто в г. Каменском (видео)) / *Sobytiye*. Kamyanske News, April 3, 2020: <https://sobitie.com.ua/novosti-kriminal/shok-kadry-segodnyashnego-podzhoga-avto-v-g-kamenskom-video>

² *Levyi Bereg Kamenskoye* (Левый берег Каменское). Facebook group, April 3, 2020: <https://www.facebook.com/groups/220643508616791/permalink/504293300251809/>

³ Burning out with fire: What Kamyanske activists are attacked for. Updated (Випалюють вогнем: за що нападають на активістів Кам'янського. Оновлено) / Ukrainian Helsinki Human Rights Union, April 17, 2020: https://helsinki.org.ua/articles/vypaliuiut-vohnem-za-shcho-napadaiut-na-aktyvistiv-kam-ians-koho/?fbclid=IwAR1IsKJM53L_JIGSwe61QfCmohe_rOVCgFq15bdM9PdGPXbDfYUjAvWPEP4

In February 2017, in Kamyanske, the car of Serhiy Huz, a journalist and the editor-in-chief of the local media *Gorod 5692*, was burned; and before that, the journalist reported pressure and attempts to prevent the next issue of the newspaper from being published. The same month, the car of the human rights defender and journalist Stanislav Miloslavsky, who published the newspaper *Anti-mafia*, was burned (and a month after this incident, there was an arson in the printing house where the newspaper was printed).

#destruction_or_damage_of_property

In the morning of **April 3, 2020**, the civil activist from **Odesa Demyan Hanul** reported an arson of a car which belonged to his sister, but which he usually used to move around the city. According to the activist, the car was parked in the street near the house where he lives.

Hanul associates the incident with his civil activism and criticism of the local government, although he points out that he had not received threats or warnings of any kind before the incident. According to his information, two people directly participated in the arson (it is hard to identify them because they were wearing medical masks), but there can be more people involved.⁴ The activist believes that the attack was well-



Photo from Demyan Hanul's Facebook page

planned, it was preceded by surveillance: the cameras nearby had their wires cut off.

On April 3, on the Antinazi Channel on Telegram, there was a post⁵ (in Russian): “Unknown anti-fascists burned the car of a local neonazi, Serhiy Sternenko’s comrade, leader of the Street Front group Demyan Hanul. Justice sometimes happens.” But the post used a photograph of the burned car which was published a few hours before that by Hanul himself on his Facebook page.

In the evening after the incident, Demyan Hanul himself published a post⁶ with a video from a surveillance camera attached to it, showing the arson; he also named the persons and structures he suspected (antifa were not on the list): the Zeus security firm, Vitaliy Holodok (Ukraine Is Us NGO), mayor Hennadiy Trukhanov (Hanul associates this with the upcoming election, saying that it is supposedly an attempt to neutralize those who are opposed to him), and blogger Anatoliy Shariy.

Meanwhile, Vitaliy Holodok, mentioned in the post, published a post in which he called on Hanul to “think hard” and connected his activities with the crime world (allegedly, Hanul and some other people took merchandize away from a woman who sold cigarettes at a market; there is a video attached to the post, showing them taking boxes out, but we cannot hear what they are talking to the woman about), expressing an assumption that this was the reason behind the arson.⁷

The Odesa Police reported starting proceedings according to Article 194 of the Criminal Code of Ukraine (intentional destruction or damage of property).⁸ According to the law enforcement’s data, the incident took place at around 3 a.m. At the moment, an investigation is being conducted, and the identities of those involved in the arson are being established.

⁴ Demyan Hanul (Дем’ян Ганул). Personal Facebook page: <https://www.facebook.com/photo.php?fbid=2292101841095461&set=a.1476876009284719&type=3&theater>

⁵ Antinazi channel. Telegram channel: <https://t.me/antifaua/1977>

⁶ Demyan Hanul (Дем’ян Ганул). Personal Facebook page: <https://www.facebook.com/100008870020776/videos/2291526961152949/>

⁷ Vitaliy Holodok (Віталій Голодок). Personal Facebook page: https://www.facebook.com/permalink.php?story_fbid=1185861958411649&id=100009635686434

⁸ Law enforcement officers are investigating the circumstances of ignition of the Mercedes car in the center of Odesa (Правоохоронці розслідують обставини займання легкового автомобіля «MERCEDES» в центрі Одеси) / National Police. Odesa region: <https://od.npu.gov.ua/news/zvichajni-novini/pravooxornczi-rozsliduyut-obstavini-zajmannya-legkovogo-avtomobilya-MERCEDES-v-czentri-odesi/>

Demyan Hanul is a civil activist from Odesa. He used to be a member of the right-wing organizations Street Front (last year, they reported that they were suspending their activities) and the Odesa chapter of the Right Sector. Lately, he has been engaged in environmental activism and struggle against illegal construction, he participated in the defense of the Green Theater in Odesa and was arrested after confrontations there; he actively opposes the takeover of the seaside zone, he has published posts in defense of the Tuzlovski Lymany National Park. In addition, in his social media posts, he supports the former MP Andriy Biletsky, the leader of the right-wing party National Corps and the founder of the Azov Regiment.

On July 3, Demyan Hanul announced his intention to run for the Odesa City Council in the local election, but he did not specify which political force he was running with.

#legal_persecution

#obstruction_of_peaceful_gatherings

On **April 6, 2020**, the police wrote nine misdemeanor reports about **participants of the indefinite protest Spring on the Granite**, which took place in **Kyiv** near the Office of the President of Ukraine, accusing them of violating the quarantine.

On May 12, law enforcement officers also tried to arrest the participants of a performance organized as a part of the protest, during which the demonstrators demanded to include veterans into the Ukrainian negotiating party in Minsk.

As the activist **Yaryna Chornohus** told monitors of the UMHRC Association,⁹ the police arrived to write misdemeanor reports on the night between April 5 and 6. The day before, the police read out the Cabinet of Ministers' decree on quarantine measures to the protesters, so they continued the protest while wearing masks and keeping a two-meter social distance.

At the same time, according to the activist, after this incident, the police became more nitpicky about the indefinite Spring on the Granite protest. In particular, it was forbidden to bring things for the activists (blankets, buckets, etc.) to the Office of the President and to write on the ground with chalk.

The performance on May 12 was initiated by the Spring on the Granite initiative separately. It included a theatrical component: one of the participants, Petro Stefaruk, brought a bucket of petrol and a bicycle tyre up to Yaryna Chornohuz, set it on fire, and Chornohuz kicked the bucket over; after this, the fire was extinguished, and the participants started to chant their demands to include veterans in the negotiating group. According to the activist, after some time, the police arrested Stefaruk and started to take him away from the square, but thanks to an intervention by Chornohuz and other activists, he was let go.

Based on the results of a court hearing, in two cases, the court reached the conclusion that the evidence base collected by the police was insufficient; in four other cases, the court returned documents to the police for proper formalization; and in two cases, the court found the protesters guilty, but did not fine them, giving an "oral warning" to them instead.¹⁰ As **Mykhailo Lebid**, a member of the board of the Human Rights Initiative NGO who monitored the course of the situation, told the ZMINA Human Rights Centre, the activists who were found guilty are planning to appeal the aforementioned decision in an appeal court.

⁹ Human rights defenders have condemned selective pressure on the participants of the action near the Office of the President (Правозахисники засудили вибірковий тиск на учасників акції під Офісом президента) / Zmina, May 20, 2020: <https://zmina.info/news/ukrayinski-pravozahysnyky-zasudyly-vybirkovij-tysk-na-uchasnykiv-akciji-pid-ofisom-prezydenta/>

¹⁰ The court found two participants of the Spring on the Granite action on Bankova Street guilty of violating the quarantine (Суд визнав двох учасників акції «Весна на граніті» на Банковій винними в порушенні карантину) / Zmina, June 26, 2020: <https://zmina.info/news/sud-vyznav-dvoh-uchasnykiv-akciji-vesna-na-graniti-na-bankovij-vynnymi-u-porushenni-karantynu/>

On July 1, it became known that the Pechersk District Court of Kyiv closed the misdemeanor proceedings against Yaryna Chornohuz due to the absence of a misdemeanor in her actions.¹¹

The Spring on the Granite protest started in Kyiv in March 2020 and was held near the building of the Office of the President of Ukraine until late May 2020. According to the organizers, the rally was a response to the Minsk Trilateral Working Group's initiative to create a Consultative Council, which would allow for a direct dialogue with representatives of the parts of Donetsk and Luhansk regions which are not controlled by the government of Ukraine. Their declared demands include cancelling the aforementioned council; resignation of the Office of the President head Andriy Yermak, of the advisor for the head of the Council of National Security and Defense Serhiy Syvokho (the activists consider this demand to be met), and of the Minister of Internal Affairs Arsen Avakov; stopping the withdrawal of the Ukrainian troops as a part of the so-called "parting" policy; and stopping the repressions, in the activists' opinion, against the volunteer soldiers Andriy Antonenko, Yana Duhar and Yulia Kuzmenko, who are suspected of involvement in the murder of the journalist Pavlo Sheremet.¹²

#illegal_detention_or_search

On **April 8, 2020**, the police and special police forces arrested the people who came out to protest near the construction site of the residential complex #Washington_Concept_House in Laboratna Street in **Kyiv** after construction equipment began to be transported to the territory of the construction site.

According to **Petro Mykhailenko**, a representative of the Kyiv Defense Headquarters civil initiative and a member of the Commission for Verifying Information on High-Profile Construction Sites under the Kyiv City State Administration (KCSA), he received a call from a Kyiv resident **Kateryna Naumenko**, who lives in one of the buildings near the construction site of the residential complex #Washington_Concept_House in Laboratna Street; she reported that construction equipment was being transported to the construction site. Mykhailenko arrived at the location at around 5 p.m. and saw that there was an argument; at 5:07 p.m., a bus with law enforcement officers arrived.



Photo from Oleksandra Navrotska's Facebook page

According to Mykhailenko, he started a video stream, a police officer saw it and gave an order to arrest him together with other protesters (the man had his dog with him, so he was taken to the police department like that, with the animal). In the car, one of the arrested people, **Oleksandra Navrotska**,¹³ felt sick (she was streaming the event, and later wrote about the incident on Facebook that she went out to a drug store, started to film the conflict in the street and was arrested¹⁴), as well as an elderly man whose name Mykhailenko did not know. An ambulance was called for them. At the district police department, reports were written on all of the arrested people.

¹¹ The court has not found any violations of quarantine by the participant of the Spring on the Granite Yaryna Chornohuz (Суд не виявив порушення карантину з боку учасниці «Весни на граніт» Ярини Чорногуз) / Zmina, July 1, 2020: <https://zmina.info/news/sud-ne-vyavyyv-porushennya-karantynu-z-boku-uchasnyci-vesny-na-graniti-yaryny-chornoguz/>

¹² Spring_on_the_Granite (Весна_на_граніті). Facebook page, March 19, 2020: https://www.facebook.com/VesnaNaHraniti/posts/101529791493619?__tn__=K-R

¹³ The police have detained the Kyiv resident who filmed the conflict around the construction site in Pechersk. Supposedly "for violating the quarantine" (video) (Поліція затримала киянку, яка зняла конфлікт навколо будівництва на Печерську. Навіщо, «за порушення карантину» (відео)) / Khmarochos, April 9, 2020: <https://hmarochos.kiev.ua/2020/04/09/politsiya-zatrymala-kyiyanu-yaka-znyala-konflikt-navkolo-budivnytstva-na-pechersku-nachebto-za-porushennya-karantynu-video/>

¹⁴ Aleksandra Navrotskaya. Personal Facebook page, April 10, 2020: <https://www.facebook.com/aleks.navrotskaya/posts/1636570806497875>

According to Mykhailenko, at the moment of the incident, there was a conflict around the construction.¹⁵ In December 2019, the informal association Kyiv Defense Headquarters submitted a notice to the KCSA about holding an indefinite protest at this address (Laboratorna Str., 9-12), which was confirmed by the KCSA at the request of the ZMINA Human Rights Centre.

According to the activist's information, the Ministry of Culture and Information Policy has issued an order to stop the works there, but the developer is appealing it (and the court has suspended the order for the period of its review). That is why, *de jure*, the developer has the right to build there, but, as Mykhailenko explained, there was supposedly an agreement not to do it while the trial was underway.

As Mykhailenko says, in his case, the police report was based on Article 185 (disobeying a legal demand by a police officer) and Article 44-3 (violating the rules of the quarantine of people) of the Misdemeanor Code.

Mykhailenko states that he has sent a statement to the State Investigation Bureau (SIB), and the MIA is conducting an internal investigation. According to the activist, the police indicated a wrong time of the arrest and release of the people, and Navrotska still has bruises from being beaten.

The Kyiv Police have made a statement on arresting 7 people¹⁶ (4 men and 3 women) who held a protest near the construction site, blocking the entry for the equipment, on April 8. The police deny that Navrotska, who was arrested, was going to a drug store and claim that she participated in the action and did not comply with legal demands of the police (in the livestream, demands to stop filming can be heard, although it is legal to film the police in the street).

The human rights organizations the Center for Civil Liberties and the UMHRC Association have included this incident into their monitoring¹⁷ which they conducted on April 4–15, recording a total of 41 cases of human rights violations by law enforcement officers in connection to the imposition of quarantine in that period.

#discreditation

On **April 13, 2020**, the TV program Money on the 1+1 channel published a story¹⁸ in which the head of the board of the Anti-Corruption Action Center (AntAC) NGO **Vitaliy Shabunin** and the head of the charity organization 100 PERCENT LIFE **Dmytro Sherembey** were accused of allegedly misappropriating international aid funds received from the US. The story's authors cite statements by the American President Donald Trump's lawyer Rudolf Giuliani and by the nonpartisan Verkhovna Rada MP Andriy Derkach. After this, a material on the same subject, with a reference to the Money program, was made by UNIAN.¹⁹

¹⁵ In 2019, Vavrysh-Isayenko's companies received more building permits than for two previous years combined (Компанії Вавриша-Ісаєнка у 2019-му отримали більше дозволів на будівництво, ніж за два попередні роки разом узяті) / Bihus.Info, April 3, 2020: <https://bihus.info/kompaniyi-vavrysha-isayenka-u-2019-mu-otrymaly-bilshe-dozvoliv-na-budivnytstvo-nizh-za-dva-poperedni-roky-razom-uzyati/>

¹⁶ In Pechersk in the capital, law enforcement officers drafted seven misdemeanor reports about the individuals who organized an action next to construction sites (На столичному Печерську правоохоронці склали сім адміністративних протоколів на осіб, які влаштували акцію біля забудов) / National Police of Kyiv. Official website, April 9, 2020: <https://kyiv.npu.gov.ua/news/novini/na-stolichnomu-pechersku-pravoohoronczysklali-sim-administrativnix-protokoliv-na-osib-yaki-vlashtovali-akcziyu-bilya-zabudovi/>

¹⁷ Typical violations by law enforcement representatives during the imposition of the quarantine restrictions. Periodical report (Типові порушення представників органів правопорядку під час запровадження карантинних обмежувальних заходів. Періодичний звіт) / Center for Civil Liberties, April 28, 2020: <https://ccl.org.ua/reports/typovi-porushennia-pid-chas-karantynnykh-zakhodiv/>

¹⁸ Where Ukrainian anti-corruption fighters spent 143 American million (Куда украинские антикоррупционеры расплали 143 американских миллиона) / Money. YouTube channel: https://www.youtube.com/watch?v=Swu2CuErEAE&fbclid=IwAR3Tdrwxq7n1LqE_SxiogRHrM_LEAUArc1qweSUFVz00sL37704WrqYjM

¹⁹ The US vs Ukrainian anti-corruption fighters. Ukraine on the brink of an international scandal (США vs українські антикорупціонери. Україна на порозі міжнародного скандалу) / UNIAN, April 13, 2020: https://www.unian.ua/politics/10957370-ssha-vs-ukrajinski-antikorupcioneri-ukrajina-na-porozi-mizhnarodnogo-skandalu.html?fbclid=IwAR0xNjc_6MMjccNG3lUTgCqR5X47SDg3p_JtVU0hjFgKJSz9GKclv5sH7pU

The episode's authors supposedly attempted to analyze the circumstances under which the US aid was given to Ukraine. The amount of the alleged misappropriation discussed in the material was sometimes specified as \$143 million, and sometimes as \$5 billion. However, no evidence was given to prove that the embezzlement took place and that the activists Vitaliy Shabunin, Dmytro Sherembey or the organizations they work at were involved in embezzlement.

The whole episode of the show, in fact, consisted of fragments of Giuliani's interview with Derkach on February 28; the men "suspect that the funds were used ineffectively," but for unknown reasons, "they do not disclose the specific money laundering schemes yet, saying that they are keeping them for the investigators"; and of comments by the director of the Dialogue Institute for Sociopolitical Projection Andriy Maseliuk and the journalist Volodymyr Boyko, who express their observations and assumptions about the circumstances described in the episode, but do not provide evidence either.

A little later, on May 11, the online publication Strana.UA published an article on the same topic titled *Becoming an anti-corruption fighter after three stints. How the activist Sherembey got featured in criminal cases "utilizing" western million-dollar grants*; in the article, information about Dmytro Sherembey's criminal record (which he himself has spoken about multiple times in many interviews, explaining how he started to engage in activism and help other people living with HIV) is presented as new information.

In a few days, this article was reprinted by a number of other publications, particularly by *Apostrophe*²⁰ and *Obozrevatel*.²¹

This has signs of a planned media campaign to discredit the aforementioned anti-corruption activists.

All of the materials mentioned here appeared after, on February 14, 2020, the nonpartisan MP Andriy Derkach submitted a statement to the police about an alleged embezzlement of funds for the amount of \$149 million by Vitaliy Shabunin and Dmytro Sherembey.²²

In turn, AntAC said that neither the organization in general nor any of its members had ever received even approximately similar amounts of money in all eight years of their activities, and that law enforcement agencies had conducted the corresponding checks multiple times already.²³ ZMINA reported on this in more detail in the monitoring report for the first quarter of 2020.

#privacy_violations

#discreditation

On **April 21**, 2020, the anonymous Telegram channel MP's Secrets²⁴ published the phone number of the head of the Anti-Corruption Action Center **Vitaliy Shabunin** with a caption: "The head of Sorosists in Ukraine, protector of corrupt Sytnyk (*meaning the head of the National Anti-Corruption Bureau of Ukraine Artem Sytnyk. Ed.*).” In addition, it noted that Shabunin was featured in a case about alleged embezzlement of international aid following a lawsuit by MP Andriy Derkach (this case has characteristics of legal persecution of the activist); it also made an unproven claim that the activist "received a salary" at the US Embassy.

²⁰ "Took out two handfuls of golden jewelry": The media tell about the crimes of Shabunin's accomplice («Вынес две жмени золотых украшений»: СМИ рассказали о преступлениях пособника Шабунина) / *Apostrophe*, May 12, 2020: <https://apostrophe.ua/news/society/2020-05-12/vynes-dve-jmeni-zolotyih-ukrasheniy-smi-rasskazali-o-prestupleniyah-posobnika-shabunina/196894>

²¹ The high-profile investigation about Shabunin's partner published (Опубликовано резонансное расследование о партнере Шабунина) / *Obozrevatel*, May 12, 2020: <https://www.obozrevatel.com/crime/dve-zhmeni-zolota-opublikovano-rezonansnoe-rassledovanie-o-partnere-shabunina.htm>

²² Andriy Derkach (Андрей Деркач). Facebook page, February 14, 2020: https://www.facebook.com/derkach.al/posts/1070451763306888?__tn__=R

²³ Attack on AntAC (Атака на ЦПК) / Anti-Corruption Action Center, date unspecified: http://attack.antac.org.ua/?fbclid=IwAR1uKwL44Hi9cOfNYvc9yXGKjMil_2hrlQ2isDJWs_NITyTPuBSiwmXQ

²⁴ MP's Secrets. Telegram channel, April 21, 2020: https://t.me/tayni_deputata/566

On the same day, the message with Vitaliy Shabunin's phone number was republished by the Servant of the People MP Oleksandr Dubinsky on his Telegram channel. After this, Shabunin reported²⁵ that he received messages from several unidentified individuals, and then he was connected to several commercial mailing lists which started to send him spam.

Later, in May, the editor-in-chief of the *Novoye Vremya* website Vitaliy Sych reported that personal phone numbers of investigative journalists and his own phone number were published.²⁶

The MP's Secrets Telegram channel was founded in November 2019 and publishes phone numbers which, as the anonymous authors of the channel claim, belong to Ukrainian politicians and officials (mostly) as well as civil activists (in addition to Shabunin, the channel contains posts about the volunteer Marusia Zviroby, the former president's advisor, volunteer Yuriy Biryukov and others).

Vitaliy Shabunin is a co-founder of the Anti-Corruption Action Center NGO, which develops and advocates for the legislative basis for counteracting corruption (particularly on the anti-corruption bodies NACBU, Special Anti-Corruption Prosecution, Supreme Anti-Corruption Court, and Agency for Asset Search and Management, on criminalizing unlawful enrichment, etc.), monitors state procurement, and initiates investigations into abuses.

#destruction_or_damage_of_property

#intimidation_threats_or_other_forms_of_pressure

On **April 24, 2020, Ihor Savluk**, a blogger and civil activist from Tetiyiv in Kyiv Region, reported persecution by a group of people which included the local mayor Ruslan Maystruk.

According to Savluk, while walking in the street, he saw the mayor, a city council employee, a military commissar and two representatives of the prosecutor's office celebrating something at a table next to the military recruitment office.

Savluk started to film them on his cell phone camera, claiming that they were violating the quarantine, and they, in turn, started threatening him, trying to take his smartphone away. After returning home, Savluk and his wife left Tetiyiv on the same day and spent the night at their friends', who live in a neighboring settlement.

The next day, they came back and saw that two windows in their house were broken and the front door was soaked with petrol. When they entered the house, they discovered a rock, a little bigger than a brick, and a half-empty bottle of petrol, most of whose contents were spilled out. In the victim's opinion, the attackers broke the window with the rock and then threw the open bottle in.

Later on the same day, Ihor Savluk was called from an unknown number and threatened: the caller told him to stop doing what he was doing because "it would get worse," he would be forced to "eat his own beehives" and "it will be fiery." The man recorded the call, published it on social media,²⁷ and reported it to the police.

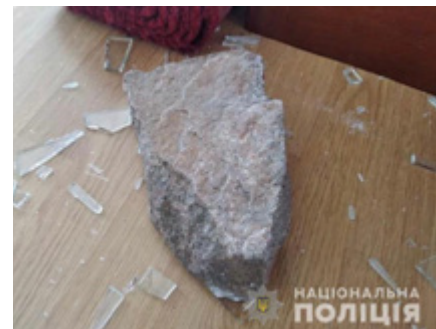


Photo from the website of the National Police of Kyiv Region

²⁵ Vitaliy Shabunin. Personal Facebook page, April 22, 2020: <https://www.facebook.com/photo.php?fbid=10157259087574537&set=a.10150218837464537&type=3&theater>

²⁶ Vitaliy Sych (Віталій Сич). Personal Facebook page, May 12, 2020: <https://www.facebook.com/sych.vitaly/posts/3039041099485489>

²⁷ An unidentified individual's threats by phone (Погрози невідомої особи по телефоні) / Stepan Bandera. YouTube channel, May 6, 2020: https://www.youtube.com/watch?v=Vx8vSQRRb4Q&fbclid=IwAR3htnROVlqsDZVz211jee6vyqCv1N-E_MxhZKCo84J3KcLUFVesByAA0qs

The video filmed by Savluk at the military recruitment office and later at his home was given by the activist to the Money program on the 1+1 TV channel, which used it in an episode on May 4.²⁸

The police started proceedings based on the fact of the incident²⁹ according to Part 1 of Article 347-1 (intentional destruction or damage of a journalist's property) of the Criminal Code of Ukraine. As reported by the communications department of the Kyiv Region Police, at the scene, experts discovered and seized a rock, a polypropylene 1.5-liter bottle partially filled with liquid with a sharp petrol smell.

In 2015, there already was a similar incident when Ihor Savluk's windows were broken. He connects that case to a video the activist filmed before the previous election: a survey whether the city residents saw the road reconstruction which the mayor had reported on. The victim has suspicions as to who did it, but the police, according to Savluk, did not identify the attackers.

As Ihor Savluk says about himself, he started to engage in civil activism after the Euromaidan events. Savluk is an assistant to a Svoboda Party member of the City Council, has a journalist ID, but, according to him, while previously he mostly covered party activities, now he mostly focuses on anti-corruption activities: he monitored the previous local election, covered issues related to the use of local budget funds on social media, recently reported on dumping of garbage from Lviv in a landfill near Tetiyiv (he says that together with the police, they found receipts from Lviv stores and parts of documents with corresponding notes there, and once, they stopped a waste truck which, according to its documents, was driving from Lviv). He publishes posts in the Tetiyivska Pravda group, on his personal Facebook pages, YouTube channel, works with the Bila Tserkva YouTube channel called Channel45.

■ MAY 2020

#legal_persecution

#obstruction_of_peaceful_gatherings

On **May 1, 2020**, in **Lviv**, the police wrote a misdemeanor report about a quarantine violation by the entrepreneur **Vladyslav Orlov**, who announced a single picket demanding to "restore the constitutional right to labor," which was limited due to the quarantine. Before, the man informed the local government about his intention to hold the protest.

According to Orlov, on May 1, about a hundred people came out for single pickets at the Lviv City Council at the same time. The event lasted for about two hours, after which Orlov collected signatures under the protesters' demands for the mayor and the regional council, and everybody left.

The activist points out that everything was peaceful, the demonstrators kept their distance, wore masks and gloves, and the police did not have any issues with the participants during the rally. But



■ Vladyslav Orlov, photo from his Facebook page

²⁸ What is the truth the local princes are prepared to kill activists for (За какую правду местные князьки готовы убить активистов) / Money. YouTube channel, May 4, 2020: https://www.youtube.com/watch?v=aMLKyQLKFrk&feature=emb_logo

²⁹ Kyiv Region Police has launched criminal proceedings based on the fact of damaging a journalist's property (Поліція Київщини відкрила кримінальне провадження за фактом пошкодження майна журналіста) / Central Department of the National Police in Kyiv Region, April 25, 2020: <https://kv.npu.gov.ua/news/Informacziya/policziya-kijivshhiny-vidkryla-kriminalne-provadzhennya-za-faktom-poshodzhennya-majna-zhurnalista/?fbclid=IwAR04Ww3ZPwG1bOeZ1v5n6z7kONmZrOKhYF2BJYm1lHfVfMFukSzJWrynHoA>

when it ended, Vladyslav Orlov was approached by a police officer and offered to go to the Halytsky District Police Department; when he refused, the police officer wrote a misdemeanor report about a violation of the quarantine on the spot. When the activist asked what evidence the police had to prove that he had committed a misdemeanor, he was shown a video from a registrar of people in medical masks, among which he must have also been “somewhere,” and a post in an entrepreneurs’ Facebook group where Vladyslav Orlov wrote about his intention to hold a single picket at the City Council building.

In the opinion of UHHRU lawyers,³⁰ Vladyslav Orlov, just like any other person, has the right to come out to a picket organized by himself while following all the quarantine rules. The government decree cited by the police officers when they wrote the misdemeanor report banned holding any mass events with some exceptions, but the right to hold peaceful protests is guaranteed to Ukrainians by the Constitution and the European Convention on Human Rights.

Some rights and liberties of citizens can be limited if martial law or a state of emergency is declared in Ukraine. Instead, Ukraine declared a quarantine (an emergency situation regime), but neither the President nor the Verkhovna Rada declared a state of emergency.

In addition, the human rights defenders pointed out that the persecution was selective: according to the text of the report, the violation was supposedly constituted by the fact that the single picket gathered many people, but at the same time, the police officer did not charge the people who gathered during the picket, but rather the person who submitted the notice about holding the picket.

On May 27, the Halytsky District Court of Lviv concluded that there was no misdemeanor in the activist’s actions.³¹

Vladyslav Orlov is a private entrepreneur. He works in optics and has his own salon. In addition, he is a co-founder of the nationwide Ukrainian movement Save FOP, which fights to reduce the financial burden on small and medium-sized businesses, and the leader of the League of Entrepreneurs of Ukraine NGO.

#physical_attack

On **May 1, 2020**, in the evening, on a parking lot of the Mega Antoshka mall near the Naukova subway station in **Kharkiv**, unidentified individuals attacked the journalist and civil activist **Mykyta Knysh** while he was filming people who were violating the requirements of the quarantine.

According to the victim, he lives nearby, and the aforementioned parking lot is a site where young people gather at night for street racing and generally loud pastime; residents of the buildings around the site have complained about it multiple times. Knysh claims that he started to film the young people and called the police, but the patrol police officer told him that the requirement to wear a mask and not to gather in large groups was a recommendation rather than a law, so he did not see any violation of the law; he left.



■ A fragment of a video address from Mykyta Knysh's Facebook page

³⁰ A misdemeanor report for a picket at the Rada: Is a peaceful action violating the quarantine? (Адмінпротокол за пікет під радою: чи порушує мирна акція карантин?) / Ukrainian Helsinki Human Rights Union, May 13, 2020: <https://helsinki.org.ua/articles/adminprotokol-za-piket-pid-radoiu-chy-porushuie-myrna-aktsiia-karantyn/?fbclid=IwAR3IORXnSQGaPSINpkaQ1WBAHRhbEyeAyAgFqp9fez3I93sNhNrYxPsrZhw>

³¹ Lviv: The court took an activist's side in a case about a possible violation of the quarantine at the #SaveFOP rally (Львів: суд став на бік активіста в справі про ймовірне порушення карантину на мітингу #SaveFOP) / ZMINA, May 27, 2020: <https://zmina.info/news/lviv-sud-stav-na-bik-aktivista-na-mityngu-savefop/>

Immediately when the patrol police officers left, Knysh was attacked by a group of people, beaten, and a backpack with his belongings was taken from him. The victim claims that he did not see the attackers' faces, but he was sure that they were not the people whom he had filmed a few minutes earlier. A video of the attack from a surveillance camera located nearby was later published by the activist on his Facebook page with a statement about the incident.³²

After the attack, Mykyta Knysh called the police once again and drove to the hospital to register his injuries. Later, he found his stolen belongings using the Find my Mac/Find my iPhone function. According to him, the attackers threw out the phone taken from him right away, and later also threw away the backpack with his laptop. They also separately threw away the non-lethal gun found in the backpack which belonged to the victim. He says that the gun was found in the bushes, wrapped in a microfiber napkin which did not belong to him.³³

The police started proceedings according to Part 2 of Article 187 (Robbery) and Part 2 of Article 345-1 (Threats or violence against a journalist) of the Criminal Code of Ukraine.³⁴

Mykyta Knysh is a cyber security expert who participates in various educational events on this topic, writes articles and columns for a number of Ukrainian publications (particularly *Ukrayinska Pravda*, *Censor.Net*, *Gordon* and others).

#destruction_or_damage_of_property

On **May 11**, 2020, at about 3:30 a.m., an unidentified individual set fire to the car of the blogger and civil activist **Oleksandr Stepanenko in Izmayil**, Odessa Region. The car was parked near the house where the man lives, and he was informed about the arson by his neighbors, after which Stepanenko called the fire department and the police. At about 4 a.m., a State Emergency Service crew arrived; by that time, the car had burned up almost completely.



Photos from Oleksandr Stepanenko's Facebook page

The victim connects the arson to his activism: he has a video blog on a YouTube channel where he covers, in particular, police officers' abuses on the roads. According to Stepanenko, before the incident, he made a material on the police post near the village of Kyrnychky on the road between Odessa and Izmayil, about which the bloggers had received complaints about alleged solicitation of bribes.

In addition, Stepanenko spoke about a conflict with the leadership of the Izmayil Department of the National Police: a case was opened against another activist, Vladyslav Dalakov, whom he supports, because of threats he made against a police officer about two months prior to the incident. Oleksandr Stepanenko claims there were no threats, only an emotional expression in a rude form, and after this case, they were allegedly told "through other people" to beware of criminal persecution.

³² Mykyta Knysh (Микита Книш). Personal Facebook page, May 2, 2020: <https://www.facebook.com/knysh.nikita/videos/1099056580467448/>

³³ Final word on the attack (Финальное слово по нападению) / Censor.net, blogs, May 3, 2020: https://m.censor.net.ua/blogs/3193084/finalnoe_slovo_po_napadeniyu_05042020

³⁴ The police are establishing the identities of the unidentified individuals who attacked a man in the Shevchenkovsky District of Kharkiv (Поліцейські встановлюють особи невідомих, які напали на чоловіка у Шевченківському районі Харкова) / National Police. Kharkiv Region, May 2, 2020: <https://hk.npu.gov.ua/news/lnshi-podiji/policzejski-vstanovlyuyut-osobi-nevidomix-yaki-napali-na-cholovika-u-shevchenkovskomu-rajonі-xarkova/>

Meanwhile, in December 2019, **Vladyslav Dalakov's** car was also burned by unidentified individuals, but, as reported by the police at the request of the ZMINA Human Rights Centre, as of June 12, 2020, nobody had been declared a suspect.

As for the current incident, the Odesa Region Police Department reported in reply to a request from the ZMINA Human Rights Centre that on May 11, proceedings were started according to Article 194 of the Criminal Code of Ukraine (intentional destruction or damage of property) regarding the arson of Oleksandr Stepanenko's car. As of May 19, nobody has been declared a suspect, the investigation is underway. As reported by the police, several versions are considered, one of which is that the crime was committed in connection to Stepanenko's public activity.

#physical_attack

#obstruction_of_peaceful_gatherings

On **May 16**, 2020, on the outskirts of the village of **Dovzhyk** in Zhytomyr Region, unidentified individuals (possibly security guards of the developer Askona Pivden LLC) beat up and used special means (pepper spray) against several local residents, participants of a peaceful rally who tried to prevent the installation of a fence around a plot in the Bohunsky Forest. The locals filmed the conflict and published the video on Facebook.³⁵

Dovzhyk residents insist that the construction is illegal. According to their information, the Zhytomyr Region police are investigating a case around the circumstances of an illegal and arbitrary takeover by Askona Pivden LLC and Zhytomyr Research and Experimental Factory of Non-Standard Equipment ALC of some land plots in the forest fund of the Zhytomyr Forest Management State Company in Dovzhyk. According to this information, in 2015 and 2016, agreements were signed between the Forest Management and the factory on establishing free-of-charge land easement on the aforementioned plot for passage of vehicles.

The company was banned from cutting down trees without authorization and from damaging the plants growing on the land plot, as well as from using the land plots for purposes unrelated to the terms of the agreement and the law; but then the indicated lands were fenced away, covered with concrete, industrial facilities were built on them, and all the property was registered in the ownership of Askona Pivden LLC.

Meanwhile, the director of the Zhytomyr branch of Askona Pivden, Oksana Lysianska, stated in a comment to Zhytomyr.info³⁶ journalists that the company had all the papers confirming its ownership of this land plot, that it had acquired the plot by purchasing it.

Before, on May 13, a resident of Dovzhyk also reported the illegal fence construction to the police. Meanwhile, as the Zhytomyr Regional Police Department indicated in reply to a request from the ZMINA Human Rights Centre, as of May 22, information about this was being verified—which means that proceedings regarding this fact had not been started at that time.

³⁵ Bunchikova Yulia. Personal Facebook page, May 16, 2020: <https://www.facebook.com/bynhiki/videos/1892609647539639/>

³⁶ On the outskirts of Zhytomyr, there was a fight between representatives of the Askona Pivden company and local residents over the installation of a fence (На околиці Житомира між представниками компанії «Аскона Південь» та місцевими жителями сталась бійка через встановлення паркану) / Zhytomyr.info, May 16, 2020: https://www.zhitomir.info/news_192170.html?fbclid=IwAR3GwveP3hCD1y4af_E0-5jnCtoX_FSvSmZHiW9AK5870W3042uTYsjfEAE

#intimidation_threats_or_other_forms_of_pressure

On **May 31**, 2020, at around 10 a.m., a funeral service brought a coffin and a funeral wreath with an inscription “from friends and colleagues” for **Maryna Khokhriakova** to the territory of the Favorite Association of Co-Owners of Apartment Buildings, located in **Kyiv**.

The phone number they got for delivery coordination did not work, so the service employees tried to find out where the deceased lived, and discovered that the woman mentioned in their papers was alive. She was a former head of the local ACOAB and a current active board member who opposed unauthorized seizure of shared-use locations in the buildings for commercial purposes, as well as electricity theft.

The case was reported by the commercial director of Ukrgasvydobuvannya, Serhiy Fedorenko, who, according to him, is also a resident of a building that belongs to this association.³⁷



Photo from Serhiy Fedorenko's Facebook page

As building residents found out later by asking the funeral service, a day before the incident, they got a visit from a man of about forty who picked a coffin for his supposedly deceased wife, paid for it and ordered delivery to the outside of the building.

The Press Service of the Obolon District Police Department of Kyiv informed the ZMINA Human Rights Centre that a case had been opened according to Article 129 of the Criminal Code of Ukraine (threat of murder).

#legal_persecution

On **May 31**, 2020, in **Kyiv**, the police wrote a misdemeanor report in accordance with the article about petty hooliganism against **Roman Hardashuk**, one of the participants of the **Spring on the Granite** protest which was held near the Office of the President of Ukraine building for two months. On the last day of the rally, the activists staged a play based on the poem *Prison Song* by the writer Olena Herasymyuk; when the play ended, the police wrote a report on one of the actors, Roman Hardashuk, with the motivation that his line in the play contained obscene language.



Photo from Olena Herasymyuk's Facebook page

As seen in a video³⁸ published on the initiative's Facebook page, the audience defended the actor by reciting the line in question again and offering to bring them to responsibility for bad language, but the police did not write reports on them.

³⁷ A representative of a Kyiv Association of Co-Owners of Apartment Buildings had a coffin and a wreath “from friends and colleagues” brought to her door (До представниці київського ОСББ принесли під двері труну і вінок «від друзів і колег») / ZMINA, June 1, 2020: <https://zmina.info/news/predstavnyci-kyivskogo-osbb-prynесли-pid-dveri-trunu-i-vinok-vid-druziv-i-koleg/>

³⁸ Spring_on_the_Granite (Весна_на_граніті). Facebook page, May 31, 2020: https://www.facebook.com/watch/live/?v=305119633840084&ref=watch_permalink

As the play's author Olena Herasymyuk, who was present during the staging, told the ZMINA Human Rights Centre, representatives of law enforcement bodies had created obstacles for the activists since the beginning of the action, for example, they forbid them to use some of the props which were allowed before, etc.

At the moment of the monitoring report preparation, the court has not considered the aforementioned misdemeanor report yet.

The poem *Prison Song* by Olena Herasymyuk has been staged multiple times. In particular, in April 2016, it could be seen by the guests of the Book Arsenal in Kyiv, with the author's participation. At that time, one of the cellars of the Mystetskyi Arsenal building, which hosted the book exhibition, was specially equipped to stage the play. The publishing of a collection of poems under the same title has been announced for 2020.

■ JUNE 2020

#destruction_or_damage_of_property

On **June 2**, 2020, in the centre of **Bakhmut** in Donetsk Region, unidentified individuals set fire to the car of a representative of the Future of the Bakhmut Community movement **Serhiy Fisun**.³⁹ According to the activist, it happened near the movement's office: he went outside to see a visitor out, and then he came back in to wash his hands and got a call that his car was burning. Fisun believes that the arson is revenge for his activism and points out that it was ordered by someone.

As the victim found out, there were two perpetrators: one of them poured petrol from a five-liter can over the car bumper, the other one set it on fire (the Free Radio recorded a witness testimony: the woman said she saw one man).



■ A video fragment from Serhiy Fisun's Facebook Page

According to Serhiy Fisun, he had already been threatened before (threats were passed through his colleague Yuriy Buslov and other people he knew, and written on the office walls), and the activist reported it to the police, but the law enforcement did not find the people involved in it.

The Bakhmut police reported on June 3 that it had started proceedings based on the fact of the arson, categorizing the incident as intentional destruction or damage of property (Part 4 of Article 194 of the Criminal Code of Ukraine).⁴⁰

As the police informed the ZMINA Human Rights Centre in reply to our request, as of June 12, the people involved in the arson had not been identified, and investigative actions were underway. At the same time, the police denied receiving reports from Serhiy Fisun about threats.

The Future of the Bakhmut Community movement is an association of local activists from various organizations who try to solve city residents' local problems (illegal small architectural forms, legal problems with housing), fight local corruption, etc.⁴¹

³⁹ An activist in Bakhmut in Donetsk Region had his car burned (Активісту в Бахмуті на Донеччині спалили авто) / ZMINA, June 3, 2020: <https://zmina.info/news/aktivistu-v-bahmuti-na-donechchyni-spalyly-avtivku/>

⁴⁰ Bakhmut police are investigating the fact of an arson of a local resident's car (Поліція Бахмута проводить розслідування за фактом підпалу авто місцевого мешканця) / Bakhmut Police Department, June 3, 2020: <http://bahmut-police.dn.ua/news/view/6616>

⁴¹ Hromadske Bakhmut (Громадське Бахмут). YouTube channel, December 21, 2017: https://www.youtube.com/watch?time_continue=114&v=RzJ30xMKCIQ&feature=emb_logo

#obstruction_of_peaceful_gatherings

On **June 5, 2020**, in **Kharkiv** near the Regional Administration building, the police obstructed the activities of the activist **Iryna Salnyk**, who was at a single picket holding a sign reading, “Whom do I call if the police are killing me?” A video of the incident was shared by the Nakipelo media group.⁴²

On that day,⁴³ there were several simultaneous protest actions near the Kharkiv Regional State Administration against human rights violations by police officers:⁴⁴ one was organized by representatives of the ATO Veterans Association and far-right organizations, and the others were spontaneous.



Photos from Iryna Salnyk's Facebook page

According to Iryna Salnyk's testimony, she came to the action for the resignation of the Internal Affairs Minister Arsen Avakov, which was announced on social media, without finding out who organized it. On the location, she saw the symbols of the far-right organizations Freikorps and the Right Sector and decided to stand at a distance, where there were people without the symbols. Then, according to the activist, they were approached by a police officer, who informed the protesters without symbols that the rally organizers, representatives of far-right organizations, did not want people who did not belong to their organizations to participate in their rally. Then, as Salnyk explained, she decided to stand aside with a single picket, so that they had no issues with her.

After this, according to Salnyk, the police took her out of the square by force, claiming that she could not be there because she had not submitted a notice about the picket (this is illegal: in Ukraine, you do not need a permit to participate in a peaceful gathering). The incident in question took place when the far-right ended their rally and started to disperse.

According to the activist, the police threatened her with a court trial, but they did not write any reports or other procedural documents.

Another activist, **Anastasiya Popova**, a representative of the Kharkiv women's association Sphere, who also came out to protest police brutality after she saw an announcement about it on Twitter, reported that the law enforcement tried to push everyone who was not connected to the far-right rally out of the square.⁴⁵

According to her, some far-right activists recognized them (as participants of events in defense of the LGBTI community rights) and told the police something, and then the latter started to urge them to leave the square and claimed that the protest was illegal if the authorities had not been notified about it. In turn, the protest participants did not want to leave before the far-right because they were afraid of aggression from them. In the end, due to police pressure, they were forced to leave. Anastasia Popova did not see the police lead Iryna Salnyk away, she says that the latter stayed in the square after they left.

On June 5, Iryna Salnyk submitted a report on the use of force against her by the police.

⁴² Protest action “Avakov Must Go” in Kharkiv. Confrontations (Акція протесту «Аваков має піти» у Харкові. Сутічки) / Nakipelo, Facebook page, June 5, 2020: https://www.facebook.com/watch/live/?v=2446433265648468&%3Bref=watch_permalink

⁴³ On June 5, in the Verkhovna Rada, there was an hour of questions for the government, where the head of the Ministry of Internal Affairs Arsen Avakov reported. In Kyiv and a number of other cities, actions demanding his resignation were held on the same day.

⁴⁴ In Kharkiv, at right-wing radicals' demand, the police led an activist away from a rally demanding Arsen Avakov's resignation. Another rally gathered in her support (В Харькове полицейские по требованию праворадикалов вывели активистку с митинга за отставку Арсена Авакова. В ее поддержку собрался еще один митинг) / Graty, July 5, 2020: <https://graty.me/news/v-harkove-policzejskie-po-trebovaniyu-pravoradikalov-vyveli-aktivistku-s-mitinga-za-otstavku-arsena-avakova-v-ee-podderzhku-sobralysya-eshhe-odin-miting/?fbclid=IwAR3GXIcL6afUmsKlr2m80B0BT9JnCpUQuRshKZFy4UECjyZCscT8joc-qwc>

⁴⁵ Nastya Popova. Personal Facebook page, June 5, 2020: https://www.facebook.com/nastya.popova.353/posts/3126779594080633?__tn__=R

On June 10, Iryna Salnyk announced that proceedings based on her report were not registered in the Unified Registry of Pre-trial Investigations.⁴⁶ Then, according to the activist, she submitted a report to the State Investigation Bureau.⁴⁷

#legal_persecution

On **June 11**, 2020, the Department of the Security Service of Ukraine (SSU) in **Kyiv** and Kyiv Region declared the Odesa activist **Serhiy Sternenko** a suspect in an intentional murder and illegal carrying of cold weapons.⁴⁸

Earlier, in May, it became known that Oleksandr Isaykul and Ivan Kuznetsov were declared suspects in the case of an attack on Serhiy Sternenko in Odesa on May 25, 2018. The suspects' actions were categorized as hooliganism perpetrated with the use of a weapon or another object adapted to dealing bodily harm. On that day, Sternenko was attacked, and as a result, one of the attackers, Ivan Kuznetsov, was fatally wounded.



■ Serhiy Sternenko speaks at a rally near the Security Service building, where he was declared a suspect

This was the third attack on Sternenko in 2018: in February, the activist was beaten and wounded by stabbing; in May, he was shot in the neck with a rubber bullet.

As the SSU explained,⁴⁹ the attackers Kuznetsov and Isaykul intended to intimidate and cause bodily harm to Sternenko, so their actions were categorized according to Article 296, Part 4, of the Criminal Code of Ukraine (hooliganism with the use of firearms or cold weapons or another object), and Sternenko's actions were categorized as murder because he, according to the investigation's version, chased the attackers when they started to flee, and then fatally wounded Kuznetsov.

The Temporary Investigative Commission of the Verkhovna Rada of Ukraine for parliamentary control over the investigations into attacks on Kateryna Handziuk and other activists, in turn, issued an open statement⁵⁰ condemning the actions of the SSU officers who published a presentation which, in the MPs' opinion, categorically claimed that Sternenko had committed an intentional murder.

In the MPs' opinion, the incident can only be evaluated by the court, not by SSU investigators. In addition, the investigation's arguments, according to TIC members, were based on only one of the forensic reports and disregarded the findings of other reports.

The Ukrainian Helsinki Human Rights Union also published a statement⁵¹ in which it called Sternenko's case a politically motivated persecution. The three criminal cases where Serhiy Sternenko is the victim are about three consecutive attacks on the activist; the investigation has not identified those who ordered the attacks in any of the cases, and the perpetrators of the attacks have still not been brought to

⁴⁶ Kharkiv: An activist's report on police use of force against her was not registered as a crime (Харків: заяву активістки про застосування до неї сили з боку поліції не зареєстрували як злочин)

⁴⁷ Iryna Salnyk (Ірина Сальник). Personal Facebook page, June 29, 2020: <https://www.facebook.com/photo.php?fbid=3701672789863374&set=a.749517105078972&type=3&theater>

⁴⁸ Sternenko was declared a suspect in a premeditated murder and carrying arms (Стерненку оголосили про підозру в умисному вбивстві та носінні зброї) / ZMINA, June 11, 2020: <https://zmina.info/news/sternenku-ogolosyly-pro-pidozru-v-umysnomu-vbyvstvi-ta-nosinni-zbroji/>

⁴⁹ Security Service of Ukraine. Official Twitter page: <https://twitter.com/ServiceSsu/status/1271029842734125058>

⁵⁰ The Temporary Investigative Commission in Handziuk's case called the law enforcement officers' actions against Sternenko illegal (ТСК у справі Гандзюк назвала дії силовиків щодо Стерненка незаконними) / Zmina, June 12, 2020: <https://zmina.info/news/tsk-u-spravi-gandzyuk-nazvala-dij-sylovikov-shhodo-sternenka-porushennyam-konstytuciyi/>

⁵¹ UHHRU's open statement on the persecution of Serhiy Sternenko (Відкрита заява УГСПЛ щодо переслідування Сергія Стерненка) / Ukrainian Helsinki Human Rights Union, June 11, 2020: <https://helsinki.org.ua/appeals/vidkryta-zaiava-uhsp-shhodo-peresliduvannia-serhiia-sternenka/>

responsibility: the aforementioned Oleksandr Isaykul is hiding from the investigation, but he has not been declared as wanted either nationally or internationally. Instead, the investigators have focused on announcing suspicion for Serhiy Stermenko, who was forced to defend his life and health and, during the third attack, fatally wounded one of the attackers Ivan Kuznetsov. However, the investigators, as the human rights defenders point out, reject the circumstances that preceded the third attack, as well as the very fact of an ordered attack, declaring that Stermenko is suspected not even of disproportionate self-defense, but of intentional murder. In addition, experts are concerned about the information regarding political pressure on the investigation, which is regularly published in the media: in particular, pressure in Stermenko's case has previously been reported by the former Prosecutor General of Ukraine Ruslan Ryaboshapka, his deputy Viktor Trepak, and the former chief of the prosecution group Andriy Radionov.

At the moment of the monitoring report's publication, a preventative measure has been selected for Serhiy Stermenko in the form of house arrest. On June 25, 2020, the SSU informed him that the pretrial investigation into this case had been completed.

Serhiy Stermenko is a civil activist from Odesa, former head of the local Right Sector, and later of the Nebayduzhi NGO; he currently lives in Kyiv and, among other things, has a video blog called *Material Evidence*. In Odesa, he participated in protests against construction in the territory of the Odesa Summer Theater, after which he was arrested.

#physical_attack

#intimidation_threats_or_other_forms_of_pressure

On **June 12**, 2020, at around 7:45 p.m., in **Kyiv**, representatives of the far-right organization Tradition and Order attacked a **Feminist Workshop** activist and a participant of the **FemSolution** initiative, who were removing posters with captions reading “Sex is sex. Gender doesn’t exist,” “Tradition family order,” and images of a sword cutting through an LGBT flag, from the fence around Hostynnyi Dvir in Kontraktova Square.



According to one of the victims, they were attacked by more than ten men who pushed them, shouted insults, hit them on the face. The victims did not recognize the attackers, but they said that some of them were holding stencils with “Tradition and order” written on them, and some were wearing T-shirts with logos of the eponymous organization. This organization had previously written on social media about a “raid” to post the aforementioned posters, and in the comments under this post, other users mentioned the conflict between them and the feminists (the latter, in turn, claim that there was no conflict, there was an attack).

As one of the attacked activists claims, they called for help, and a passer-by called the police, but the law enforcement did not respond for the next forty minutes (by that time, the attackers had already left). At the same time, according to the victims, the operators replied to their calls, but the police did not arrive. Then the activists went to the Podil District Police Department and wrote a report about the crime themselves.

On June 16, the police started proceedings based on the fact of the incident in accordance with the Hooliganism article of the Criminal Code of Ukraine.

The Feminist Workshop was created in 2014 as a grassroots initiative in Lviv; now it is a registered NGO engaged in gender education and support for LGBTIQ people.

FemSolution is a student feminist anti-xenophobia and anti-homophobia initiative founded in 2016 in the Kyiv-Mohyla Academy. The initiative's activities are varied: holding lectures, organizing discussions, film screenings, workshops, play readings, and street activism.

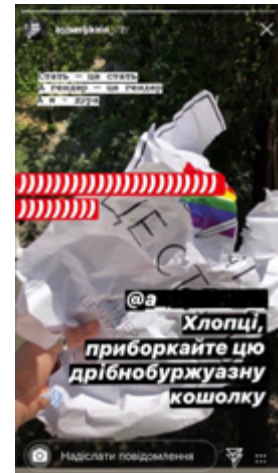
#intimidation_threats_or_other_forms_of_pressure

On **June 13**, 2020, also after the aforementioned raid by the far-right organization Tradition and Order in Podil in Kyiv, the LGBT activist **Anna** (she asked not to disclose her last name) announced that she had received online threats.

According to the activist, she took down some of the anti-gender posters posted by the far-right in Podil and published a post about this on her Instagram; after this, she started receiving threats in the comments under her post, and users started tagging her account in stories with threats.

In addition, acquaintances informed the activist that she was discussed in the chat of the far-right Telegram channel Volary. Anna did not report it to the police.

It is known that in addition to the activists who took down the posters, representatives of Tradition and Order also attacked teenagers with subcultural style of clothing in the same period of time.⁵²



Screenshots of threats in the stories

#intimidation_threats_or_other_forms_of_pressure

On **June 14**, 2020, in **Odesa**, the head of the Black Sea Human Rights Group and blogger **Ihor Kravets** received messages with threats from an unidentified individual. The user Ruslan Serheyev, who was registered on social media only this year and does not have public posts on his page except for the profile picture, recommended Kravets to "be careful on the roads."⁵³ The aforementioned account has no connections with the activist's account and has characteristics of a bot (an account not owned by a real person).

Ihor Kravets connects these messages to his civil activities: the activist defends human rights advocates, particularly monitors and covers court trials of cases of their persecution, publishes posts on various sensitive topics related to Odesa's problems, particularly about illegal construction, discrimination, activities of pro-Russian initiatives.

According to him, before the incident, on June 8, he published a post about the fact that after a traffic accident where children were injured, mass messages appeared online which have signs of hate speech about foreigners. In Ihor Kravets's opinion, the messages he received could be related to this in particular, or the person who sent them wanted him to think that.

As the human rights defender told the ZMINA Human Rights Centre, he receives insulting messages quite often, but this time he decided to react because there had been negative prece-

⁵² In Podil, during right-wing radicals' "agitraid," three underage girls were sprayed with tear gas (На Подолі під час «агітрейду» праворадикалів трьох неповнолітніх дівчат забризкали сльозозгінним газом) / ZMINA, June 23, 2020: https://zmina.info/news/u-kyievi-pid-chas-ahitreydu-pravoradykaliv-tr%ca%b9okh-nepovnolitnikh-divchat-zabryzkaly-sl%ca%b9ozohinnym-hazom/?fbclid=IwAR1ug5iMjMgvmz_foLjroMpCVtYn5MOv8Xg3gXeNRAMQglogNRXc0vagvD0

⁵³ Odesa: The head of the Black Sea Human Rights Group made a statement about threats (Одеса: голова Чорноморської правозахисної групи заявив про погрози) / ZMINA, June 15, 2020: <https://zmina.info/news/odesa-golova-chornomorskoyi-pravozahysnoyi-grupy-zayavyv-pro-pogrozy/>

dents in the region: the attack against the activist Serhiy Hnezdilov⁵⁴ in December 2019 was also preceded by threats.

At first, the Odesa police refused to register proceedings based on the fact of threats against Ihor Kravets, but he appealed this decision in court. On June 25, the Malynovsky District Court of Odesa ordered the police to start the proceedings.⁵⁵

Ihor Kravets is a blogger and human rights defender from Odesa. He is the founder and head of the Black Sea Human Rights Group. Earlier, he worked with the UMHRC Association in Odesa and coordinated the monitoring campaign Police Under Control in the region.

#illegal_detention_or_search

On **June 15, 2020**, near the building of the Shevchenkivsky District Court of **Kyiv**, where a rally was held in support of the activist Serhiy Sternenko, for whom a preventative measure was being selected at that moment, the police used force and arrested five participants of the protest: the host of the rally **Mykila Vyhovsky, Vitaliy Ovcharenko, Anton Kovalenko, Andriy Martynenko** and **Oleksandr Kiryakov**. The photo of the law enforcement officers kicking the protester Kiryakov, who was lying on the ground, was, in particular, taken and published by Serhiy Nuzhnenko, a reporter for Radio Svoboda.



Photo credit: Serhiy Nuzhnenko, Radio Svoboda

The police explained their actions by claiming that the protesters obstructed the activities of journalists, but an internal investigation into the actions of those involved in the beatings was ordered later.

According to a statement by the Kyiv Police Chief Andriy Kryshchenko, misdemeanor reports on the offenders were written according to two Articles, Article 173 (petty hooliganism) and Article 185 (persistently disobeying a legal order or demand of a police officer) of the Misdemeanor Code of Ukraine (MCU), and a criminal case was opened about obstruction of a journalist's activities.⁵⁶

Mykola Vyhovsky, however, stated that another misdemeanor report was written on him regarding an alleged violation of the procedure for conducting mass events. This MCU article is consistently criticized by human rights defenders, because in Ukraine, obtaining a permit is not required to hold peaceful gatherings.⁵⁷

⁵⁴ In Odesa, the activist Serhiy Hnezdilov was attacked: Earlier, he was threatened by an Opposition Platform – For Life councilor (В Одесі напали на активіста Сергія Гнездилова: раніше йому погрожував депутат від ОПЗЖ) / ZMINA, December 1, 2019: <https://zmina.info/news/v-odesi-napaly-na-aktyvista-sergiya-gnezdilova-ranishe-jomu-pogrozhuval-deputat-vid-opzzh/>

⁵⁵ Malynovsky District Court of Odesa. Decision / OpenDataBot, June 25, 2020: <https://opendatabot.ua/court/90064571-99de6c317cfa6621d9a5edc50897e08c?fbclid=IwAR0-13kko4FUe0VSjdtxRQEF5-t0v5rhoQ0JUjnVAESZwj2RGawAkR6lkw>

⁵⁶ "For illegal actions near the Shevchenkivsky District Court of Kyiv, misdemeanor materials were drafted on five individuals," says Andriy Kryshchenko («За протиправні дії біля Шевченківського районного суду міста Києва на п'ятьох осіб складено адміністративні матеріали», – Андрій Крищенко) / National Police. Kyiv, June 15, 2020: <https://kyiv.npu.gov.ua/news/publicna-bezpeka-ta-poryadok/za-protipravni-diji-bilya-shevchenkovskogo-rajonного-sudu-mista-kijeva-na-p-yatox-osib-skladeno-administrativni-materiali-andrij-krishhenko/>

⁵⁷ Some of the arrests near the Shevchenkivsky Court were definitely conducted with violations – OZON (Частина затримань під Шевченківським судом точно відбувалася з порушеннями – OZON) / ZMINA, June 16, 2020: <https://zmina.info/news/chastyna-zatryman-pid-shevchenkovskym-sudom-tochno-vidbuvalasya-z-porushenniyami-ozon/>

As **Mykola Vyhovsky** told the ZMINA Human Rights Centre, the conflict in question unfolded as follows: during the rally, he saw that employees of the ZIK TV channel were preparing for a live transmission, and he turned on the siren on a loudspeaker; when other people heard it, they started to come up and shout what they thought about the aforementioned media, but nobody touched the journalists physically (in a monitoring report by the Institute of Mass Information,⁵⁸ a reporter for the aforementioned TV channel says that first, she was prevented by the noise from going live, and then she was surrounded by the police, who pushed the protesters away). When the police started to push the rally participants away, they tried to arrest Vyhovsky, but the crowd did not allow them to grab him, pulling him back. Then, according to the activist, the law enforcement officers started to attack again, twisted his arms back and put pressure on his throat with their hands, dragged him beyond their cordon and pressed his face to the wall.

He did not directly witness the other arrests, he “saw someone being beaten from the corner of his eye, but could not make out who it was.” Then Vyhovsky and the other arrested people were thrown into a police wagon, where it was hard to breathe because of the heat.

As another detainee, **Vitaliy Ovcharenko**, told the ZMINA Human Rights Centre, he did not intend to participate in any physical confrontation, and when the police started to push the protesters away, at first he thought that Vyhovsky was falling, tried to catch him, but as a result, they started to pull him, too, tore his T-shirt, knocked him down, twisted his arms back, dragged him on the ground. The activist also stated that someone stepped on him during the confrontation. Then, just like Vyhovsky, he was placed at the court building wall, and then ushered to a police vehicle. All this time, as Ovcharenko claims, he did not resist the police.

Ovcharenko found out what he was arrested for only at the police department. Two Articles of the Misdemeanor Code were used: Article 173 (petty hooliganism, allegedly for obscene swearing) and Article 185 (persistently disobeying a legal order of a police officer).

Oleksandr Kiryakov told the ZMINA Human Rights Centre that he did not see the previous arrests take place because he had left to go to a store. When he was returning back to the court building, where the rally was underway, he saw the police officers lead the detainees behind the building into the courtyard, and ran toward them; he could have shouted something as he did so, he does not remember exactly, but he did not hit anyone first. According to Kiryakov, he was pushed in the back, knocked down, and beaten by several men in uniforms. Among other things, they hit him on the head, so after the incident, his jaw hurt for a while.

At the district police department, a report was also written on Kiryakov according to the same articles as in the case of Ovcharenko.

The ZMINA Human Rights Centre has not succeeded in contacting the other two people who were arrested that day near the court building. As of the moment of the publication, there has been no information about a court hearing of the misdemeanor reports on the arrested activists.

Meanwhile, the Radio Svoboda reporter **Serhiy Nuzhnenko**, who documented the violations by the law enforcement officers, made a statement on June 19 about pressure by MIA representatives; in particular, he reported a call from the Deputy Minister of Internal Affairs Anton Herashchenko. Nuzhnenko also added that his phone number had appeared online in open access.

Mykola Vyhovsky is a project coordinator at the Chesno Movement; he actively participates in actions against police brutality (for resignation of Internal Affairs Minister Arsen Avakov), in support of Serhiy Sternenko; he also attends actions organized by the Who Ordered the Assassination of Katia Handziuk? initiative.

⁵⁸ The freedom of speech barometer for June 2020 (Барометр свободи слова за червень 2020 року) / Institute of Mass Information, July 3, 2020: <https://imi.org.ua/monitorings/barometr-svobody-slova-za-cherven-2020-roku-i33914>

Vitaliy Ovcharenko is a veteran of the war in Eastern Ukraine, blogger, civil activist, media coordinator of maidan.org.ua.

Oleksandr Kiryakov is not a member of any NGOs or associations; he says that he came to the protest as a regular citizen. He is also a veteran. He is currently a postgraduate student at the History Department of the Taras Shevchenko Kyiv National University.

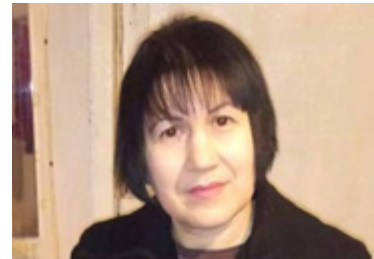
#physical_attack

In the morning of **June 20, 2020**, the activist **Valentyna Buchok** blew up on a booby trap installed by unidentified individuals on a gate in the yard of her house in the village of **Ivanopillya** in Donetsk Region. The explosive device was triggered when the woman opened the gate. The activist suffered numerous shrapnel wounds, she later had surgery in the city of Kostiantynivka.

The Donetsk Region police have started proceedings according to Article 15, Article 115 (attempted intentional murder) of the Criminal Code of Ukraine.⁵⁹

This is not the first attempt on Valentyna Buchok's life. In October 2019, unidentified individuals also installed a booby trap in her yard, but then, Valentyna's husband noticed it on time and nobody was injured. The woman was not home at the time, she was in court. In addition, as Valentyna Buchok herself says, someone had tried to set her house on fire, and a year after she was released from jail in the so-called "Donetsk People's Republic," someone killed her cat.

Valentyna Buchok is a former civilian hostage of the so-called "DPR" group, who defended her rights to payments from the state, a pro-Ukrainian activist (she has given lectures about her experience as a hostage; she is a witness in several cases of crimes in Donbas; she has been featured in the documentary *Isolation* by the journalist Serhiy Ivanov about the torture house in the former eponymous Donetsk art center where she was held, etc.).



Valentyna Buchok, photo from her Facebook page

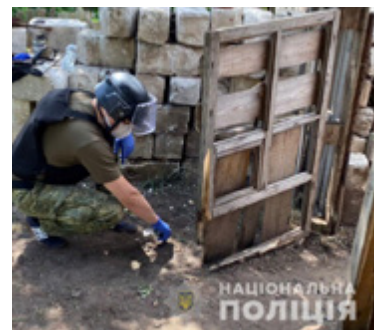


Photo from the National Police website

#privacy_violations

On the night of **June 26, 2020**, in **Kyiv**, the LGBT activist **Sofiia Lapina** was followed by an unidentified individual in a car as she was returning home with a colleague after a KyivPride event, which took place in Khvyliovy Bar in Podil. She wrote about the details on Facebook.⁶⁰

According to Lapina, the aforementioned car was later seen parked near the house where she arrived, and it was noticed near Khvyliovy Bar (at that point, a middle-aged man came out of it).

On June 25, during an event which was a part of the LGBT community support month, two events were scheduled on the summer terrace of Khvyliovy Bar: first, there was a Panel Discussion: Podil

⁵⁹ Kostiantynivka Police are establishing the circumstances of a woman's traumatization as a result of an explosion (Поліція Костянтинівки встановлює обставини травмування жінки внаслідок вибуху) / Donetsk Region Police, June 20, 2020: <http://police.dn.ua/news/view/politsiya-kostyantynivki-vstanovlyue-obstavini-travmuвання-zhinki-vnaslidok-vibuhu>

⁶⁰ Sofiia Lapina. Personal Facebook page: [https://www.facebook.com/sofiialapina/posts/2854510944776198?__xts__\[0\]=68.ARB5PXQm_ZEaqj_zwYxq1xXUG-kHBuxlAyv3elDloRq-iAhamEtqSAT-CabcstLxGk6EtSmHe3AG-sMZATZm5C_tBroZumWuRnnlH3vd0sXUewtQDz4tP51xB4KGbB72KKgj-0dVwdBmijOSza2PPE2srxFL5GjWtXAjyYwrTAlu2f0aLzHAJPEgKiUNhtgBfirG17d3YvpS&__tn__=R](https://www.facebook.com/sofiialapina/posts/2854510944776198?__xts__[0]=68.ARB5PXQm_ZEaqj_zwYxq1xXUG-kHBuxlAyv3elDloRq-iAhamEtqSAT-CabcstLxGk6EtSmHe3AG-sMZATZm5C_tBroZumWuRnnlH3vd0sXUewtQDz4tP51xB4KGbB72KKgj-0dVwdBmijOSza2PPE2srxFL5GjWtXAjyYwrTAlu2f0aLzHAJPEgKiUNhtgBfirG17d3YvpS&__tn__=R)

with Our Own Hands, and then a Pride Party was planned. As indicated by representatives of the KyivPride organization, they informed the police about both events, so the police could ensure legal order, but while the discussion went without incidents, the party was interrupted by the police before its end, and a misdemeanor report was written by officers against the bar's owners.⁶¹ The latter, in turn, claimed that everything had been approved before the events, law enforcement officers had checked it for compliance with the quarantine rules and had not discovered any violations.

In addition to the case above, Sofiya Lapina also informed the ZMINA Human Rights Centre about other cases of surveillance over her, which she connects to her civil activities and which, in particular, have compelled her to change her address of residence.

Sofiya Lapina is an activist, the head of the PR department of the KyivPride NGO; she previously worked at the human rights LGBT organization Our World.

■ INCIDENTS IN THE PREVIOUS PERIOD WHICH BECAME KNOWN IN THE SECOND QUARTER OF 2020

#physical_attack

On **March 29**, 2020, in Kamyanske in Dnipropetrovsk Region, the head of the NGO S.T.A.R.T, **Kostiantyn Filatov**, was beaten. Unidentified individuals cut off the power in the man's apartment to lure him out to the staircase, and then one of them attacked him with a baseball bat. According to the victim, the attackers were wearing masks, but he could recognize them anyway, because in the process of the confrontation he managed to turn the lights on and get a better look at them.

At the hospital, the man recorded a video address.⁶²



■ Kostiantyn Filatov after the attack, a still from a video on the Leonid Brezhneff YouTube channel

According to Kostiantyn Filatov, this was the second attack on him: in November 2016, the activist was beaten by a group of people in the yard of an apartment building,⁶³ but the police never found the attackers.

After the attack, the police launched proceedings according to Article 125 of the Criminal Code of Ukraine (light bodily injuries) and questioned him. As of May 28, the case was re-categorized from causing light bodily injuries to causing bodily injuries of medium severity (Article 122 of the CCU), but the attacker had not been identified.

As for the 2016 attack which Filatov described, the police reported that a case was opened based on the fact of bodily injuries of medium severity caused to the activist. It was investigated for over two years, but in June 2019, the case was closed due to the absence of a crime (Paragraph 2 of Part 1 of Article 284 of the Criminal Procedure Code).

⁶¹ The police have written a misdemeanor report on the Khvylovyyi Bar for violating the quarantine norms during the pride party. What happened? (Поліція виписала адмінпротокол бару «Хвильовий» за порушення норм карантину під час прайд-вечірки. Що трапилося?) / Khmarochos, June 26, 2020: <https://hmarochos.kiev.ua/2020/06/26/politsiya-oshttrafuvala-bar-hvylovyyj-za-porushennya-norm-karantynu-pid-chas-prajid-vechirky-shho-trapylosya/>

⁶² In Kamyanske, a civil activist was attacked (В Каменском совершено нападение на гражданского активиста) / Leonid Brezhneff, YouTube channel, April 1, 2020: https://www.youtube.com/watch?v=g9gg6kolSpw&feature=emb_logo

⁶³ Complaining about the authorities on Facebook is dangerous for your health! (Пугать власть в фэйсбуке — опасно для здоровья!) / The information portal of Kamyanske, November 9, 2020: <http://www.xn--80akarckijz.xn--j1amh/rugat-vlast-v-fehjsbuke-opasno-dlya-zdorovya/>

Kostiantyn Filatov is the head of the NGO S.T.A.R.T, founded in 2015 in Kamyanske. The organization focuses on analyzing the city's budget policy, citizen involvement in the decision making process, the activities and funding of Kamyanske communal companies.

#illegal_detention_or_search

#legal_persecution

On **March 30**, 2020, in **Kyiv** on Kudriashova Str., 8-10, where the Internal Affairs Academy dormitories used to be located, the police arrested the head of the Tverdynia NGO **Yuriy Fedorenko**, who came there to record construction works in violation of the State Architecture and Construction Inspection's order to stop the preparatory and construction works. When he arrived at the construction site, Fedorenko called the police, but instead of an investigative group, a patrol police group arrived.

According to Fedorenko, the police officers told him that there was a misdemeanor committed nearby, transported him to the Solomyansky District Police Department to "establish his identity," but instead, wrote a misdemeanor protocol about his violation of the quarantine (Article 44-3 of the Misdemeanor Code).

The activist says that he refused to go, even though he did not actively resist, but he was still put in shackles, and then he was searched without witnesses. Fedorenko also claims that he did not violate the quarantine: the video of the arrest, given by the activist to ZMINA Human Rights Centre monitors, shows that he was wearing a protective mask, and at the moment of the arrest, according to the activist, 1 member of the public and 6 law enforcement officers were near him.

To a request from the ZMINA Human Rights Centre regarding the reasons for and circumstances around Yuriy Fedorenko's arrest,⁶⁴ the National Police Department of Kyiv replied that it could not provide the information, allegedly because that would violate the private information protection law.

Later, on July 8, 2020, Yuriy Fedorenko informed the ZMINA Human Rights Centre that the court had reviewed the aforementioned misdemeanor report and completely acquitted him. At the same time, the activist himself submitted a complaint about the police officers' conduct to the SIB, and, according to him, a case based on this complaint is being investigated at the moment.

At the aforementioned address, the developer Intergal-Bud is constructing the City Hub residential complex with documents allowing it to reconstruct the dormitories of the National Internal Affairs Academy of Ukraine.

At the ZMINA Human Rights Centre's request of April 16, the Department of the State Architectural Construction Inspection informed us that the aforementioned construction was checked in February 2020 and violations of construction regulations were discovered; a corresponding report was written on the main contractor, BK Intergabud LLC, and the designer ABK Kvadrat LLC; in addition, the National Internal Affairs Academy and BK Intergalbud were ordered to stop the preparatory and construction works at this address from February 21, 2020. According to this information, the order was valid at the moment of the incident.

On January 17, 2020, the State Investigation Bureau started proceedings based on Tverdynia NGO's report on possible violations during the signing of the contract between the Academy's leadership and Investbudaktyv LLC. A copy of the corresponding document was given by Tverdynia activists

⁶⁴ Tverdynia NGO. Facebook page: https://www.facebook.com/watch/live/?v=240845750379677&ref=watch_permalink

to the ZMINA Human Rights Centre. At the same time, the SIB did not provide any information in reply to the ZMINA Centre's request of April 16 regarding the current status of these proceedings.

Tverdynia NGO was founded in 2017 in Kyiv. Among other things, it conducts public monitoring of illegal construction, appeals to the relevant law enforcement bodies with complaints, and publishes videos about the course of its work on its social media pages.

#privacy_violations

Civil activists **Illia Vlasiuk**, **Hanna Tsyba** (art curator), **Davyd Chychkan** (artist) and **Sofiya Lapina** (KyivPride activist), who participated in a protest near the Turkish Embassy against conducting a military operation in Syria are reporting surveillance over them.

In particular, as they noted in their comments to the Ukrainian Helsinki Human Rights Union,⁶⁵ this year, they came to know about the existence of a document, an information poster titled *Initiative Investigation*, which contained various personal information about the aforementioned individuals: photos (from their biometric IDs), places of registration, places of residence, some characteristics supposedly by the SSU, and described the contents of Hanna Tsyba's Telegram messenger. She herself claims that in February 2020, the account was hacked, and someone tried to gain access to her Facebook account but failed due to two-factor authentication.

In their comment to the UHHRU, the activists speak about a possible connection of the surveillance with the investigation into the case about burning the towers of the cell providers Lifecell (a Turkish business) and Vodafone in Kyiv Region, which took place in November 2019.⁶⁶

As indicated in a document possessed by the ZMINA Human Rights Centre, the court issued a permit to conduct covert investigative actions with regard to Hanna Tsyba. At the same time, the only reason for this is that during the action at the Turkish Embassy, she was holding a sign with the caption "Rojava" (a region in Syria where Kurds have declared autonomy), and "similar inscriptions" were discovered in a video published on social media (the Fighter Anarchist Telegram channel) after the cell towers were set on fire. At the same time, a mention of a geographical name on a sign alone cannot be a sufficient reason to make such a decision. The document also mentions decisions to conduct covert investigative actions against some other activists named above, but it does not clarify the reasons for this.

As Illia Vlasiuk told the ZMINA Human Rights Centre, he found out about the document in early March 2020. Vlasiuk also points out that before this, there was an attempt to hack a Telegram account linked to his personal phone number, but no official investigative actions were performed with regard to him.

The ZMINA Human Rights Center has sent a request to the National Police about the course of the investigation into this case and is awaiting their reply.

⁶⁵ WHAT the Police of Ukraine is persecuting the picketers of the Turkish Embassy for (ЗАЩО поліція України переслідує пікетувальників турецького посольства) / Ukrainian Helsinki Human Rights Union, April 28, 2020: <https://helsinki.org.ua/articles/za-shcho-politsiia-ukrainy-peresliduie-piketuval-nykiv-turets-koho-posol-stva/?fbclid=IwAR0QU7dGS3X9-BiQxhIPctPkkaZleko2shpFuKqVrDcc-6naB4C9tPH5MSU>

⁶⁶ Anarchists have destroyed two lifecell towers in Kyiv Region as a sign of support for the Kurds (Анархісти знищили дві вишки lifecell на Київщині в знак підтримки курдів) / Zaxid.net, November 14, 2019: https://zaxid.net/anarhisti_znishhili_dvi_vishki_lifecell_na_kiyivshhini_v-znak_pidtrimki_siriyskih_kurdiv_video_n1492884



Проект Закону про іноземних агентів

У проекті закону передбачається ввести окреме поняття для громадських об'єднань з іноземною підтримкою, під яке підпадають організації, яка отримує від іноземців більше 50% всього фінансування або обсяг річної підтримки з-за кордону перевищує 50 тис. євро.; організація також підпадає під визначення «громадського об'єднання з іноземною підтримкою», якщо вона займається перерахованими в проекті суспільно-політичними питаннями (наприклад конституційного ладу, внутрішньої або зовнішньої політики на формування державної політики; Інформаційні матеріали в рамках проектів з іноземною підтримкою мають відповідно маркуватися, а їхні копії треба надсилати в Мін'юст; передбачено особливе звітування про джерела фінансування та напрямки діяльності; керівники таких об'єднань за згодою матимуть проходити поліграф щодо можливої зради державних інтересів країни; вимоги щодо фінансування та напрямки діяльності стосуються і благодійних організацій

Проект Закону про люстрацію вихідців із громадського сектору

Отримання особами, які претендують на зайняття посад, пов'язаних з виконанням функцій держави або місцевого самоврядування, зараз або в минулому допущених до іноземних суб'єктів (держав, фізичних чи юридичних осіб) істотно знижує рівень довіри до таких осіб, до їхньої лояльності віддано службові інструкції, містять застереження щодо складу місії, а також забороняють розголошувати інформацію про виконання функцій. Люстраційна заборона передбачається для осіб, які займали посади в органах державної влади (обрання) на посаду, щодо яких здійснюються заходи з очищення влади (люстрації) або були членами незалежних громадських організацій, які безпосередньо або опосередковано отримували кошти, майно, гроші чи інші цінності від іноземних держав, міжнародних організацій, фізичних чи юридичних осіб, які фінансують діяльність держави чи місцевого самоврядування.



Activism 2020.

A MONITORING REPORT ON PERSECUTION OF ACTIVISTS AND HUMAN RIGHTS DEFENDERS

APRIL-JUNE 2020