

# THE SITUATION OF HUMAN RIGHTS DEFENDERS AND CIVIL ACTIVISTS IN UKRAINE IN 2020

ANALYTICAL REPORT

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This report analyzes international documents, national law and the conditions in which the human rights and civil activities of individuals and organizations took place in the territory of Ukraine controlled by the government during 2020. It considers the key problems faced by human rights advocates and civil activists, list specific cases of persecution of human rights defenders and civil activists, particularly criminal, civil and administrative persecution, threats, cases of physical violence (including murder, beating and property damage), surveillance and discreditation campaigns, obstruction of peaceful gatherings, etc. The target audience of the report includes representatives of government bodies, international and intergovernmental organizations, journalists, human rights defenders and civil activists.

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.

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



Cover photo: Law enforcement officers are kicking Oleksandr Kiryakov, a protester who is lying on the ground, on June 14, 2020, near the Shevchenkivsky District Court of Kyiv during a rally in support of the civil activist Serhiy Sternenko. Photo credit: Serhiy Nuzhnenko, *Radio Svoboda*.

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

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.

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

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**Contacts for comments and suggestions**

Email: [ly@humanrights.org.ua](mailto:ly@humanrights.org.ua)

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# List of Abbreviations

- ACOAB** – Association of Co-owners of an Apartment Building
- AntAC** – Anti-corruption Action Centre
- ASMA** – Agency for Searching and Managing Assets
- Association of UMHRC** – Association of Ukrainian Monitors of Human Rights Conduct in Law Enforcement
- CCU** – Criminal Code of Ukraine
- CCU** – Constitutional Court of Ukraine
- CSO** – civil society organization
- DACK** – District Administrative Court of Kyiv
- EBRD** – European Bank for Reconstruction and Development
- ECHR** – European Court of Human Rights
- EU** – European Union
- HQCJ** – High Qualifications Commission for Judges
- ITA** – international technical aid
- JEC** – Journalistic Ethics Commission
- KCSA** – Kyiv City State Administration
- KIIA** – Kyiv Institute of International Affairs of the Taras Shevchenko Kyiv National University
- KNU** – Kyiv National University
- LGBTIQ** – lesbian, gay, bisexual, transgender, intersexual, queer people
- MCU** – Misdemeanor Code of Ukraine
- MIA** – Ministry of Internal Affairs
- NABU** – National Anti-corruption Bureau of Ukraine
- NaUKMA** – National University of Kyiv-Mohyla Academy
- NGO** – non-governmental organization
- ODIHR** – Office for Democratic Institutions and Human Rights
- OP** – Office of the President
- OPG** – Office of the Prosecutor General
- OSCE** – Organization for Security and Co-operation in Europe
- PIC** – Public Integrity Council
- PrJSC** – private joint-stock company
- SACC** – Supreme Anti-corruption Court of Ukraine
- SAP** – Special Anti-corruption Prosecution
- SIB** – State Investigation Bureau
- SSU** – Security Service of Ukraine
- SOGI** – sexual orientation and gender identity
- TaO** – Tradition and Order
- TIC** – Temporary Investigative Commission
- UHHRU** – Ukrainian Helsinki Human Rights Union
- UN** – United Nations
- URPI** – Unified State Registry of Pre-trial Investigations
- VR** – Verkhovna Rada



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## INTRODUCTION



■ **A roundtable in Kyiv dedicated to the protection of civil activists, January 2020.**

Photo credits by Iryna Ivanchenko, ZMINA

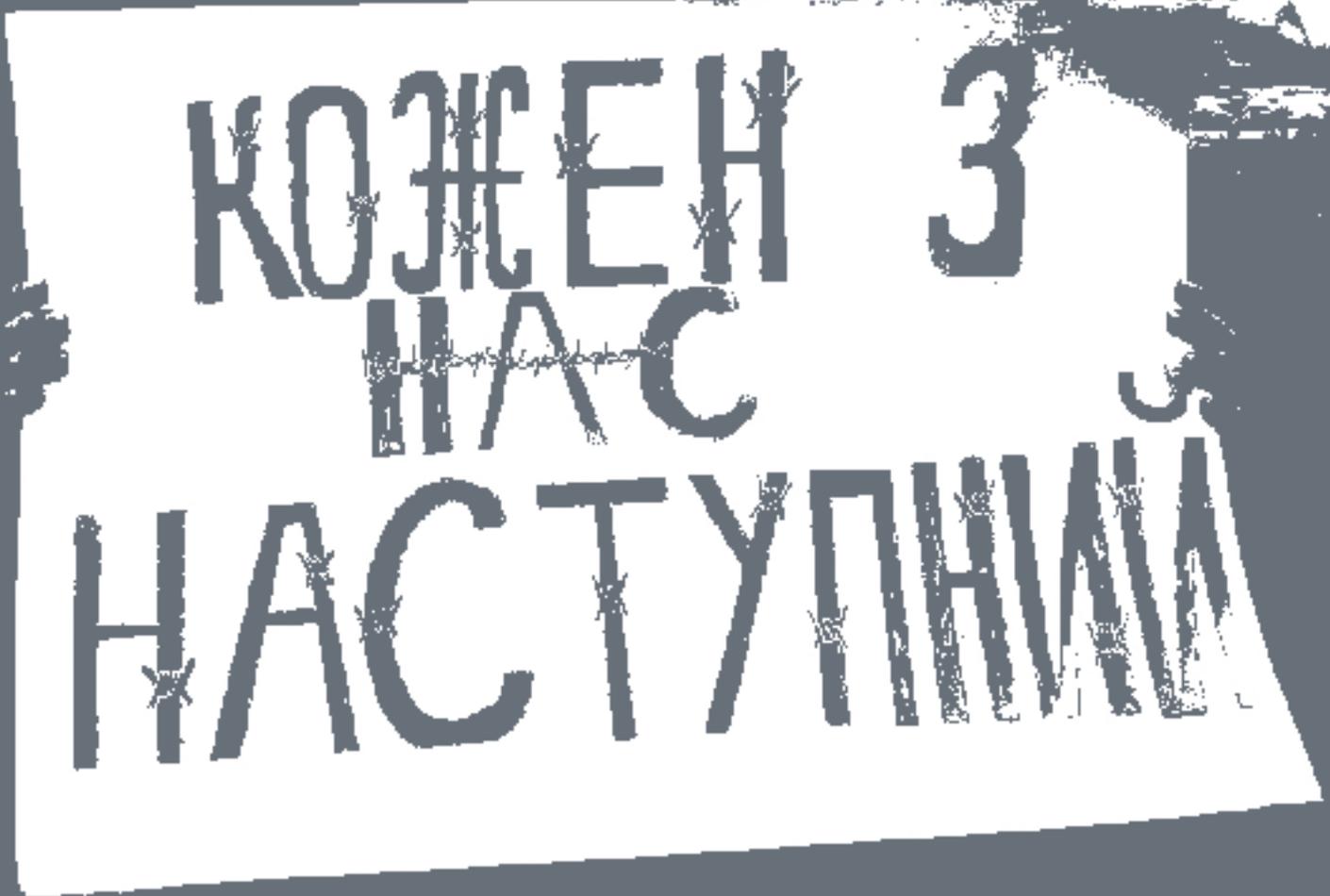
The team of the ZMINA Human Rights Centre gladly presents a monitoring report on the pressure and persecution of activists in 2020, created as a part of the Increasing the Role and Protection of Human Rights Defenders in Ukraine project. ZMINA implements this project in partnership with the Netherlands Helsinki Committee with financial support by the European Union.

The purpose of this report is to evaluate the situation with persecution of and pressure on public activists in 2020, to describe the incidents which became known in this period.

Given the existence of an urgent problem of protecting civil society actors, the main purpose of this report is to discover gaps in legislation and the work of law enforcement agencies, provide full and up-to-date information about the situation with persecution of and pressure on human rights defenders and activists to representatives of the government, media, international missions and partners, and the wider public.

In the context of decentralization, mobilization of efforts in the solidarity struggle against the consequences of the COVID-19 pandemic, socioeconomic perturbations, the topic of persecution of activists and human rights defenders, as well as impunity for this persecution, has been gaining increased relevance for the promotion and advocacy of human rights standards, monitoring of the government's fulfillment of its obligations, and protection of social interests.

We hope that the information described in the report will be useful for analyzing and drawing conclusions about the security climate for human rights defenders and civil activists working in the territory controlled by the Ukrainian government.



## 2

## STUDY SUMMARY

## THE SITUATION WITH THE PERSECUTION OF ACTIVISTS AND HUMAN RIGHTS DEFENDERS IN 2020

In total, ZMINA recorded 101 cases of persecution for civil activism or actions in defense of human rights in 2020.

The months with the highest numbers of cases were February (11), September (13) and December (12); August and November had the fewest incidents, 5 each. The quarantine restrictions in the spring months did not reduce the scope and intensity of persecution; in particular, in this period, we recorded misuse of attempts at charging activists with misdemeanors for holding peaceful gatherings, most of which were later cancelled by courts of various levels.

The most widespread types of persecution among the documented incidents were attempts to intimidate activists (22), physical attacks on them (21) and destruction or damage of their property (18). In addition, we documented 10 incidents with signs of legal persecution and 9 attempts at discreditation of public figures. 7 incidents involved obstruction of peaceful gatherings, and another 7 had signs of illegal arrest or search. 3 more cases were categorized as obstruction of the activities of non-governmental organizations.

Of the aforementioned 21 cases of attacks on activists, possible attackers were declared suspects only in four cases. In addition, in the cases of arsons of houses and cars owned by activists or their family member, as of late December 2020, we were not informed about a single case among the ones recorded during the year in which the police declared someone a suspect and handed the case over to the court; thus, these crimes mostly went unpunished.

Like in the previous years, activists and human rights defenders were persecuted in most Ukrainian regions. However, the leaders in terms of the number of incidents are still Kyiv (44) and Odesa Region (10). They are followed by Kyiv Region and Dnipropetrovsk Region (8 cases each) as well as Kharkiv Region (6).

Based on the results of the monitoring, the most risky among the types of civil activities in 2020 were opposing corruption (20), defending LGBTIQ rights (19) and environmental activism (9).

## LEGISLATIVE THREATS TO THE FREEDOM OF GATHERING AND ASSOCIATION

In 2020, the Verkhovna Rada of Ukraine registered 12 bills which threaten civil society, violate the Constitution and Ukraine's international commitments in the sphere of human rights, and illegitimately limit the freedom of association in Ukraine.

A number of provisions in these bills are discriminatory against non-governmental organizations and activists and carry risks for the free development of civil society in Ukraine, since they equate advocacy by civil society organizations (CSOs) with commercial lobbying, provide for the lustration of people coming from the civil sector or introduce the concept of "foreign agents," ban civil activists from holding protests near courts, introduce "polygraph tests" for civil activists, require excessive and unjustified financial reporting from non-governmental organizations with foreign funding, remove the term "gender" from legislation and ban the "propaganda of homosexuality," etc.

These draft bills were introduced by MPs from three political factions: Servant of the People, Opposition Platform—For Life, and Fatherland. Most of them were not designed to regulate civil society specifically and deal with other spheres. But certain provisions in these documents directly or indirectly affect the work of non-governmental organizations and civil liberties in general. In addition, some of these initiatives are synchronized with the discreditation campaign against the "Sorosiaty" and anti-Western rhetoric promoted by some of the political forces.



■ Photo credits by Mykola Myrnyy, ZMINA

## OTHER DEFINING THREATS FOR CIVIL SOCIETY

Throughout 2020, a number of phenomena continued to influence the general climate for civil society in Ukraine. The most significant among them was the SARS-CoV-2 coronavirus pandemic and the quarantine imposed in Ukraine, which became the reason for restricting the forms and opportunities for the work of civil society organizations and individual activists.

Despite the quarantine restrictions introduced by the government during 2020, there were still peaceful gatherings in Ukraine. Some of the protests concerned the criminal persecution of Serhiy Sternenko, a civil activist from Odesa; there were demonstrations in support of Andriy Antonenko and Yulia Kuzmenko, suspects in the case of the murder of the journalist Pavlo Sheremet; protesters demanded the resignation of the Minister of Internal Affairs of Ukraine Arsen Avakov, etc. Police actions during these peaceful gatherings were not always legal or proportional.

In addition, the campaign “against the Sorosiaty,” which aims to discredit civil society and reformers in the government by associating them with the figure of the American businessman and philanthropist George Soros, continued to unfold throughout the year (mostly on social media and in the traditional media which are known to systematically fail to follow the standards of journalism). This primarily involved the use of the word “Sorosiaty” by a number of media and political figures in the negative context, as well as the publishing of false information about civil society organizations, personal information of activists, manipulative statements, etc. The purpose of this campaign is to undermine trust in civil activists and human rights defenders as well as government representatives who try to implement reforms.



■ 200 Days of Lies demonstration in support of Andriy Antonenko, Yulia Kuzmenko and Yana Duhar.

Photo credits by Serhiy Kochmarskyi, ZMINA

Another factor that should be mentioned specifically in 2020 in the context of civil activism were the local elections of October 25, 2020. At the elections, voters elected members of village, town and city councils, as well as village, town and city heads. Among other candidates, civil activists who had been targets of attacks or other pressure and persecution also ran in these elections as candidates from various political forces. In a number of cases, civil activists showed with their own example that they could not be intimidated, on the contrary, they were prepared to run for office and actively participate in solving the problems of their communities and regions. However, most of them were not elected into local self-government bodies.



# 3

## RECOMMENDATIONS

To improve the situation with the work of human rights defenders and activists who act in defense of public interests, government bodies in Ukraine must implement the following list of recommendations.

1. Familiarize themselves with the international standards of protecting human rights defenders, particularly the Guidelines on the Protection of Human Rights Defenders<sup>1</sup> of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and comply with these standards.
2. Eliminate systemic obstacles to the protection and work of human rights defenders and activists who act in defense of public interests by implementing an effective reform of the law enforcement and justice system, and by introducing effective anti-corruption measures.

#### FOR THE VERKHOVNA RADA OF UKRAINE:

3. Refrain from adopting laws which limit the freedom of gathering and association in Ukraine and pose a threat to the work of human rights defenders and civil activists.
4. Introduce changes to Article 161 of the Criminal Code of Ukraine in order to include sexual orientation and gender identity into the list of motives for hate crimes.
5. Introduce changes to Articles 185 and 185 of the Misdemeanor Code of Ukraine to cancel administrative responsibility for violating the procedure for peaceful gatherings in view of the de facto absence of such a procedure.
6. Consider the possibility of adopting a law to prohibit government bodies (national, regional, local) and local self-government bodies from providing financial or other aid to groups that support the use of violence or resort to violence.

#### FOR THE PRESIDENT OF UKRAINE:

7. Initiate the establishment of the office of a special representative under the President of Ukraine or a coordinating interdepartmental body responsible for the protection of human rights defenders and activists who act in defense of public interests.
8. Publicly condemn attacks on activists and human rights defenders as well as discreditation campaigns against civil society.

#### FOR THE OFFICE OF THE PROSECUTOR GENERAL:

9. In view of a direct connection between the state of development of civil society and the level of protection of human rights defenders and civil activists, define the investigation of crimes against these individuals as one of the priorities of Prosecutors' Offices.
10. Analyze the cases of persecution of civil activists and determine the causes of the systematic nature of this persecution.
11. Ensure investigations not only of the perpetrators but also of the organizers of crimes committed against human rights defenders and civil activists for their activities, as well as of the individuals who order these crimes.
12. Introduce regular (quarterly, and additional if needed) informing of the public about the course of criminal proceedings related to crimes committed against human rights defenders and civil activists for their activities.

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<sup>1</sup> Guidelines on the Protection of Human Rights Defenders / OSCE Office for Democratic Institutions and Human Rights (ODIHR): <https://www.osce.org/files/f/documents/c/1/119633.pdf>



■ Photo credits by <https://www.facebook.com/MinistryofDefence.UA>

13. Include the issues of human rights, equality, non-discrimination and tolerance into the curricula of the special training of candidates for the office of prosecutors and further professional training of prosecutors.
14. Publicly condemn the persecution of human rights defenders and civil activists.

#### FOR THE MINISTRY OF INTERNAL AFFAIRS OF UKRAINE:

15. Include the issues of protecting human rights defenders and civil activists into the list of mandatory areas of implementation of public policies by the Ministry.
16. Ensure proper regulation of the procedures of registration of reports on crimes committed against human rights defenders and civil activists in connection to their activities, and of effective investigation of these crimes, particularly hate crimes on the basis of sexual orientation and gender identity.
17. Publicly condemn attacks on human rights defenders and civil activists.

#### FOR THE NATIONAL POLICE OF UKRAINE:

18. Ensure proper registration of reports of crimes committed against human rights defenders and civil activists in connection to their activities, in particular:
  - stop the practice of registering reports of crimes committed against human rights defenders and civil activists as citizen addresses and invariably include information about crimes committed against human rights defenders and civil activists into the Unified Registry of Pre-trial Investigations;

- develop a procedure/algorithm for bringing registrars to responsibility for untimely, incomplete or unobjective information included in the Unified Registry of Pre-trial Investigations.
19. Stop the practice of arresting individuals who commit crimes against human rights defenders and civil activists without further bringing these individuals to administrative or criminal responsibility.
  20. Stop the practice of selective response to offenses due to police officers' personal worldview or other reasons, which leads to discrimination.
  21. Improve the existing methods of investigating hate crimes (taking into account the international standards, particularly ODIHR recommendations for Ukraine), with special focus on the motives of intolerance based on characteristics which are currently not mentioned in the CCU, particularly sexual orientation and gender identity (SOGI).
  22. Ensure investigations not only of the perpetrators but also of the organizers of crimes committed against human rights defenders and civil activists for their activities, as well as of the individuals who order these crimes.
  23. Take steps to ensure the physical safety of human rights defenders and civil activists who are victims of crimes and are in danger as persons involved in criminal proceedings.
  24. Take steps in order to ensure the safety of peaceful gatherings and other events, in particular:
    - reject the illegal practice of stopping peaceful gatherings and arresting participants for the very fact of holding such gatherings;
    - avoid discrimination based on the subject of the event, the number of participants, messages expressed at the gathering, etc.;
    - refrain from illegal and excessive use of force against participants of peaceful gatherings;
    - conduct explanatory work with the personnel involved in the protection of peaceful gatherings regarding the limits of law enforcement interventions into the course of peaceful gatherings;
    - inform organizers in a timely manner about the existing threats before events and develop threat prevention policies together;
    - pay special attention to the issues of safety of event participants during counter-demonstrations, take steps to avoid confrontations between participants of demonstrations and counter-demonstrations;
    - pay special attention to ensuring the safety of event participants not only during peaceful gatherings, but also before and after them—accompany organizers and participants from the point of gathering to filtration boundaries before the event, to subway stations and public transportation stops after the event, etc.;
    - after each peaceful gathering, conduct a joint analysis of the actions of law enforcement agencies and event participants in order to better insure the freedom of peaceful gatherings in Ukraine;
    - take all possible measures for event organizers to be able to continue events after attempts at disrupting them.
  25. Analyze the influence of right-wing radical organizations on the safety of the activities of human rights defenders and civil activists.
  26. Conduct a monitoring of the actions of law enforcement officers in the regions in terms of the speed of responding to reports, intentional delays or falsification of investigations in cases of offenses against human rights defenders and civil activists.

27. Ensure the punishment of police officers involved in falsification or delays of investigations, as well as the “cleansing” of the ranks from police officers connected to crime or corruption schemes.
28. Introduce changes to the curricula of primary professional training and further professional training, and systematically conduct human rights education events in order to improve police officers’ awareness of the topics of human rights, non-discrimination and hate crimes.
29. Together with human rights organizations, develop and conduct an information campaign of educational nature about violations of the rights of human rights defenders and civil activists.
30. Participate in the development and implementation of pilot programmes of physical protection of human rights defenders and civil activists from violent crimes.
31. Ensure constant informational interaction with human rights defenders, civil activists and their civil associations in order to exchange information about incidents and the course of investigations into crimes, and to take the measures necessary to prevent and minimize the consequences of incidents.
32. Systematically arrange meetings in the regions with human rights defenders and civil activists, as well as with organizations that work to defend their rights, in order to:
  - discuss the state of respect for their human rights and freedoms;
  - inform them about the measures taken in this sphere.
33. Publicly condemn the persecution of and attacks on human rights defenders and civil activists.

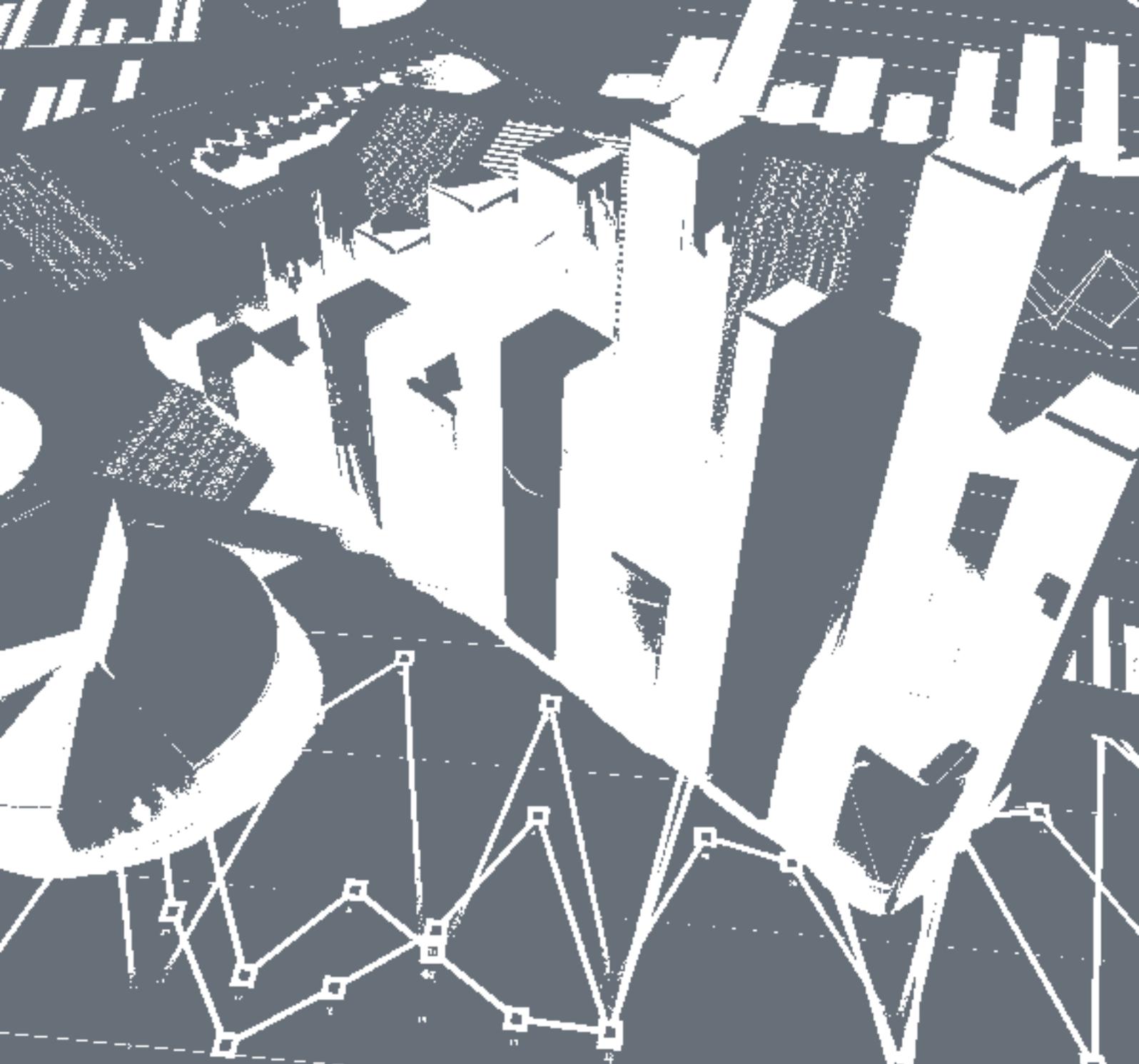
#### FOR THE VERKHOVNA RADA OMBUDSMAN:

34. Systematically undertake personal control over cases which concern the persecution of human rights defenders and civil activists, check the state of respect for their rights by the relevant government bodies, including the ones which conduct investigative activities, the state of implementation of court decisions, etc.
35. Together with human rights organizations, initiate the constant monitoring of cases of persecution of human rights defenders and civil activists.
36. Create rapid response groups capable of arriving to crime scenes and examining all the circumstances of attacks on human rights defenders and civil activists.
37. Together with human rights defenders and civil activists, initiate the preparation of a special report in 2021 dedicated to the issues of their protection and of impunity for crimes against human rights defenders and civil activists, as well as include a relevant section into the annual reports on the state of respect for and protection of human and civil rights and freedoms in Ukraine.
38. Publicly condemn the persecution of human rights defenders and civil activists.

#### FOR OFFICES OF INTERNATIONAL ORGANIZATIONS AND DIPLOMATIC MISSIONS:

39. Publicly recognize the importance of the work of human rights defenders and civil activists by using traditional and new communication methods.
40. Organize regular meetings between the human rights defenders and civil activists who are victims of attacks or other types of persecution and representatives of international organizations and diplomats.

41. Maintain contact with human rights defenders and civil activists by conducting receptions and attending events organized by them.
42. Attend court hearings related to the persecution of human rights defenders and civil activists as observers.
43. Provide financial support to the activities of human rights defenders and civil activists where necessary, including programs for the monitoring of the state of civil society in Ukraine and aid to human rights defenders and civil activists who have suffered due to their activities.
44. Draw the attention of law enforcement agencies to the need to take all the possible measures in order to prevent and respond to illegal actions aimed at disrupting peaceful gatherings and other events organized by civil initiatives.
45. Define the ineffectiveness of investigations into cases of violation of the rights of civil activists as a real threat to the development of civil society and democratic transformation in Ukraine and turn solving this problem into an indicator of the quality of the reform process initiated by the government, and into a topic of discussion at international platforms where Ukraine is present.



# 4

## METHODOLOGY

The general monitoring methodology was based on the developed monitoring and documenting procedures approved by the Coalition for Protecting Civil Society and published<sup>2</sup> on November 20, 2018; as well as on the updated monitoring and analysis methodology used in drafting the analytical report *The Situation of Human Rights Defenders and Civil Activists in Ukraine in 2019*.<sup>3</sup>

The monitoring includes descriptions of the cases of attacks, persecution and pressure on human rights defenders and civil activists in the territories controlled by the Ukrainian government which took place in 2020, as well as some newly discovered circumstances of the cases involving similar incidents in past periods.

## OBJECT OF THE MONITORING

The object of the monitoring are the activities of Ukrainian human rights defenders and civil activists, their associations and organizations, as defined by the *Guidelines on the Protection of Human Rights Defenders*<sup>4</sup> of the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights and the UN *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*.<sup>5</sup>

Based on these documents, by “human rights defenders,” we mean any persons who, individually or in cooperation with other people, promote and defend human rights, particularly advocate for civil, political, economic, social and cultural rights, the rule of law, non-discrimination for any characteristic, regardless of their professional occupation or other status,<sup>6</sup> who engage in these activities by peaceful means and recognize the universal nature of all human rights for all people (without any distinction by race, skin color, gender, language, religion, political or other beliefs, national or social background, ownership of property, birth, age, or any other circumstance), and do not aim to promote corporate or business interests. Following the UN Human Rights Council Resolution, we will also focus our attention on the activists who are engaged in defending the rights of women and the LGBT community, environmental and land rights, corporate responsibility issues, representatives of patient organizations and initiatives, as well as those working on the issues of increasing transparency and accountability of government and local self-government bodies, exposing cases of corruption and use of violence for which the state, commercial structures and non-governmental actors are to blame.

Within the monitoring, the concepts of a “*human rights defender*” and “*activist*” were viewed as interpenetrating terms with an understanding that civil activists do not always limit their activities to the principle of universal human rights and the use of exclusively peaceful means. In general, the term “*activist*” is used in the sense of “*an active member of a collective; public figure*”; “*someone who uses or supports decisive actions (such as public protests) in support of or in opposition to one of the sides in a contested issue*”; “*someone who is convinced of the need for political or social change and participates in such measures as public protests to achieve this change*”; “*people who promote or implement a certain idea without acting for their own direct personal gain.*”

<sup>2</sup> Documenting Methodology (Методологія документування) / Coalition for Protecting Civil Society, November 20, 2018: <http://cs-coalition.org/ua/dokumenty/metodolohiia-dokumentuvannia>

<sup>3</sup> The Situation of Human Rights Defenders and Civil Activists in Ukraine in 2019: Analytical Report (Становище правозахисників та громадських активістів в Україні у 2019 році: 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/content/uploads/sites/2/2020/02/stateofhumanrightsdefenders2019\\_reportuaweb\\_.pdf](https://zmina.ua/content/uploads/sites/2/2020/02/stateofhumanrightsdefenders2019_reportuaweb_.pdf)

<sup>4</sup> Guidelines on the Protection of Human Rights Defenders / OSCE Office for Democratic Institutions and Human Rights (ODIHR): <https://www.osce.org/files/f/documents/c/1/119633.pdf>

<sup>5</sup> UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: <https://www.ohchr.org/en/professionalinterest/pages/rightandresponsibility.aspx>

<sup>6</sup> The information about attacks and pressure on political figures, officials, self-government representatives, attorneys and lawyers, journalists was taken into account in the cases when the motive for their persecution was their public activism or actions in defense of human rights.

To generalize for the monitoring purposes, the concept of a “civil activist” is used to refer to people who, individually or in cooperation with other people, engage in decisive actions to achieve political or social change, to stop violations of law or other negative activities, who propagate and implement socially beneficial ideas, acting, among other things, for the purpose of promoting or defending human rights, social interest, without a sole intention of personal gain.

However, this monitoring report does not include the cases of persecution of activists or organizations for which there are good reasons to believe that they have used violent actions or calls to violence against third parties. At the same time, we do not consider attacks on or politically motivated persecution of these people legitimate or legal and do not approve of such actions in any way.

An additional object of the monitoring were the activities of the Verkhovna Rada of Ukraine in the part of its regulatory law making activities. ZMINA has analyzed bills registered in the Ukrainian parliament in terms of their potential effects on the activities of human rights defenders and civil activists in Ukraine.

## SUBJECT OF THE MONITORING

The subject of the monitoring are various forms of obstructing the activities of human rights defenders and civil activists who act in defense of public interests, which took place in Ukraine in the territory controlled by the government during 2020. These can include illegal restrictions in the sphere of freedom of association, freedom of speech, freedom of peaceful gatherings, and freedom of movement against human rights defenders and activists who act in defense of public interests; the use of physical violence (murders, beating); property damage; cases of politically motivated legal persecution (particularly through criminal, civil or administrative procedures); discreditation campaigns; surveillance; privacy violations; threats and other types of pressure.

For the purposes of the monitoring, we use the term “*incident*” in the text to refer to an individual event or a series of events when a human rights defender or a civil activist became a victim of persecution as a result of their activities.

By “*physical attack*,” we mean causing bodily injuries of various degrees, from the ones that caused a brief health disorder or minor loss of productivity and to the injuries that pose threat to life at the moment they are suffered, or ones that cause the loss of any organ or its functions, a mental illness or any other health disorder associated with sustained loss of productivity or irreparable bodily disfigurement. One of the most severe kinds of physical attacks is “*murder*,” causing another person’s death by intention or negligence, violently taking their life.

By “*property damage*,” we mean intentional destruction or damage of property which belonged to the activist or organizational victim or was used by them (in particular, by destroying property, arson, explosion or any other means).

“*Discreditation*” refers to intentional actions aimed at undermining the credibility, image and trustworthiness of human rights defenders, civil activists or their associations by creating and spreading unreliable information and/or information that includes sensitive personal details. Discreditation campaigns often unfold through social media or conventional media with questionable reputation and may contain signs of manipulation, “*covert PR*”<sup>7</sup> and other materials that violate the standards of journalism.

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<sup>7</sup> By covert PR, we mean intentional covert good or bad publicity presented as news, auteur texts, analytics, television programs, etc.

By “*privacy violation*,” we mean a set of actions when the victim’s right to protection of their personal information is violated, or when information about a person is used by other people who do not have the right to access, own or dispose of this information; violation of the requirements for storing and using confidential information and information intended for internal office use, etc. One of the ways to violate privacy is “*surveillance*,” illegal covert observation of an activist or human rights defender, including visual observation of a subject using video recording, photography, specialized technical surveillance equipment, performed without the approval of an investigative judge.

We base our definition of the concept of “*legal persecution*” on Paragraph 3 of PACE Resolution 1900 (2012),<sup>8</sup> meaning by this the cases: a) when criminal and administrative actions have been used in violation of one of the fundamental guarantees set out in the European Convention on Human Rights (ECHR) and its Protocols, in particular freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association; b) when criminal and administrative actions have been used for legitimate actions in defense of social interests without connection to any offence; c) when criminal and administrative actions are clearly out of proportion to the offence the person has been found guilty of or is suspected of; d) when criminal and administrative actions have been used in a discriminatory manner as compared to other persons; e) when criminal and administrative actions are the result of proceedings which were clearly unfair and this appears to be connected with actions in defense of human rights or social interests.

“*Obstruction of peaceful gatherings*” refers to the creation of obstacles, prevention of the organization or conduction of peaceful gatherings both by representatives of government bodies and by private individuals (in view of the state’s positive obligation to guarantee the conduction of peaceful gatherings). Its methods can include issuing an illegal order to ban a peaceful gathering, threatening to use violence against its organizers or participants or actual use of violence against them, attempting to bribe the organizers of a peaceful gathering or to deceive them, etc.

By “*obstructing the activities of non-governmental organizations*,” we mean actions or inaction which obstruct the legal activities of civil associations and charity organizations. Obstruction of the legal activities of non-governmental organizations can take the form of any actions, including some of the described above, which aim to create obstacles to non-governmental organizations’ implementation of their statutory goals; to their use of rights, including the right to property and revenue obtained as a result of economic or other commercial activities; to restrict the rights and freedoms of citizens because of their membership or non-membership in citizen associations. The obstruction can also take the form of threats, violence or other illegal influence on the leaders or other members of non-governmental organizations and their bodies in order to prevent them from exercising their powers or to compel them to make an illegal decision. If the method of obstruction is itself criminal in nature (causing bodily injuries, murder threats, damaging an organization’s property, etc.), this is considered to be a separate type of incidents, the list of which is provided above.

Within the monitoring, we monitor persecution both by governmental and non-governmental actors, by unidentified individuals; persecution of both activists and human rights defenders themselves and their family members, loved ones and acquaintances if this persecution is associated with their human rights advocacy / public activities.

Additionally, for the purposes of this research, we monitored bills registered in the Verkhovna Rada of Ukraine which contain threats to the freedom of gathering and association and to the activities of human rights defenders and civil activists in Ukraine.

<sup>8</sup> Parliamentary Assembly of the Council of Europe. Resolution 1900 (2012) – [https://www.coe.int/T/r/Parliamentary\\_Assembly/\[Russian\\_documents\]/\[2012\]/\[Oct2012\]/Res1900\\_rus.asp](https://www.coe.int/T/r/Parliamentary_Assembly/[Russian_documents]/[2012]/[Oct2012]/Res1900_rus.asp)

As for threats to the digital security of activists and human rights defenders (phishing, account hacking attempts, sending viruses, DDoS attacks, etc.), ZMINA has not documented these cases separately, because this sphere is monitored by the Digital Security Lab NGO. The general statistics for 2020 and the examples are listed below (see the thematic block *Threats to the digital security of human rights defenders and civil activists*).

## SOURCES OF INFORMATION AND VERIFICATION STANDARDS

The monitoring and gathering of information involves describing cases of attacks, persecution and pressure on human rights defenders and activists, verifying the circumstances of the incidents, and examining the context using a number of indicators to determine each incident's connection to the victim's activities.

The preferred way to collect information is direct contact with the victims, primary reports by victims themselves and (or) witnesses of the incidents, their relatives, legal representatives. Documentation is also conducted by means of media and social media monitoring; analyzing open sources and interviewing third parties, including remote interviewing; exchanging information with other non-governmental organizations and initiatives, law enforcement agencies; monitoring court trials; and collecting official information from the authorities by sending requests from ZMINA Human Rights Centre and its partners. Visiting missions can be organized to verify individual cases that happened in other regions of Ukraine.

Information collection is based on the principle of semi-structured interviews with a protocol record. Information verified by default is information from the official resources of state government and local self-government bodies, law enforcement agencies, legislation and regulations, and replies to official addresses or requests for public information sent for the purposes of the monitoring; first-hand information from the victim (witness), their close relatives or individuals who represent their interests.

Each incident is documented according to a standard operational procedure; documentation includes the following information: a) description of the incident that has happened (specifying the date, location, type of persecution, information about the persecuted person, etc.); b) information about the persecuted person and their previous human rights / public activities; c) information about the connection between the incident that has happened and the human rights / public activities of the injured party; d) information about actions taken regarding the incident by law enforcement agencies or other state government or local self-government bodies.

An additional source for the monitoring of legislative initiatives which can pose a threat to the freedom of gathering and association and to the activities of human rights defenders and civil activists is the database of bills<sup>9</sup> registered by the Verkhovna Rada of Ukraine.

## ASSUMPTIONS

The list of cases of obstruction of the activities of human rights defenders and civil activists who act in public interests which is included in the report is not exhaustive, because it contains only the cases which became known to ZMINA Human Rights Centre and its partners. The document only reflects the information which was successfully documented and verified as cases of attacks, persecution and pressure on activists and human rights defenders in accordance with the definitions of this methodology. Difficulties with collecting and documenting information are caused by the fact that in a number of cases, activist victims do not address the media or law enforcement agencies due to distrust or fears of making the situation worse.

<sup>9</sup> See <http://w1.c1.rada.gov.ua/pls/zweb2/webproc2>

Nevertheless, the monitoring will give a general idea about the climate in which civil society actors and the professional community that defends human rights and acts in public interest have to work in Ukraine. The goal of the report is not so much to exhaustively analyze all cases as to cover and analyze the environment around human rights defenders' and civil activists' work, as well as to identify and generalize certain trends.

## SAFETY

Not all descriptions of incidents that happened in the analyzed period of time may be included in the public part of the report for the purposes of safety and protection of the victims, or in the cases when these individuals want to avoid spreading this information. In a number of cases, information in the report may be anonymized at the victim's request.

## AUTHORSHIP

This monitoring 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. Reprint or other use of this material is welcomed under the condition that the authors are mentioned and that it is done for non-commercial purposes.



# 5

## GENERAL OVERVIEW OF THE SITUATION AND TRENDS OF 2020

## STATISTICAL DATA ON THE PERSECUTION OF ACTIVISTS AND HUMAN RIGHTS DEFENDERS IN 2020

In total, researchers of ZMINA Human Rights Centre recorded 101 cases of persecution for public activities in 2020 in the territory controlled by Ukraine.

The months with the highest numbers of cases were February (11), September (13) and December (12); August and November had the fewest incidents, 5 each.

The quarantine restrictions in the spring months did not reduce the scope and intensity of persecution; in particular, in this period, we recorded misuse of attempts at charging activists with misdemeanors for holding peaceful gatherings, most of which were later cancelled by courts of various levels.

It is also difficult to trace the influence of another important event—the local elections in late October 2020 in Ukraine—on the situation. Those months saw neither a surge in recorded cases nor a significant decrease in their number. At the same time, the activists whom ZMINA Human Rights Centre researchers talked to did speak about the possible connection between the elections and their persecution in other periods of the year.

### ■ DISTRIBUTION IN TIME



The most widespread types of persecution among the documented incidents were attempts to intimidate activists (22), physical attacks on them (21) and destruction or damage of their property (18). In addition, we documented 10 incidents with signs of legal persecution and 9 attempts at discreditation of public figures.

The latter often took the form of disinformation and manipulation campaigns involving websites (registered as media or not), TV channels and social media; Telegram channels and Facebook pages of some politicians and political experts were particularly active (see more detail in the Description of Incidents section).

Of the aforementioned 21 cases of attacks on activists, possible attackers were declared suspects in only four cases.

As for intimidation of activists, it should be noted that a range of methods were used here: from profiling and publishing human rights defenders' personal information on Telegram channels (the victims of this were mostly LGBTIQ activists, researchers of violence by far-right groups in Ukraine, and anti-corruption activists) to physical surveillance and sending threats, which, in particular, involved visits to the homes of activists or their family members.

In addition, 7 incidents involved obstruction of peaceful gatherings, and another 7 had signs of illegal arrest or search. 3 more cases were categorized as obstruction of the activities of non-governmental organizations.

## ■ DISTRIBUTION BY TYPE OF PERSECUTION



In the cases when several types of persecution were involved at the same time, we singled out those which seemed the most significant for each incident in our statistical records.

The total number of documented cases of persecution of human rights defenders and civil activists increased this year compared to the previous year of 2019, when a similar study was conducted<sup>10</sup> and 83 incidents were recorded. Then, however, we described 25 physical attacks and one murder, so it is possible to speak about a certain change in the methods of pressure on human rights defenders.

At the same time, this year, we documented more cases of property damage (in 2019, there were 11 incidents of this kind). In the cases of arson of houses and cars belonging to activists or their family members, as of late December 2020, we were not aware of a single case among the recorded throughout the year in which the police declared someone a suspect and handed the case over to the court; therefore, these crimes mostly went unpunished.

In addition, we categorized spoiling locks, writing threatening or insulting things on the walls of offices of LGBTIQ organizations and posting homophobic posters on the fronts of their buildings as property damage as well (in some cases, the vandals also broke office windows, etc.). In these cases, we have recorded a negative tendency for law enforcement agencies not to register crime reports by representatives of the injured organizations, but rather to register them as citizen addresses.

Just like in the previous year, activists and human rights defenders were persecuted in most regions of Ukraine. But the leaders in terms of the number of incidents are still Kyiv (44) and Odesa Region (10). They are followed this year by Kyiv Region and Dnipropetrovsk Region (8 in each) as well as Kharkiv Region (6).

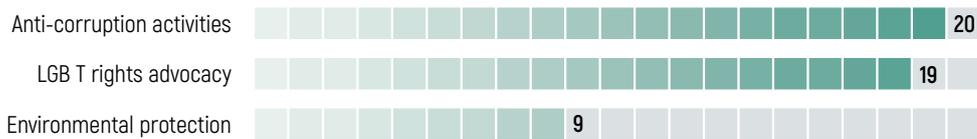
<sup>10</sup> The Situation of Human Rights Defenders and Civil Activists in Ukraine in 2019: Analytical Report (Становище правозахисників та громадських активістів в Україні у 2019 році: Analytical report) / ZMINA: <https://zmina.ua/publication/stanovyshhe-pravozahysnykiv-ta-gromadskyh-aktyvis/tiv-v-ukrayini-u-2019-roczni-analitychna-dopovid/>

■ DISTRIBUTION BY TERRITORY



Based on the results of the monitoring, the most risky among the types of civil activities which we could identify unambiguously in 2020 were opposing corruption (20), defending LGBTIQ rights (19) and environmental activism (9).

■ THE MOST RISKY AMONG THE TYPES OF CIVIL ACTIVITIES



This trend has carried on from the previous years with minor changes. For comparison, in 2019, LGBTIQ activists (22), anti-corruption activists (15) and activists who opposed illegal construction (14) experienced persecution the most often.

At the same time, it should be noted that a number of cases of persecution of LGBTIQ activists recorded this year involved several episodes which recurred or involved many activist victims.

## THREATS TO THE DIGITAL SECURITY OF HUMAN RIGHTS DEFENDERS AND CIVIL ACTIVISTS

Digital threats for representatives of the civil sector remain relevant as well. As a result of the monitoring by the Digital Security Lab, about 78 incidents that happened to activists and journalists were recorded in 2020.

They mostly involved phishing and attempts at hacking email and social media accounts of these people. At the beginning of the year, the Digital Security Lab even recorded a targeted phishing campaign. It was carried out in January<sup>11</sup> and February<sup>12</sup> 2020 and involved phishing letters written specifically for certain people, such as the activists of initiatives Who Ordered the Assassination of Kateryna Handziuk?, Hemp March for Freedom, Protect Protasiv Yar, and the Vidsich Movement.

Handziuk?, Hemp March for Freedom, Protect Protasiv Yar, and the Vidsich Movement.

Two cases which took place in October 2020 stand out among others, namely the “memorials” for living activists Halyna Chyzhyk and Roman Maselko on social media.

Halyna Chyzhyk, a representative of the Anti-Corruption Action Centre, told ZMINA Human Rights Centre that at around 6-7 p.m. on October 31, she was “kicked out” of Facebook with a “Session expired” message, and then it turned out that her account just disappeared from the social media. After this, in about an hour, she received an email about “memorializing” her page, which can be done by friends to preserve the memory of deceased Facebook users or to erase their accounts. The activist wrote to the social media’s tech support, and her account was quickly restored. Before this, Chyzhyk had been receiving direct messages from an unidentified individual (an account with hardly any information) for a week that the activist was allegedly “ordered on the Dark Web,” and that this individual had information about it (but Chyzhyk did not contact them).

The next day, it became clear that “memorializing” was also used against the account of a lawyer and Automaidan activist Roman Maselko: all mentions of him, including messages and comments, disappeared from Facebook for a while. According to Maselko, he sees a connection between both incidents and activities opposing abuses in the District Administrative Court of Kyiv (DACK). This was also confirmed by Halyna Chyzhyk. According to her, before the incident, President Volodymyr Zelenskyi responded to their petition to liquidate the DACK.<sup>13</sup> Roman Maselko says that a film by Slidstvo.Info investigative journalists, *Deliberation Room*,<sup>14</sup> was also published on those days. The film is about DACK judges and is based on NABU materials; in particular, it contains a scene where judges are counting likes under Maselko’s posts. At the same time, Maselko noted that three days before the incident, he wrote a complaint against one of the judges (whom he did not name), and the judge then wrote in response that he “made a mistake” and “ruined his karma.” But Maselko himself does not take this incident with a judge seriously.

In addition to the two cases of “memorializing” above, this year, ZMINA Human Rights Centre recorded reports about similar actions against the Dnipro activist Oleksandr Snisar, but he did not report it to the specialists of the Digital Security Lab.

<sup>11</sup> Digital threats for civil activists and journalists: January 2020 [Цифрові загрози для громадських активістів та журналістів: січень 2020] / Digital Security Lab, February 14, 2020: <https://dslua.org/publications/tsyfrovii-zahrozy-dlia-hromads-kykh-aktyvistiv-ta-zhurnalistiv-sichen-2020/>

<sup>12</sup> Digital threats for civil activists and journalists: February 2020 [Цифрові загрози для громадських активістів та журналістів: лютий 2020] / Digital Security Lab, March 16, 2020: <https://dslua.org/publications/tsyfrovii-zahrozy-dlia-hromads-kykh-aktyvistiv-ta-zhurnalistiv-liuty-2020/>

<sup>13</sup> On the issue of the District Administrative Court of Kyiv (Щодо питання Окружного адміністративного суду міста Києва) / President of Ukraine, official website, October 28, 2020: <https://www.president.gov.ua/news/shodo-pitannya-okruzhnogo-administrativnogo-sudu-mista-kyeva-64881>

<sup>14</sup> *Deliberation Room*, an investigative film by Slidstvo.Info [«Нарадча кімната» – фільм-розслідування «Слідство.Інфо»] / YouTube channel of Slidstvo.Info: <https://www.youtube.com/watch?v=UnHVDMRp85s>

## OTHER DEFINING TRENDS FOR CIVIL SOCIETY

### EFFECTS OF THE SARS-COV-2 CORONAVIRUS PANDEMIC ON CIVIL ACTIVISM AND HUMAN RIGHTS ACTIVITIES

One of the defining events for activism and human rights work in 2020 was the introduction of quarantine preventive measures to counteract the spread of the SARS-CoV-2 coronavirus and the COVID-19 coronavirus infection. The introduction of the emergency legal regime and gradual implementation of the decisions of the national government and local self-governments to counteract the pandemic led to restrictions in the work of non-governmental organizations and individual activists.

Under the conditions of restricted movement and presence in public spaces, the imposed requirement to observe self-isolation and social distancing, and a ban on group gatherings, the civil sector's opportunities to perform their activities at the same level of effectiveness, to express peaceful protest, to conduct advocacy meetings, education events, etc., were limited significantly.

Gradual intensification of the restrictions catalyzed the discussion around the problem of whether the measures were proportional to the goal of regulations for overcoming the pandemic. At the same time, the overwhelming majority of non-governmental organizations and activists shifted their work to online interactions, to remote monitoring, analytical or regulatory formats of activities; they expanded the use of electronic means of communication and interaction, etc.

In July-September 2020, most quarantine restrictions valid in the second quarter were cancelled or significantly relaxed, which gave non-governmental organizations and activists an opportunity to partially return to the previous forms and formats of work. However, as autumn and winter came, seasons which carry more risk of COVID-19 spread, stricter restrictions were imposed again.

### DISCREDITATION OF ACTIVISM AND THE CAMPAIGN AGAINST THE "SOROSIATA"

In the period in question, there was a negative trend of attempts to discredit the civil society and reformers in the government by associating them with the figure of the American businessman and philanthropist George Soros. What we mean here is primarily the use of the word Sorosiata ("Soros kids") by a number of media and political figures in a negative context.

A study<sup>15</sup> by the Content Analysis Centre points out that before April 2019, mentions of the "Sorosiata" in the media were episodic, and they were practically non-existent on social media. The highest number of mentions of the Sorosiata in 2019 was associated with the so-called "group of reformers" in the team of President Zelensky, who used this concept in a neutral context.<sup>16</sup>

<sup>15</sup> "Sorosiata": The Usage of the Concept in the Ukrainian Information Space: Analytical Report for the period of January 1, 2016–January 19, 2020 («Соросіята»: вживання поняття в українському інформаційному просторі»: аналітичний звіт за період 01.01.2016–19.01.2020) / Content Analysis Centre: <https://ukrcontent.com/assets/files/sorosyata.pdf>

<sup>16</sup> Zelensky does not feel Soros's influence on Ukraine [Зеленський не чує впливу Сороса на Україну] / Interfax, February 11, 2020: <https://interfax.com.ua/news/political/640503.html>

The word “Sorosiaty” started to be used more in November 2019—March 2020. According to Google Trends<sup>17</sup> data, the dynamics of search queries grew during 2020, reaching a statistical maximum in early March, September and November 2020.

The March peak can be illustrated by the organization of a whole specialized TV marathon titled Smells Like Soros on the ZIK TV channel<sup>18</sup> on February 28, 2020; during the marathon, the TV channel’s staff and guest experts discussed the activities of George Soros and allowed for the possibility of his influence on Ukrainian non-governmental organizations.

This broadcast provoked a negative response among a number of media organizations<sup>19</sup> which defined it as a provocation intended to upset the situation in the country and deepen the divide in society between different population groups. According to the statement, during the ZIK TV marathon, there was de facto discreditation of international organizations that have made contributions in support of Ukraine on its path towards reforms and European integration; discreditation of the civil sector that is actively involved in the reforms and has a progressive vision of Ukraine’s development; discreditation of journalism as a profession, particularly of the work of investigative journalists, and breach of the standards of credibility, objectivity of information, balance of opinions, and journalistic ethics; discreditation of a number of key reforms in the systems of health care, education, anti-corruption agencies, etc., by undermining trust in the institutions and people who implement these reforms.

Tellingly, the broadcast participants included the MP Oleksandr Dubinsky (Sluha Narodu),<sup>20</sup> who actively used the term “Sorosiaty” to refer to people who were linked to George Soros’s foundations and, in his opinion, also lobbied for the interests of other countries. Oleksandr Dubinsky also registered a number of bills which contain illegal restrictions of the freedom of association (see the *Brief overview of bills which threaten civil society* section).

The use of the term in this meaning has reached beyond the affiliation of activists and human rights defenders solely with the figure of George Soros, and the “Sorosiaty” label started to be used<sup>21</sup> to refer to anyone who “coordinates their activities” with foreign and international organizations, such as the World Bank, EBRD, USAID, etc.

During 2020, the situation with the use of the term Sorosiaty gained characteristics of a forced meme, a situation when a word or phrase is used intentionally, often through mass media and social media, to establish a clear stigmatizing connection in the collective mind—this time in particular, a connection between activism and promoting the interests of foreign countries or citizens, but without sufficient or adequate argumentation for the connection.

Given that the information that was spread did not provide substantial evidence, these actions by some media and politicians could be viewed as attempts to manipulate information and deceive the society by claiming that some Ukrainian civil activists, as well as reform-oriented government representatives, are subordinate to and managed by foreign foundations.

<sup>17</sup> Google Trends: The interest dynamics of the search term “Sorosiaty” in Ukraine in the past 12 months: <https://trends.google.com/trends/explore?geo=UA&q=%D1%81%D0%BE%D1%80%D0%BE%D1%81%D1%8F%D1%82%D0%B0>

<sup>18</sup> Special Broadcast: Smells Like Soros. Whose puppet is Honcharuk? The State Investigations Bureau finally reached Poroshenko | 13 Talk Show | February 28, 2020 (Спецефір: Тхне Соросом. Чия маріонетка Гончарук? Порошенка дочекались у ДБР | Ток-шоу «13» | 28.02.20): <https://www.youtube.com/watch?v=EffHvNh32550>

<sup>19</sup> A statement by media organizations on the Smells Like Soros television marathon on the ZIK TV channel [Заява медійних організацій щодо телемарафону «Тхне Соросом» на телеканалі «ZIK»] / Journalistic Ethics Commission, March 2, 2020: <http://www.cje.org.ua/ua/news/zaya-va-mediynyh-organizaciy-shchodo-telemarafonu-thne-sorosom-na-telekanali-zik>

<sup>20</sup> Dubinsky explained how to easily recognize Sorosiaty in the Ukrainian government [Дубинский объяснил, как можно легко определить «соросият» в украинской власти] / ZIK, February 28, 2020: [https://zik.ua/ru/news/politics/dubinskiy\\_obyasnil\\_kak\\_mozhno\\_legko\\_opredelit\\_sorosyat\\_v\\_ukrainskoy\\_vlasti\\_960696](https://zik.ua/ru/news/politics/dubinskiy_obyasnil_kak_mozhno_legko_opredelit_sorosyat_v_ukrainskoy_vlasti_960696)

<sup>21</sup> S. Liamets. Sorosiaty have seized power in Ukraine: Who are they? [С.Лямец. «Соросият» захватили власть в Украине: Кто это?] / ZIK, December 19, 2020: [https://zik.ua/ru/news/2019/12/19/sorosyata\\_zahvatili\\_vlast\\_v\\_ukraine\\_kto\\_eto\\_950986](https://zik.ua/ru/news/2019/12/19/sorosyata_zahvatili_vlast_v_ukraine_kto_eto_950986)

The information campaign against the “Sorosiata” discredited the civil sector which is actively involved in reform processes, undermined trust in institutions, and created a distorted image of activism as a form of biased, affiliated activity. In addition, similar past situations in Hungary and the Russian Federation show that conceptual stigmatization of activism and human rights activities can transform into a much deeper restriction of the work of international organizations and lead to a reduced level of social trust in activists and human rights defenders, excessive requirements for the activities of non-governmental organizations, considerable reduction in the level of citizens’ activity and progress of reforms in the country, etc.

## 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).<sup>22</sup>

Despite the introduction of the quarantine, peaceful gatherings took place all over the country in 2020, some of them rather massive.

Human rights organizations recorded a number of cases of excessive or illegal use of force by law enforcement agencies during the strict quarantine in spring 2020. For instance, the Association of UMHR, together with the Centre for Civil Liberties, documented<sup>23</sup> 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 recorded<sup>24</sup> 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, incidents were recorded in practically all regions of Ukraine. Some of them were related to illegal police actions during peaceful gatherings.

ZMINA Human Rights Centre also recorded a number of cases of illegal police actions during peaceful gatherings in 2020. For instance, on April 6, 2020, the police wrote nine misdemeanor reports about the 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 Laboratorna 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.

<sup>22</sup> See *The legal foundations of introducing the quarantine restrictions: Report for March-July 2020* / H. Rozhkova, S. Perykoza, ed. by V. Batchayev. – Kyiv: Association of UMHR, 2020. – 26 p. <http://umdpl.info/library/28049/>

<sup>23</sup> *Typical violations by law enforcement representatives during the introduction of the quarantine restrictions. Periodical report* / Association of UMHR, April 27, 2020 <http://umdpl.info/library/typovi-porushennya-predstavnykiv-organiv-pravoporyadku-pid-chas-zaprovadzhennya-karanh-tynyh-obmezhuvalnyh-zahodiv-periodychnyj-zvit/>

<sup>24</sup> *Typical human rights violations by law enforcement representatives during the introduction of the quarantine restrictions. Periodical report* / Association of UMHR, May 27, 2020 <http://umdpl.info/library/drugyj-periodychnyj-zvit-typovi-porushennya-prav-lyudyny-predstavnykamy-organiv-pravoporyadku-v-hodi-vprovadzhennya-karantynnyh-obmezhen/>

On May 31, 2020, in Kyiv, the police wrote a misdemeanor report in accordance with the article on 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 Shevchenkivsky District Court of Kyiv, where a rally was held in support of the activist Serhiy Sternenko, 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.

On August 10, 2020, near the Belarus Embassy in Kyiv, during a solidarity rally against violence towards protesters in Belarus, who came out to the streets for fair elections and against Aleksandr Lukashenko’s reelection as the president, the police brutally arrested five people, including the released political prisoner of the Russian Federation Oleksandr Kolchenko.

In a number of other cases, the police failed to uphold its positive duty to protect participants of peaceful gatherings from attacks. For example, on August 30, 2020, in Odesa, the police failed to ensure the safety of the participants of a demonstration in support of the LGBTI community as a part of OdesaPride. According to the organizers, at least 16 rally participants were victimized as a result of an attack by right-wing radicals.

Detailed descriptions of these and other cases are presented in the *Brief review of cases of persecution of human rights defenders and civil activists* section.

Human rights organizations called in a number of statements<sup>25</sup> to conduct an effective, independent and quick internal investigation and to take all steps to preventively counteract possible cases of disproportionate use of force by police officers.

## LOCAL ELECTIONS AND CIVIL ACTIVISM

On January 1, 2020, the new Election Code came into force, changing the rules of elections to local councils. According to the Code, the local elections, scheduled for October 25, 2020, were the first to be held with open lists, where candidates who won enough votes could be moved up the party list and elected to local self-government bodies. In addition, for the first time, gender quotas for political parties were introduced in the 2020 local election. From this year on, to register in an election, a party must have at least 40% of members of a different gender on its list.

Voting according to the plurality system was only held in territorial communities which have fewer than 10,000 residents, and independent candidates could run there. In local communities with over 10,000 residents, voting was held with open lists and an updated proportional system, without independent candidates. Seats on the councils were won by parties which passed the 5% threshold. In addition, in cities with populations over 75,000 residents, there was a second tour of voting for mayors; independent candidates were able to run for mayor.

<sup>25</sup> 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 (Заява Центру громадянських свобод щодо випадків непропорційного застосування сили правоохоронцями під час охорони громадського порядку на мирних зібраннях) / July 7, 2020: <https://ccl.org.ua/statements/shchodo-vypadkiv-neproporciy-ty-siynoho-zastosuvannya-syly-pravoohorontsiamy/>; 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 (Відкрита заява щодо застосування вибіркового тиску на учасників мирних зібрань під час карантину на прикладі акції «Весна на граніті» ) / ZMINA, May 20, 2020: <https://zmina.ua/statements/vidkryta-zayava-shhodo-zastosuvannya-vybirkovogo-tysku-na-uchasnykiv-myrnyh-zibran-pid-chas-karantynu-na-prykladi-akczii-vesna-na-graniti/>

A significant fact which should be noted separately in the context of the election campaign was that civil activists who have been victims of attacks and other types of persecution due to their civil activities ran for office in local self-government bodies in a number of districts.<sup>26</sup> These activists ran as representatives of various political parties, including Fatherland, Voice, Civil Position, For the Future, Freedom, Strength and Honor, Servant of the People, UDAR, European Solidarity and others, as well as local political forces (such as Eduard Gurvits's Bloc, Odesa; Komanda NaDiyi, Kyiv Region; Svitlychna's Bloc—Razom, Kharkiv), and as independents.

Although most of them were not elected to local self-government bodies, this is still a positive trend. Despite the threats, surveillance, attacks, discreditation campaigns and other forms of pressure, many civil activists did not just refuse to cease their work, but also decided to run for local office and to take responsibility for the development of their villages and cities.

## THE COURSE OF INVESTIGATIONS AND COURT TRIALS OF HIGH-PROFILE CASES

During 2020, ZMINA continued to monitor the high-profile criminal cases related to human rights defenders and civil activists. In particular, these include the investigation and court consideration of the cases of the murder of the Kherson activist Kateryna Handziuk and the Kyiv human rights defender Iryna Nozdrowska, as well as the criminal case where the Odesa activist Serhiy Sternenko is charged with murdering his attacker.

### Kateryna Handziuk's case

The Kherson activist Kateryna Handziuk had sulfuric acid thrown at her near her house 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 February 11, 2019, the General Prosecutor's Office declared Vladyslav Manger, the head of the Kherson Regional Council, a suspect in organizing the murder of Handziuk. The court chose a preventive measure for him in the form of detention with the possibility of bail in the amount of 2,497,300 UAH, which was paid, and Manger was released.

In January 2020, in the territory of Bulgaria, Oleksiy Levin, an assistant consultant for a Kherson Regional Council member, was arrested for organizing the attack on Handziuk. On March 16, Levin was extradited from Bulgaria to Ukraine.

<sup>26</sup> Activists who were victims of attacks are running for office: Who are they [Потерпілі від нападів активісти йдуть на вибори: хто вони] / ZMINA, October 22, 2020: <https://zmina.info/articles/ne-z-boyazkyh-poterpili-vid-napadiv-aktyvisty-idut-na-vybory/>

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.

On June 19, 2020, the Pechersky District Court of Kyiv arrested Manger without bail; this preventive measure has been extended several times.

On July 28, the General Prosecutor's Office submitted to the court the indictment of the suspects in organizing the murder of Handziuk, Vladyslav Manger and Oleksiy Levin.

On August 18, the Dniprovsky District Court of Kyiv started a preparatory hearing in the case of the murder of Kateryna Handziuk. Levin came to the courthouse nearly naked and stated that testimony against Manger was beaten out of him, that he was stripped and brought to the court that way. The hearing continued on August 19 and lasted until midnight. During the two days, both parties submitted requests and complaints; in particular, Manger and Levin's defense attorneys asked to return the indictment to the prosecutor, but the judge denied the request. Similarly, the court did not support the suspects' request to move the trial to Kherson.

On August 28, the Dniprovsky District Court of Kyiv heard the indictment of Manger and Levin regarding their involvement in the attack on Kateryna Handziuk which resulted in her death. As the prosecution indicated, Manger was accused of ordering the crime, and Levin of its direct organization. According to the investigators' version, the defendants conspired and intended to cause grievous bodily injuries to the victim in order to intimidate her: the perpetrators were offered a reward for pouring acid at her or breaking her arms and legs.

The attorneys of Kateryna Handziuk's family, in turn, also stated that they were filing a civil lawsuit to compensate them for the material and moral harm they had suffered. Manger stated instead that he was pleading not guilty and did not understand what he was being accused of. Levin pleaded not guilty as well.

On October 1, at a hearing in the Prymorsky District Court of Odesa, one of the individuals involved in the case of the attack on Kateryna Handziuk, Ihor Pavlovsky, gave testimony about Vladyslav Manger and Oleksiy Levin's involvement in the crime as the person who ordered it and its organizer, respectively, to fulfill his part of the deal with the investigation. On October 16, the court found Ihor Pavlovsky guilty of concealing a crime and sentenced him to two years in prison with one year of probation. Pavlovsky was released on November 24.

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

### 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, his sentence was commuted and he was released. 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.

The National Police announced that Yuriy Rossoshansky confessed to the murder of the human rights defender. But his defense claims that Rossoshansky was compelled to confess to the crime which he did not commit by promising to help his son instead.

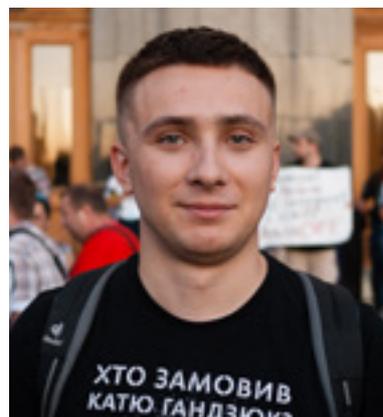
In 2020, the case of the murder of Iryna Nozdrovska was still on trial in the Shevchenkivsky District Court of Kyiv. Among other things, the court extended the preventive measure in the form of detention of Yuriy Rossoshansky, and examined a video recording of his interrogation about preparations for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

On September 9, the Court moved on to examining forensic reports in the case of Nozdrovska's murder; in particular, the judge read out the materials on the nature of injuries on the body of the deceased activist, as well as on analyzing skin cells found under her nails. According to the forensic conclusion, some of the aforementioned tissue samples belong to the suspect, Yuriy Rossoshansky.

During the hearings, the victims, Iryna Nozdrovska's parents and her daughter Anastasia, stated several times that Rossoshansky did not commit the crime alone, but that somebody helped him.

### Serhiy Sternenko's case

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



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



■ **Demonstration at the Security Service of Ukraine building in Kyiv titled “Get your hands off Sternenko.”**

Photo credits by Anastasiya Moskvychova, ZMINA

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. As for the third attack on Serhiy Sternenko, Oleksandr Isaykul and the deceased Ivan Kuznetsov were declared suspects. The suspects’ actions were categorized as hooliganism with the use of a weapon or another object adapted to causing bodily injuries. Later, Kuznetsov’s case was closed due to his death.

Meanwhile, on June 11, 2020, Sternenko was declared a suspect in the intentional murder of Kuznetsov and illegal carrying of a cold weapon. On June 15, the Shevchenkivsky District Court of Kyiv chose a preventive measure for the activist in the form of around-the-clock house arrest for 60 days. On August 6, the Shevchenkivsky District Court of Kyiv mitigated the preventive measure for Sternenko, replacing around-the-clock house arrest with nightly house arrest.

In late August 2020, the hearings in Sternenko’s case were handed over to Odesa, despite the defense’s requests. The High Court of Ukraine denied Serhiy Sternenko a change in the jurisdiction of the case in which he features as a suspect. The case was thereafter tried by the Prymorsky District Court of Odesa.

On August 31, the Prosecutor’s Office once again requested to arrest Sternenko. However, on September 28, a collegium of judges of the Prymorsky District Court of Odesa rejected this request and established nightly house arrest for the activist.

In October 2020, residents of Chornomorsk, Olesia and Olha Kuznetsovs, the widow and ex-wife of the deceased Kuznetsov, filed civil lawsuits for the total about of 4.5 million hryvnias against Serhiy Sternenko.

The trials of Serhiy Sternenko's case were accompanied by rallies and protests throughout May and June 2020 in Kyiv. 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 Commission<sup>27</sup> 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.<sup>28</sup>

After the hearing of Serhiy Sternenko's case was moved to Odesa, it was still accompanied by rallies near the courthouse, attended by the activist's supporters. On August 31, Sternenko was attacked again, this time near the Prymorsky District Court building before the start of a hearing in his case. Two attackers poured unknown liquid on the activist, and another man filmed it. In addition, on September 1, in Odesa, two unidentified individuals attacked the activist Oleksandr Romaniuk, who arrived at the court building to support Sternenko. The attack took place when Romaniuk was walking to the railway station after the hearing in order to return home. Because of the attack on his client, Sternenko's lawyer Vitaliy Tytych requested to move the trial of the case from Odesa to Kyiv, but the Supreme Court rejected the request.

<sup>27</sup> 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-gandyuk-nazvala-dij-sylovykiv-shhodo-sternenka-porushennyam-konstytuciyi/>

<sup>28</sup> 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-uhspl-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>



6

BRIEF OVERVIEW  
OF BILLS WHICH  
THREATEN CIVIL  
SOCIETY

During 2020, 12 bills were registered in the Verkhovna Rada which threaten civil society, violate the Constitution and Ukraine's international commitments in the sphere of human rights. They include, in particular, bills which disproportionately restrict the freedom of associations and gatherings, discriminate against certain categories of activists or support homophobic ideas.

Some provisions of these documents 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 directly near courts, introduced "polygraph tests" for civil activists who wish to work in government institutions or government-affiliated companies, require excessive and unjustified financial reporting for non-governmental organizations with foreign funding, remove the term "gender" from legislation and prohibit the "propaganda of transgenderism and homosexuality," etc.

Most of these bills were not developed to regulate various aspects of work of civil society exclusively, but were related to other spheres (for example, bills on forming supervisory boards of public companies). But some provisions of these documents, if they are adopted, will 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 "Sorosiat" and the anti-western rhetoric promoted by some political forces.

These bills were proposed by MPs from three political factions: the **Servant of the People**, **Opposition Platform – For Life**, and **Fatherland**; 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 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.
9. The bill on introducing changes to some legislative acts of Ukraine on protecting the family, childhood, motherhood and fatherhood (**#3916** of July 22, 2020). Authors: **Heorhiy Mazurashu**, **Olena Lys**, members of the MP faction of the Servant of the People political party.
10. Bill on introducing changes to the Misdemeanor Code of Ukraine on responsibility for the propaganda of homosexuality and transgenderism (**#3917** of July 22, 2020). Authors: **Heorhiy Mazurashu**, **Olena Lys**, members of the MP faction of the Servant of the People party.
11. Bill on introducing changes to the Tax Code of Ukraine to ensure the disclosure of information on funding the activities of civil associations with regard for adherence to international standards in the sphere of human rights and the rule of law (**#3936** of July 27, 2020). Author: **Oleksandr Dubinskyi**, member of the MP faction of the Servant of the People party.

One of the registered bills has already been removed from the VR's agenda, specifically:

12. Bill on introducing changes to the Criminal Code of Ukraine (on establishing criminal responsibility for public calls and/or propaganda of refusal to bear children, destruction of the institution of the family, extramarital and unnatural sexual relations and lechery) (**#3316-1** of April 24, 2020). Author: **Oleh Voloshyn**, member of the MP faction of the Opposition Platform—For Life party.

Below, we present a brief analysis of the bills registered in 2020 which pose a threat to civil society.

## BILLS WHICH EQUATE NGO ADVOCACY WITH COMMERCIAL LOBBYISM

In February–March 2020, the Verkhovna Rada of Ukraine registered four bills on legal regulation of lobbyism and lobbying activities.

The main Bill 3059 “On state registration of lobbying actors and performing lobbyism in Ukraine” **#3059**<sup>29</sup> was submitted on February 11 by MPs from the **Fatherland** faction, **Yulia Tymoshenko** and **Serhiy Vlasenko**.

All three alternative bills, **#3059-1**<sup>30</sup> (O. Dubinsky, O. Vasylevska-Smahliuk), **#3059-2**<sup>31</sup> (a group of MPs: O. Kachur, T. Tarasenko, Y. Yasko and others) and **#3059-3**<sup>32</sup> (D. Monastyrsky, P. Frolov) were submitted by representatives of the **Servant of the People**, the party that formed the parliamentary majority.

<sup>29</sup> Bill 3059 “On state registration of lobbying actors and performing lobbyism in Ukraine” of February 11, 2020 [Проект Закону про державну реєстрацію суб'єктів лобіювання та здійснення лобіювання в Україні № 3059 від 11.02.2020] / Verkhovna Rada of Ukraine: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68128](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68128)

<sup>30</sup> Bill 3059-1 “On lobbyism” of February 28, 2020 [Проект Закону про лобізм № 3059-1 від 28.02.2020] / Verkhovna Rada of Ukraine: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68265](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68265)

<sup>31</sup> Bill 3059-2 “On legal and transparent regulation of lobbying activities” of March 2, 2020 [Проект Закону про правове та прозоре регулювання діяльності з лобіювання № 3059-2 від 02.03.2020] / Verkhovna Rada of Ukraine: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68275](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68275)

<sup>32</sup> Bill 3059-3 “On lobbying activities” of March 03, 2020 [Проект Закону про лобістську діяльність № 3059-3 від 03.03.2020] / Verkhovna Rada of Ukraine: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68279](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68279)

While analyzing whether these bills meet the Council of Europe standards, it is important to point out that in 2013, the Venice Commission published a Report on the Role of Extra-Institutional Actors in the Democratic System (Lobbying)<sup>33</sup> which defines the general provisions with regard to the Council of Europe's view on the legislative regulation of lobbying.

By a "lobbyist," the Recommendation of the Committee of Ministers of the Council of Europe means "*any individual or legal entity that engages in lobbying during public decision making.*" The report indicates that lobbying usually involves the lobbyists receiving directly or indirectly consideration for their services to attempt to influence political decisions, i.e. pursuing this activity on a "professional" basis. This criterion is intended to exclude from the definition of lobbying forms of participatory democracy such as petitions to Parliament or the actions of everyday citizens who may seek to discuss matters of importance with their representatives, or campaigns on issues of social importance conducted, for instance, by non-governmental organizations as a part of their regular work.

All of the bills listed above, except #3059-2, pose a potential threat to civil society and the activities of non-governmental organizations in general. The terminology about lobbying used by the authors of the bills can be interpreted very broadly, it encompasses the sphere of advocacy and erases the fine line between these two concepts.

These bills are formulated in a way that, if any of them is adopted, most advocacy campaigns implemented by non-governmental organizations in Ukraine will be within the scope of their legal regulation. This is primarily about including advocacy activities by civil society actors in promoting reforms or socially beneficial change into the concept of lobbying.

Only one of the bills, #3059-2, contains a separate normative definition of "advocacy" as an activity separate from lobbying without a goal of gaining profit and in issues of social interest, aimed at defending the rights, freedoms and legitimate interests of individuals. In addition, only this bill mentions public consultations as a process, separate from lobbying, of communication between state or government actors and interested parties in formulating policies and resolving issues of local significance for the purpose of coordinating public, social and private interests.

Another threatening feature of all the bills is the establishment of strict sanctions (including criminal responsibility) for failure to comply with their provisions, as well as the introduction of a number of unclearly articulated administrative procedures for bringing potential lobbyists to responsibility. Such provisions in the bills pose a risk of potential abuse of authority to put pressure on non-governmental organizations.

In general, the submitted bills also have other flaws from the perspective of ensuring the right to the freedom of unions and associations, especially in the parts where their texts contradict the laws that have already been adopted. For instance, Bill #3059-1 contains the term "non-profit organization," which also applies to political parties and to co-owners of apartment buildings; and Bill #3059-3 proposes to introduce the term "commissioned public action" in the current legislation as one of the types of lobbying activities, thus legalizing this phenomenon.

Bill on banning civil activists from being members of supervisory boards of public companies and banks

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<sup>33</sup> CDL-AD(2013)011-e Report on the Role of Extra-Institutional Actors in the Democratic System (Lobbying) Adopted by the Venice Commission at its 94th Plenary Session (Venice, 8-9 March 2013) <https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282013%29011-e>

On March 17, 2020, the **Servant of the People** MP **Oleksandr Dubinsky** and the non-faction MP **Andriy Derkach** registered Bill #3193-1 “On introducing changes to some legislative acts to ensure equal rights and opportunities of citizens for representation in supervisory boards and governing bodies of unitarian state enterprises, economic associations and state banks and on fair formation and effective activities of these supervisory boards while taking into account the national interests of Ukraine”<sup>34</sup> in the Verkhovna Rada.

This document proposes to ban individuals who are or have been in the past five years members of the governing bodies of civil associations, including the ones that receive or have received foreign funding in the past five years or worked with foreign non-governmental organizations, from becoming members of supervisory boards of state companies and state banks.

In the final provisions, O. Dubinsky and A. Derkach also proposed to fire the current members of supervisory boards who have had experience of civil activities.

All the restrictions mentioned above do not fit the logic of current Laws of Ukraine “On managing state properties” and “On banks and banking activities” and are openly discriminatory and unjustified, limit the right to the freedom of association, and are not necessary in a democratic society.

In addition, the practice of the European Court of Human Rights (ECHR) in the application of Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms (the right to the freedom of association) takes the path of viewing legislative initiatives aimed at preventing individuals from holding certain offices in the public sector due to their (former) membership in certain legal associations as a violation of the Convention.

And in view of the practice regarding violations of Article 14 of the Convention (prohibition of discrimination), we can conclude that limiting individuals who have been (are) members of non-governmental organizations, including ones that have received funding or other kinds of aid from abroad, from holding offices in government bodies or public companies can be interpreted additionally as a violation of Article 14 of the Convention and be recognized as discrimination.

The final provisions of the bill (on firing the currently elected members of supervisory boards based on their non-compliance with the provisions adopted after they were elected) do not meet the principle of non-retroactivity of laws and the criterion of legality in the aspect of predictability of laws, as interpreted by the European Court of Human Rights (see the case of *Rekvényi v. Hungary* [VP], #25390 / 94, § 59, ECHR 1999-III).

Therefore, Bill #3193-1 does not correspond to the contemporary practice of application of international human rights standards, which takes the path of recognizing the importance of the role of non-governmental organizations and human rights defenders in building a democratic society.

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<sup>34</sup> Bill 3193-1 on introducing changes to some legislative acts to ensure equal rights and opportunities of citizens for representation in supervisory boards and governing bodies of unitarian state enterprises, economic associations and state banks and on fair formation and effective activities of these supervisory boards while taking into account the national interests of Ukraine of March 17, 2020 (Проект Закону про внесення змін до деяких законодавчих актів щодо забезпечення рівних прав та можливостей громадян із представництва у наглядових радах та органах правління державних унітарних підприємств, господарських товариств та державних банків та справедливого формування і ефективної діяльності таких наглядових рад із врахуванням національних інтересів України №3193-1 від 17.03.2020): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68407](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68407)

## BILL ON BANNING RALLIES NEAR COURTS

On March 30, 2020, **Serhiy Demchenko**, a member of the MP faction of the **Servant of the People** party, registered bill **#329135** 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.

S. Demchenko proposes to add a provision to Article 6 “Independence of judges” of the Law of Ukraine “On judicial system and the status of judges” which will ban rallies, demonstrations, pickets, protests, other similar actions, installation and functioning of tents, stages, other similar structures, placement and demonstration of signs, banners, flags, political symbols, megaphones, sound, light or similar equipment, including supplementary equipment or tools for holding such actions, within 50 meters of court premises or buildings.

The bill proposes that the Court Security Service have the authority to stop the aforementioned actions or to act without making any additional decisions or receiving instructions, involving, if needed, representatives of the National Police of Ukraine or the National Guard of Ukraine.



■ **Demonstration near the Constitutional Court of Ukraine.** Photo credits by Mykola Myrnyi, ZMINA

Legislative definition of the court perimeter within which holding peaceful gatherings is not allowed contradicts Article 21 of the International Covenant on Civil and Political Rights and Article 11 of the European Convention on Human Rights (see., e.g., the case of *Lashmakin et al. v. Russia*).

As for restricting the means of holding peaceful gatherings, deciding whether they want to use equipment, such as banners, megaphones, musical instruments or other technical devices, such as projection equipment, to communicate their messages is the exclusive right of the participants. Gatherings can be a reason for temporary constructions, including sound systems, to reach the audience or achieve the goals in another way (see, e.g., ECHR decision in the case of *Frumkin v. Russia*, as well as Paragraph 58 of the General Comment #37 of the UN Human Rights Committee).

Giving the Court Security Service the power to stop peaceful gatherings, which is not typical for it, not to mention unlimited, should also be understood as unjustified and disproportionate. The content of the right to the freedom of peaceful gatherings presupposes that the state should create specially trained police units to patrol peaceful gatherings, and only their personnel should be used to protect demonstrations due to the special social importance of issues brought out to the public space by participants of the gatherings, and due to the often heightened emotional nature of such events.

Thus, the idea of a bill to specify the perimeter of courts within which peaceful gatherings cannot be held, and to specify the activities which cannot be performed as a part of a peaceful gathering within this perimeter, does not correspond to the content of the right to peaceful gatherings as it is viewed by the UN Human Rights Committee, Venice Commission, ODIHR OSCE, and as it is interpreted

<sup>35</sup> Bill 3291 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 of March 30, 2020 (Проект Закону про внесення змін до статті 6 Закону України “Про судоустрій і статус суддів” щодо заборони проведення мітингів біля будівель судів №3291 від 30.03.2020): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68500](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68500)

by the European Court of Human Rights in its practice. The provisions in the bill which endow the Court Security Service with the power to stop peaceful gatherings do not meet international standards and the understanding of the content of the right to peaceful gatherings either, even when linked to direct vicinity of court buildings.

In general, this bill imposes unconstitutional restrictions on the right to the freedom of peaceful gatherings and poses a threat to citizens' ability to freely express their views, especially in the conditions of significant public distrust of the court system and systemic problems with the judiciary reform in Ukraine.

## 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 **#332636** “On introducing changes to the Law of Ukraine ‘On cleansing the government’ (to prevent external influence on the state’s interests).” On September 15, 2020, the bill was included in the agenda of the Verkhovna Rada session.

According to this document, lustration (measures to cleanse the government<sup>37</sup>) 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. In addition, the final provisions of bill #3326 propose to remove individuals who meet the aforementioned criteria from government bodies.

This bill is obviously discriminatory and violates Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms (the right to the freedom of association) and Article 14 of the Convention (prohibiting discrimination).

The restrictions of the freedom of association it proposes in the form of preventing members of legal associations from holding certain public offices is not seen by the ECHR as justifying the purpose of defending national security.

Similarly, the criterion of the source of funding of non-governmental organizations, used in Bill #3326 as a restricting factor, cannot be used to limit civil associations or their members in exercising their rights and freedoms, otherwise this will be interpreted as discrimination and stigmatization of citizen associations.

## 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.

<sup>36</sup> Bill 3326 on introducing changes to the Law of Ukraine “On cleansing the government” (to prevent external influence on the state’s interests) of April 13, 2020 (Проект Закону про внесення змін до Закону України “Про очищення влади” (щодо недопущення зовнішнього впливу на інтереси держави) № 3326 від 13.04.2020): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68576](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68576)

<sup>37</sup> The list of offices is defined in Article 2 of the Law of Ukraine “On cleansing the government” and includes almost all offices in state government bodies, local self-government and public companies.

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.

A review of international legal standards in the field of fighting discrimination and intolerance, national practices of other countries in this field, recommendations provided by international organizations in which Ukraine is a member, as well as the practice of the European Court of Human Rights, gives us a reason to say that neither the theory of international law nor the practice of its application recognizes such concepts as the "institution of the family" or "family values" as protected characteristics.

The author does not provide references to any international or foreign practices of introducing such concepts to the national criminal law in the accompanying documents to Bill #3316-1 either.

In general, 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.

On September 1, 2020, the bill was removed from the VR's consideration together with an alternative one.

## 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)."

This is an attempt to place the activities of civil society organizations, 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.

The bill proposes to establish restrictions of the right to the freedom of unions and associations, which knowingly contradicts the Constitution of Ukraine and is discriminatory against civil activists, as well as does not correspond to the contemporary practice of application of international human rights standards, which takes the path of recognizing the role of non-governmental organizations and human rights defenders in building a democratic society.

## 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 **#357238** "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 (ITA) 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.

Because as of now, the Ukrainian law does not set direct restrictions on the use of ITA funds received by the state budget of Ukraine, or any restrictions on the use of funds from projects (programs) aimed at supporting the development of civil society institutions.

For example, there are no limitations today for international intergovernmental and non-governmental organizations, as well as Ukrainian NGOs, organizing learning visits or public training events for government officials in order to improve their qualification, to allow them to exchange experience with their colleagues; in contrast, the state budget of Ukraine hardly ever funds such learning visits for public officials and local self-government officials.

<sup>38</sup> 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 of June 2, 2020 (Проект Закону про внесення змін до деяких законів України щодо заборони фінансування органів влади та їх посадових (службових) осіб з-за кордону та заборони найвищим посадовим особам держави мати громадянство (підданство) іноземної держави №3572 від 02.06.2020): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68997](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68997)

If this bill is adopted, there is a risk that initiatives like this, which are very useful for improving public governance in the country, will be banned, because the Law of Ukraine “On sources of funding for state government bodies” today does not define what exactly (which actions) are encompassed by the concept of funding for government bodies.

The bills on banning the “propaganda of homosexualism or transgenderism”<sup>39</sup> and removing the term “gender” from the Ukrainian legislation

On July 22, 2020, **Heorhiy Mazurashu** and **Olena Lys**, members of the MP faction of the **Servant of the People** political party, registered Bill **#391640** in the parliament, proposing to introduce changes to some legislative acts of Ukraine on protecting the family, childhood, motherhood and fatherhood.

The bill proposes to introduce changes to the laws “On protecting public morality,” “On printed mass media (press) in Ukraine,” “On television and radio broadcasting,” “On the publishing business,” “On education,” for the purpose of banning the “propaganda of homosexuality or transgenderism.” In addition, this bill proposes to introduce changes to the laws “On higher education,” “On physical culture and sports,” “On scientific and scientific-technical activities,” “On ensuring equal rights and opportunities for women and men,” in order to remove the term “gender” from the aforementioned laws.

On the same day, July 22, 2020, the same members of the MP faction of **Servant of the People**, **Heorhiy Mazurashu** and **Olena Lys**, registered Bill **#391741** in the parliament to introduce changes to the Misdemeanor Code of Ukraine regarding responsibility for the “propaganda of homosexuality and transgenderism.”

It proposes to make changes to the Misdemeanor Code of Ukraine, establishing a new misdemeanor description in Article 180.2: “Propaganda of homosexuality or transgenderism which can negatively affect the physical or mental health, moral or spiritual state and human development,” imposing fines in the amount of up to 8,000 non-taxable minimum incomes.

In this context, it is important to note that Articles 2, 19, 21 and 26 of the International Covenant on Civil and Political Rights, which has been ratified by Ukraine, guarantee the right to non-discrimination and equal protection by law, as well as the right to the freedom of opinion and expression of views. The right to non-discrimination is also protected by Article 2 of the Universal Declaration of Human Rights, as well as by non-discrimination provisions of other international agreements.

The legal practice of international organizations, general comments and final remarks of the treaty bodies of the United Nations constantly emphasize that sexual orientation and gender identity are “protected characteristics,” and discrimination on these grounds is prohibited by international law. In addition, special procedures of the UN Human Rights Council have long recognized discrimination based on these characteristics.

UN treaty bodies also developed a legal position a rather long time ago according to which legislation which prohibits the “propaganda of non-traditional sexual relations” must be cancelled,

<sup>39</sup> The terms “homosexuality” and “transgenderism,” as opposed to “homosexuality” and “transgenderism,” are used in Ukraine by opponents of LGBTIQ+ rights and are considered offensive by some people. *Transl.*

<sup>40</sup> Bill #3916 on introducing changes to some legislative acts of Ukraine on protecting family, childhood, motherhood and fatherhood of July 22, 2020 (Проект Закону про внесення змін до деяких законодавчих актів України щодо охорони сім’ї, дитинства, материнства і батьківства №3916 від 22.07.2020): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69582](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69582)

<sup>41</sup> Bill #3917 on introducing changes to the Misdemeanor Code of Ukraine on responsibility for the propaganda of homosexuality and transgenderism of July 22, 2020 (Проект Закону про внесення змін до Кодексу України про адміністративні правопорушення щодо відповідальності за пропаганду гомосексуалізму та трансгендеризму №3917 від 22.07.2020): [https://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69583](https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69583)

and instead, states should take all the necessary steps to guarantee the right to association and peaceful gathering for the LGBT community (see, in particular, CCPR/C/RUS/CO/7, E/C.12/GC/20, CRC/GC/2003/3, CRC/GC/2003/4, CRC/C/GC/13, CEDAW/C/GC/28, CEDAW/C/GC/35, CAT/C/GC/2, A/HRC/19/41).<sup>42</sup>

In addition, Article 13 of the International Covenant on Economic, Social and Cultural Rights,<sup>43</sup> which has been ratified by Ukraine, recognizes the right of everyone to education, including the right to obtaining comprehensive, accurate and age-appropriate information about sexuality, in order to give young people the opportunity to lead a healthy lifestyle, make reasonable decisions and protect themselves and others from sexually transmitted infections. To meet the comprehensiveness criteria, sexual education must pay special attention to knowledge about the concepts of sexual orientation, gender identity and sexual characteristics.<sup>44</sup>

Therefore, changes proposed in these bills (particularly replacing the term “gender” with “women and men”; introducing administrative responsibility for expressing gender identity or sexual orientation) are not only unjustified, but also openly contradict Ukraine’s international commitments, the practice of international treaty bodies in which Ukraine is a member, the position expressed by the experts of the UN Human Rights Council and the UN High Commissioner for Human Rights, the EU practice in the field of fighting discrimination, the Council of Europe standards, and the ECHR practice in the sphere of protection against discrimination.

If any of these bills are adopted, this will also become a significant challenge for the work of human rights organizations in Ukraine, particularly those that work to defend the rights of the LGBTIQ community and to establish gender equality.

## BILL ON EXCESSIVE REQUIREMENTS FOR DISCLOSING FINANCIAL INFORMATION OF CIVIL SOCIETY ORGANIZATIONS

On July 27, 2020, **Oleksandr Dubinskyi**, a member of the MP faction of the Servant of the People party, registered Bill #393645 in the Verkhovna Rada to introduce changes to the Tax Code of Ukraine on ensuring the disclosure of information about the funding of activities of civil associations with regard to adherence to international standards in the sphere of human rights and the rule of law.

Dubinskyi proposes to oblige civil society organizations with international support to publish on their own websites and to submit to a state registration agency annually by March 1 the information on: the identities of their heads and individuals elected to the governing body of the NGO; the number of members of the NGO, the established amount of contributions in the reporting year and their actual receipt on the NGO’s account; the total amount of income received by the NGO from individuals, companies, institutions and organizations; the amount and purpose of income received by the NGO from abroad, as well as the country of origin of

<sup>42</sup> See Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24175>

<sup>43</sup> International Covenant on Economic, Social and Cultural Rights: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

<sup>44</sup> Report of the Special Rapporteur on the right to education (A/65/162), 2010, para. 23. See also UNFPA, Comprehensive sexuality education, at <http://www.unfpa.org/comprehensive-sexuality-education>; and World Health Organization Regional Office for Europe and the Federal Centre for Health Education “Standards for Sexuality Education in Europe,” 2010, incl. p.27.

<sup>45</sup> Bill #3936 on introducing changes to the Tax Code of Ukraine to ensure the disclosure of information on funding the activities of civil associations with regard for adherence to international standards in the sphere of human rights and the rule of law of July 27, 2020 (Проект Закону про внесення змін до Податкового кодексу України щодо забезпечення оприлюднення інформації про фінансування діяльності громадських об’єднань №3936 від 27.07.2020): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69609](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69609)

the funds; the amount and purpose of the NGO's spending of the funds received from abroad; the participation of the NGO's leaders in the governing bodies of other civil associations and political parties.

The bill proposes to exclude those who violate it from the Registry of Non-profit Institutions and Organizations and to make them pay taxes, fines and fees. The MP also wants to ban legal entities and individuals who provide services to the NGO or its companies or enterprises from being registered as single-tax payers in Groups I-III.

Bills with similar content were already submitted to the previous parliament by President Petro Poroshenko. In particular, these include Bill #6674 "On introducing changes to some legislative acts to ensure the openness to society of information on the funding of the activities of civil associations and the use of international technical aid" and Bill #6675 "On introducing changes to the Tax Code of Ukraine to ensure the openness to society of information on the funding of the activities of civil associations and the use of international technical aid." In 2018, the Venice Commission together with ODIHR OSCE provided their Joint Opinion on these two bills, registered in the previous Verkhovna Rada of Ukraine. The Opinion stated<sup>46</sup> that *"The new financial disclosure regime would conflict with human rights and fundamental freedoms, namely, the freedom of association, the right to respect for private life and the prohibition of discrimination. The Venice Commission and the OSCE/ODIHR cannot see a need for such amendments and recommend that they be reconsidered in their entirety."*

The analysis of ZMINA Human Rights Centre also shows that Bill #3936 contradicts human rights and fundamental freedoms, particularly the freedom of association, the right to respect for private life, and prohibition of discrimination; it cannot be reconciled with international commitments undertaken by Ukraine, particularly the ones provided by the International Covenant on Civil and Political Rights and the European Convention on Human Rights; it contradicts the position of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, expressed in his numerous reports, as well as the Joint Guidelines of OSCE/ODIHR and the Venice Commission on Freedom of Assembly of 2014, etc.

It can be concluded that the purpose of this initiative by O. Dubinskyi is to establish unjustified tax control by the government over the activities of civil associations in Ukraine, which violates the principle of equality of all taxpayers before the law, of preventing any tax discrimination in the tax legislation of Ukraine.

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If even one of the bills listed above is adopted, it will be a serious blow to the situation with human rights and the freedom of association and peaceful gatherings in Ukraine. ZMINA will monitor the situation around these bills in 2021.

<sup>46</sup> Ukraine – Joint Opinion on Draft Law No. 6674 "On Introducing Changes to Some Legislative Acts to Ensure Public Transparency of Information on Finance Activity of Public Associations and of the Use of International Technical Assistance" and on Draft Law No. 6675 "On Introducing Changes to the Tax Code of Ukraine to Ensure Public Transparency of the Financing of Public Associations and of the Use of International Technical Assistance" adopted by the Commission at its 114th Plenary Session (Venice, 16-17 March 2018) [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2018\)006-e#](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2018)006-e#)



# 7

## BRIEF REVIEW OF CASES OF PERSECUTION OF HUMAN RIGHTS DEFENDERS AND CIVIL ACTIVISTS

## JANUARY 2020

## #physical\_attack

- In the evening of **December 10, 2020**, in **Kryvyi Rih**, Dnipropetrovsk Region, two unidentified individuals attacked **Serhiy Barabashuk**,<sup>47</sup> the head of the Union of Miners of the PJSC Sukha Balka, with a knife and brass knuckles.

Barabashuk resisted during the attack, used pepper spray against the attackers and called the police. According to the victim, he does not know the attackers personally, but when the police arrived and arrested them, one of the arrested men started shouting insults and threats at Barabashuk, mentioning his union activities.

After the attack, Mykhailo Volynets, the head of the Independent Union of Miners of Ukraine, stated that a day before the attack Barabashuk was denied access to the territory of the Yuvileina Mine, where he planned to hold a meeting with the workers. Volynets published a video about this the day before.<sup>48</sup>

According to him, this was not the first case of pressure on Serhiy Barabashuk as a part of his civil activism and of creating obstacles to interaction with workers by PJSC Sukha Balka at the time when the unions demanded that the company's leaders solve the issue of cutting bonuses, violations in vacation days calculation, wage reductions, etc.

On February 28, 2020, the case was handed over to the Zhovtnevy District Court of Kryvyi Rih based on Part 1 of Article 125 (intentional light bodily harm) of the Criminal Code of Ukraine (CCU). The case features one defendant, Matviy Nadiuk. Another man whom Barabashuk points at as an attacker is registered as a witness.

As the Prosecutor's Office of Dnipropetrovsk Region told ZMINA Human Rights Centre, the investigation found that Nadiuk hit Barabashuk in the face several times with a fist. The brass knuckles and the knife mentioned by the victim, as well as the presence of another attacker, are not mentioned in the reply to the request at all.

Instead, it is noted that Nadiuk, together with Barabashuk, were visiting a friend, where an argument developed between them. The Prosecutor's Office denies the fact that aggression towards Barabashuk was associated with his union activities.

As of December 2020, the case is at the stage of examining the evidence. According to the victim, witnesses have been interrogated, who, in particular, spoke in court about a second attacker on Barabashuk (who, in turn, claims that Barabashuk pepper sprayed him without a reason) and confirmed that the second attacker had a knife.

The Kryvyi Rih Private Joint-Stock Company Sukha Balka specializes in underground mining of iron ore. It includes two mines. About 3,000 workers are employed there.

<sup>47</sup> In Kryvyi Rih, the head of the union of miners at a local company was attacked [У Кривому Розі напали на керівника профспілки гірників місцевого підприємства] / ZMINA, January 12, 2020: <https://zmina.info/news/u-krivomu-rozi-napaly-na-kerivnyka-profspilky-girnykiv-miscevoz-go-pidpryyemstva/>

<sup>48</sup> Mykhailo Volynets / Personal Facebook page, January 9, 2020: <https://www.facebook.com/VolynetsMykhailo/videos/1233242493533037/?fref=mentions>

## #physical\_attack

- In the morning of **January 14, 2020**, in **Kyiv**, there was a confrontation between individuals who accompanied construction equipment to the territory of a land plot regarding which the Department of Cultural Heritage Protection of the Kyiv City State Administration (KCSA) made a decision to stop the construction work earlier, on January 10, and the activists of the **non-governmental organization Mykilska Slobidka**, who were keeping watch there. (Later, on January 23, the developer, LLC Nova Slobidka, appealed the Department's decision in court,<sup>49</sup> but at the moment of the incident construction work was not allowed).

A video published by the activists on Facebook<sup>50</sup> shows a fight with the use of clubs and pepper spray, and one can hear sounds similar to gunshots.

The activists reported four people injured as a result of the incident, but two of the victims, according to them, did not go to the police.

The police opened a case<sup>51</sup> according to Part 2 of Article 296 of the CCU (hooliganism).

On August 31, 2020, as it became known later from a reply by the Investigative Department of the Kyiv Police to a request from ZMINA Human Rights Centre, after an investigation was conducted, the case was closed for lack of evidence of a criminal offense.

NGO Mykilska Slobidka was founded in December 2015<sup>52</sup> in Kyiv. It is engaged in developing the neighborhood and defending the rights of the residents of Mykilska Slobidka in court. According to information from open sources, the organization's leader is Andriy Dekalo.

## #physical\_attack

- On **January 18, 2020**, in **Varash**, Rivne Region, an unidentified individual broke into the apartment of the activist **Olha Kravchuk**, who protested against corruption at the local hospital and was the administrator of a corresponding Viber group; the attacker choked and threatened her.

The victim told ZMINA Human Rights Centre<sup>53</sup> that she was returning home with her two-year-old child. At the moment when Kravchuk was closing her apartment door, she was attacked from behind by an unidentified individual, who opened the door sharply and grabbed her throat. He demanded to delete the Viber group within an hour, otherwise he threatened to come back. When the activist's child started crying, the attacker left.

A year before the incident, Olha Kravchuk encountered corruption and unprofessional attitude at the Varash hospital. After this, she created a Viber group where she discussed these problems with city residents who cared about the issue and local councilors, and where she published documents. According to the activist, the hospital demanded that patients buy bandages,

<sup>49</sup> The court terminated the order on the protection of cultural heritage to stop construction at the address 7-9 Mykilsko-Slobidska Str. / Depo.ua, January 24, 2020: <https://www.depo.ua/ukr/politics/sud-zupiniv-diyu-privisu-okhoroni-kulturnoi-spadshchini-pro-privipennya-robit-za-adresoyu-vul-mikilsko-slobidska-7-9-202001241100917>

<sup>50</sup> NGO Mykilska Slobidka. Facebook page. January 14, 2020: <https://www.facebook.com/watch/?v=1584260185047776>

<sup>51</sup> Law enforcement officers are determining the circumstances of a fight next to the construction site in Dniprovsky District of the capital (Правоохоронці встановлюють обставини бійки біля будівельного майданчика у Дніпровському районі столиці) / National Police. Kyiv, January 14, 2020: [https://kyiv.npu.gov.ua/news/xuliganstvo/pravoohoronczi-vstanovlyuyut-obstavini-bijki-bilya-budivelnogo-majdanchika-u-dniprovsku-komu-rajoni-stoliczi/?fbclid=IwAR235RTQnISXhTu9IWwddILK7thJsnynzNOFQ\\_6CVlgWLVqic-E0nyzVAvXY](https://kyiv.npu.gov.ua/news/xuliganstvo/pravoohoronczi-vstanovlyuyut-obstavini-bijki-bilya-budivelnogo-majdanchika-u-dniprovsku-komu-rajoni-stoliczi/?fbclid=IwAR235RTQnISXhTu9IWwddILK7thJsnynzNOFQ_6CVlgWLVqic-E0nyzVAvXY)

<sup>52</sup> NGO Mykilska Slobidka / YouControl, 7 квітня 2020 року: [https://youcontrol.com.ua/catalog/company\\_details/40157613/](https://youcontrol.com.ua/catalog/company_details/40157613/)

<sup>53</sup> In Varash, someone tried to choke an activist who protested against corruption at the hospital (У Вараші активістку, яка протестувала проти корупції в лікарні, намагалися задушити) / ZMINA, January 21, 2020: [https://zmina.info/news/u-varashi-nevidomyj-nakynuvsy-na-aktyvistku-yaka-protestuvala-proty-korupcziji-v-likarni/?fbclid=IwAR3JOWEqTde\\_-8C3Urelpxlppv1RZBidZTKue8\\_at9IYFK1zpijJBv9mhU](https://zmina.info/news/u-varashi-nevidomyj-nakynuvsy-na-aktyvistku-yaka-protestuvala-proty-korupcziji-v-likarni/?fbclid=IwAR3JOWEqTde_-8C3Urelpxlppv1RZBidZTKue8_at9IYFK1zpijJBv9mhU)

syringes, bathroom cleaning supplies, demanded money for services which were supposed to be free of charge. Kravchuk complained through the hotline of the Ministry of Health Care of Ukraine (MHC) and achieved the creation of a working group at the orders of the Varash mayor, who initiated an audit of the targeted use of local budget funds by the State Institution “Specialized Medical Unit No. 3 of the Ministry of Health Care of Ukraine” in the period of 2015–2019.

After the attack, Olha Kravchuk deleted the Viber group and reported that she would stop her anti-corruption work due to fears for her child’s safety.

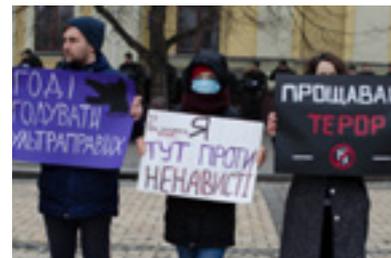
In reply to a request from ZMINA Human Rights Centre, the Police Department of Rivne Region noted that a case was opened based on the fact of the incident of January 21 according to Article 129 of the Criminal Code of Ukraine (threat of murder). According to the police, nobody was declared a suspect, and already on February 29, based on the results of a pre-trial investigation, a decision was made to close the case “for lack of evidence of a crime.”

### #obstruction\_of\_peaceful\_gatherings

### #intimidation\_threats\_and\_other\_forms\_of\_pressure

### #privacy\_violations

- On **January 19, 2020**, in Mykhailivska Square in **Kyiv**, there was a protest demonstration against far-right violence on the anniversary of the murder of the Russian lawyer Stanislav Markelov and the journalist Anastasia Baburova. The demonstration was organized by the anti-fascist initiative **January 19th Committee**.<sup>54</sup> There was also a counter-protest nearby “in the memory of victims of leftist terror,” organized by the far-right, who first tried to throw eggs at their opponents, and when the demonstration ended, they tried to throw firecrackers. Nobody was injured during the demonstration.



■ Demonstration of January 19, 2020, credit: Mykola Myrnyi, ZMINA

The Kyiv Police arrested 11 people from the far-right demonstration on the spot, delivered them to the police department and later released them after writing misdemeanor reports according to Article 173 (petty hooliganism) of the Misdemeanor Code of Ukraine (MCU).<sup>55</sup>

At the same time, some participants of the demonstration faced intimidation after the event. In particular, **Taras Bilous**, an editor of the Commons magazine, who was holding a banner reading “Disband the Azov Regiment,” reported a phone call two hours after the demonstration advising him “not to do anything stupid.” In addition, the activist also received threats in social media posts and direct messages, and information about him with threats was published by the Tales of the 4th Reich Telegram channel<sup>56</sup> (in particular, it published a photo of Bilous from the demonstration with a call to violence against him: “*Find and beat down. A matter of honor!*”). In addition to this post, this Telegram channel consists of reposts of articles from various publications, thoughts about social and political topics, and posts and images with signs of hate speech and tolerance for Adolf Hitler’s ideology.

<sup>54</sup> Stop Far-Right Terror (Зупинимо ультраправий терор) / Facebook event: <https://www.facebook.com/events/607899129753522/>

<sup>55</sup> For illegal actions in Mykhailivska Square, the police brought eleven people to the police department (updated) (За протиправні дії на площі Михайлівській поліцейські доставили до управління поліції одинадцять осіб [оновлено]) / National Police of Ukraine. Kyiv, January 19, 2020: <https://kyiv.npu.gov.ua/news/novini/za-protipravni-diji-na-ploshhi-mixajlivskij-policejski-dostavili-do-upravlinnya-policziji-odinadczyat-osib/>

<sup>56</sup> Tales of the 4th Reich (Былины IV рейха) / Telegram channel, January 19, 2020: [https://t.me/sanatoriy\\_satani/794](https://t.me/sanatoriy_satani/794)

Bilous also reported that someone searched for him at the university dormitory where he used to live, asking dormitory employees about his current whereabouts.

The lawyer Stanislav Markelov and the journalist Anastasia Baburova died from gunshot wounds during an attack on them on January 19, 2009, in the center of Moscow. Two years after the attack, Nikita Tikhonov, the leader of the Militant Organization of Russian Nationalists, was sentenced to life in prison for this murder, and his comrade Yevgenia Khasis was sentenced to 18 years in prison as an accomplice. Demonstrations in the memory of Markelov and Baburova, as well as other victims of violence on the grounds of national intolerance or ideological hostility, take place on January 19 for over ten years now in different countries. In Kyiv, the demonstrators regularly face obstacles from far-right radicals,<sup>57</sup> sometimes in violent ways.

## #discreditation

- On **January 23, 2020, Iryna Fedoriv**, a resident of **Kotsiubynske**, Kyiv Region, and a member of the CHESNO Movement, who actively fights for the protection of the Bilychi Forest near Kyiv, reported<sup>58</sup> a number of discrediting publications about her. These materials, in particular, were published on the *Pravda Irpenia* website, and a separate website *fedoriv.info* was launched where publications of this sort are accumulated.



Photo from Iryna Fedoriv's Facebook page. Screenshot of the publication

An example of these is an anonymous text titled *Kotsiubynske's Merger with Kyiv Is Lobbied by the "Toilet of the Year"* (on the *Pravda Irpenia*<sup>59</sup> website, dated January 22, and reprinted verbatim on *fedoriv.info*<sup>60</sup> without a date).

The text contains an actual quote from Fedoriv's blog in *Ukrayinska Pravda*<sup>61</sup> and a passage about why the author of the analyzed publication disagrees with the arguments in the quote. But then, in the publication background, there is an extended negative characterization of Iryna Fedoriv which contains signs of manipulation: the text calls the activist a "bad publicity monger," "scandalously known journalist" and "the winner of the Toilet of the Year journalism anti-award" (this title was "awarded" to her and Vyacheslav Pikhovshek in 2018 by the NGO INTER-ACTION Centre for Social Development,<sup>62</sup> but we could not find any data online that someone won the "anti-award" before or after this). Then Iryna Fedoriv is accused of meeting with the then-president Viktor Yanukovich and the Prosecutor General Viktor Pshonka in 2011. In this, the text uses the phrase "blood-stained president," which makes the sentence emotionally charged, but it omits the fact that this was a meeting to prepare an interview with Yanukovich for a documentary,<sup>63</sup> which Fedoriv herself, who then worked as a journalist for the STB TV channel, reported in her blog.

<sup>57</sup> 10 years after the murder of Markelov and Baburova: Memorial demonstration in Kyiv (10 років після вбивства Маркелова і Бабурової: акція пам'яті у Києві) / Hromadske, January 19, 2019: <https://hromadske.ua/posts/10-rokiv-pislya-vbivstva-markelova-i-baburovoyo-akciya-pamyati-v-kyievi-nazhivo>

<sup>58</sup> Iryna Fedoriv. Personal Facebook page. January 23, 2020: <https://www.facebook.com/fedoriv.iryna.chesno/posts/1055218924830251>

<sup>59</sup> Kotsiubynske's Merger with Kyiv Is Lobbied by the "Toilet of the Year" (Приєднання Коцюбинського до Києва лобіює «унітаз року») / *Pravda Irpenia*, January 22, 2020: <https://irpin.news/pryiednannya-kotsiubynskoho-do-kyieva-lobiuiie-unitaz-roku/>

<sup>60</sup> Kotsiubynske's Merger with Kyiv Is Lobbied by the "Toilet of the Year" (Приєднання Коцюбинського до Києва лобіює «унітаз року») / *Iryna Pavlivna Fedoriv, a case file on the bad publicity monger*: <http://fedoriv.info/content/pryiednannya-kotsiubynskoho-do-kyieva-lobiuiie-unitaz-roku>

<sup>61</sup> The Ministry of Community Development ignores the will of the community of Kotsiubynske and infrastructural work (Міністерство розвитку громад ігнорує волю громади Коцюбинського й інфраструктурну діяльність) / *Ukrayinska Pravda*. Blogs, January 22, 2020: <https://blogs.pravda.com.ua/authors/fedoriv/5e282aa80d1eb/>

<sup>62</sup> Vyacheslav Pikhovshek and Iryna Fedoriv were awarded the journalism anti-award Toilet of the Year 2017 (Лауреатами журналістської антипремії «Унітаз року 2017» стали Вячеслав Піховшек та Ірина Федорів) / *Gazeta.ua*, January 26, 2018: [https://gazeta.ua/articles/life/\\_laureatami-zhur-nalistskoyi-antipremiyi-unitaz-roku-2017-stali-vyacheslav-pihovshek-ta-irina-fedoriv/817020](https://gazeta.ua/articles/life/_laureatami-zhur-nalistskoyi-antipremiyi-unitaz-roku-2017-stali-vyacheslav-pihovshek-ta-irina-fedoriv/817020)

<sup>63</sup> Yanukovich gave his word that the forest will not be cut down (Янукович дав слово, що ліс не вирубуватимуть) / *Ukrayinska Pravda*. Blogs, May 24, 2011: <https://blogs.pravda.com.ua/authors/fedoriv/4ddb75e6dd43/>

Another accusation, about the allegedly wrong information indicated by Iryna Fedoriv in her declaration about the value of her property, is not true. In 2018, the CHESNO Movement published an official explanation<sup>64</sup> of the situation that had developed: there was a technical mistake which was corrected within the period established by the law.

Iryna Fedoriv views these publications as pressure because of her civil activities. According to the activist, her tires were also slashed before,<sup>65</sup> and once, her electricity meter was stolen.

Iryna Fedoriv is the editor-in-chief of the CHESNO website, blogger, former member of the 6th Kotsiubynske Village Council (from November 2010). As an activist, she consistently advocates for preservation of the Bilychi Forest, which is adjacent to the village; there were attempts to give a part of the forest lands to developers. The confrontation about merging Kotsiubynske either with Kyiv or with Irpin is still going on; this will determine who makes the decisions about the village's properties. A few years ago, there was also an escalation of violence against the local politicians and officials: in November 2016, the village head, Olha Matiushyna, was attacked;<sup>66</sup> in June 2017, the head of the local election commission, Liudmyla Demchenko, was beaten;<sup>67</sup> and in October 2018, there was an arson of the car of Daryna Aleksandrova,<sup>68</sup> an employee of the Kotsiubynske Village Council who also opposed cutting down the Bilychi Forest.

## #destruction\_or\_damage\_of\_property

- On the night before **January 30, 2020**, in **Zaporizhia**, unidentified individuals burned the car of **Andriy Lukin**, a blogger and activist.

Lukin does not remember any threats or other events preceding the incident, but he pointed out in an interview for *Radio Svoboda*<sup>69</sup> that he had criticized illegal alcohol trade before, and he linked the arson to this in particular.

On the same day, the police launched an investigation according to Article 194 of the Criminal Code of Ukraine (intentional damage of property).<sup>70</sup> According to the victim, certain investigative actions were taken: he was interrogated, the investigation searched for witnesses and surveillance camera records.

As the Zaporizhia Region Police informed ZMINA Human Rights Centre, as of November 2020, the investigation was still going on, and nobody was declared a suspect.

Andriy Lukin is a resident of Zaporizhia who actively covers the city's life and problems on Facebook and Instagram, raises charity donations for orphanages or individuals experiencing hardship, and publishes various entertainment content. Before the attack, he published a video about cases of animal abuse in Zaporizhia, and another video earlier about cutting down trees.

<sup>64</sup> Explanations on the situation around the e-declaration of the CHESNO editor Iryna Fedoriv (Роз'яснення щодо ситуації довкола е-декларації редакторки ЧЕСНО Ірини Федорів) / CHESNO, April 1, 2018: <https://www.chesno.org/post/1361/>

<sup>65</sup> Unidentified individuals slashed a tire on the journalist Fedoriv's car. Video (Невідомі прокололи шину на машині журналістки Федорів. Відео) / Ukrayinska Pravda. Kyiv, June 7, 2017: <https://kiev.pravda.com.ua/news/5937ebf9c34b1/>

<sup>66</sup> Kotsiubynske Village Head makes a statement about an attempt on her life (Селищний голова Коцюбинського заявляє про замах на її життя) / TSN, November 1, 2016: <https://tsn.ua/ukrayina/selischniy-golova-kocjubinskogo-zayavlyaye-pro-zamah-na-yiyi-zhittya-797704.html>

<sup>67</sup> In Kyiv Region, the head of the Kotsiubynske Election Commission was brutally beaten in an ordered hit (На Київщині на замовлення жорстоко побили голову ТВК Коцюбинського) / TSN, June 14, 2017: <https://tsn.ua/kyiv/na-kiyivschini-na-zamovlennya-zhorstoko-pobili-golovu-tvk-koy-cyubinskogo-945307.html>

<sup>68</sup> In Kotsiubynske, a village council employee's cars were burned (У Коцюбинському спалили машини працівниці селищної ради) / Ukrayinska Pravda, October 15, 2018: <https://www.pravda.com.ua/news/2018/10/15/7195176/>

<sup>69</sup> "He said it, set it on fire and left." What we know about the arson of the journalist Halyna Tereshchuk's car («Сказав, підпалив і пішов». Що відомо про підпал авто журналістки Галини Терещук) / Radio Svoboda, January 30, 2020: <https://www.radiosvoboda.org/a/sho-vidomo-pro-pidpav-avto-zhurnalistky-halyny-tereshchuk/30408693.html>

<sup>70</sup> Ibid.

## FEBRUARY 2020

## #obstruction\_of\_activities\_of\_a\_non-governmental\_organization

## #physical\_attack

- On **February 1, 2020**, in **Vinnitsia**, four men disrupted a closed workshop on sexual orientation and gender identity for journalists, organized by the **Gender Zed** NGO and by the **Vinnitsia Investigative Journalism Agency**.

The attackers inquired who the event organizers were, shouted threats against the LGBTI community, and poured oil and scattered feathers over one of the tutors.<sup>71</sup>



■ A photo from Roman Kostyshyn's Facebook page

Some time after the incident, the responsibility for it was claimed by the Vinnitsia NGO Edelweiss, which positions itself as a “*youth nationalist organization based on the Ukrainian idea*” (at the beginning of its activities, the organization declared that it was “national-socialist” and spread the corresponding ideas on social media; however, by now, it has moved onto more moderate rhetoric).<sup>72</sup> Its founder and head, Roman Kostyshyn, published a video of the attack and called the action “preventive,”<sup>73</sup> and the people present at the workshop recognized him as one of the attackers, because he was the only one among them who did not wear a mask.

The police launched an investigation<sup>74</sup> according to Articles 171 (obstruction of legal journalistic activities) and 296 (hooliganism) of the Criminal Code of Ukraine. On April 9, the police searched<sup>75</sup> Roman Kostyshyn's place of residence as a part of the investigation.

On July 27, Kostyshyn was declared a suspect according to the article on “hooliganism perpetrated by a group of individuals.”<sup>76</sup>

## #physical\_attack

- On **February 11, 2020**, in **Dnipro**, **Ali Saledinov**, an activist of the Labor Solidarity trade union, was attacked as he was posting posters at the union leadership's request about a company which, according to his information, deceives people while providing them employment abroad. According to the victim himself, the attacker used pepper spray against him and beat him up, taking the posters away.

<sup>71</sup> In Vinnitsia, masked men disrupted a sexual orientation and gender identity workshop [У Вінниці чоловіки в масках зірвали тренінг з питань сексуальної орієнтації та гендерної ідентичності] / ZMINA, February 1, 2020: [https://zmina.info/news/u-vinnyczi-choloviky-v-maskah-zirvaly-trening-z-pytan-seksualnoy-oriyentacziyi-ta-gendernoyi-identychnosti/?fbclid=IwAR0k3SmiX98E0eWUSwKd76DnNk12CPbRXZ1P\\_UvEx3MvzW0d8P6cwLh5dU](https://zmina.info/news/u-vinnyczi-choloviky-v-maskah-zirvaly-trening-z-pytan-seksualnoy-oriyentacziyi-ta-gendernoyi-identychnosti/?fbclid=IwAR0k3SmiX98E0eWUSwKd76DnNk12CPbRXZ1P_UvEx3MvzW0d8P6cwLh5dU)

<sup>72</sup> The Edelweiss organization, which disrupted the LGBT workshop in Vinnitsia, opens branches all over Ukraine. What we know about it [Організація “Едельвейс”, яка зірвала ЛГБТ-тренінг у Вінниці, відкриває осередки по всій Україні. Що про неї відомо] / ZMINA, March 7, 2020: <https://zmina.info/articles/organizacziya-edelvejs-yaka-zirvala-lgbt-trening-u-vinnyczi-vidkrila-oseredky-po-vsij-ukrayini-shho-pro-neyi-vidomo/>

<sup>73</sup> Roman Kostyshyn. Personal Facebook page, February 4, 2020: <https://www.facebook.com/photo.php?fbid=2763494310433918&set=a:1346347645481932&type=3&theater>

<sup>74</sup> The police launched an investigation into the illegal actions against the organizers of the workshop for journalists [Поліція розпочала розслідування за фактом протиправних дій відносно організаторів тренінгу для журналістів] / National Police. Vinnitsia, February 1, 2020: <https://vn.npu.gov.ua/news/xuliganstvo/policziya-rozpochala-rozsliduvannya-za-faktom-protipravnix-dij-vidnosno-organizatoriv-treningu-dlya-zhurnalistiv/>

<sup>75</sup> A search in the residence of the head of Edelweiss, the organization that disrupted the workshop on LGBT issues in Vinnitsia [У керівника організації “Едельвейс”, яка зірвала тренінг з питань ЛГБТ у Вінниці, вручили підозру] / ZMINA, April 4, 2020: [http://zmina.info/news/u-kerivnyka-organizacziyi-edelvejs-yaka-zirvala-lgbt-trening-u-vinnyczi-provodyat-obshuk/?fbclid=IwAR0IAjL\\_gnozntFbAhcekVuFzBam7nGb0siLk-13300rW-EL7h1094FM](http://zmina.info/news/u-kerivnyka-organizacziyi-edelvejs-yaka-zirvala-lgbt-trening-u-vinnyczi-provodyat-obshuk/?fbclid=IwAR0IAjL_gnozntFbAhcekVuFzBam7nGb0siLk-13300rW-EL7h1094FM)

<sup>76</sup> The head of the organization Edelweiss, which disrupted a workshop on LGBT issues, was declared a suspect [Очільнику організації “Едельвейс”, яка зірвала тренінг з питань ЛГБТ у Вінниці, вручили підозру] / ZMINA, July 29, 2020: <https://zmina.info/news/ochilnyku-organizacziyi-edelvejs-yaka-zirvala-trening-z-pytan-lgbt-u-vinnyczi-vruchyli-pidozru/>

Saledinov reported the incident to the police, but they, according to him, did not conduct an investigation: he was given a registration number for the report, but when he called to find out if the case was included in the Unified Registry of Pre-Trial Investigations (URPTI), he was told that it was not.

In late February 2020, Vitaliy Makhinko, the head of the Labor Solidarity union, reported the Dnipro Police Department's inaction to the Security Service of Ukraine (SSU), noting, in particular, that there were comments with threats under posts about Saledinov's activities in the Ukrainian Migrant Facebook group before the attack, saying that the man's "*head will be knocked off*" (but later the comments were deleted, and screenshots were not saved). According to Makhinko, he received the reply that his complaint was passed on to the police.

According to the victim's attorney, as of December 2020, the police had not started proceedings on the report about the attack; this was appealed in court, but the decision has not been made yet—the date of consideration is yet to be determined.

Ali Saledinov is a union activist from Marhanets in Dnipropetrovsk Region. In 2018, the man went to the Dnipro company Individual Euro Group asking it to arrange papers for him for employment in Germany. He was supposed to work at a factory, but later it turned out that they did not plan to pay for the work (according to Saledinov, they were told this directly, after which he started protesting and tried to quit after working there for 40 days in total).

Some time after this, the man was first transferred to another factory where there were no other Ukrainians except for him, and a few days later he was hit by a car (Saledinov says that he was "punished" that way: 5 days after the incident, he was asked if he could go to work, Saledinov said he could not, and then he was called a faker and sent to Ukraine). After returning to Ukraine, he tried to do something about this situation, went to the Labor Solidarity union and joined it.

## #discreditation

- On **February 13, 2020**, the aforementioned *Pravda Irpenia* website published a discrediting material about the local activist from **Irpin Mykhailyna Skoryk-Shkarivska**, titled *Mykhailyna Skoryk-Shkarivska Came to a City Council Meeting Drunk*.<sup>77</sup> The information was based on Facebook comments made by "*a city resident who was also present during the meeting*" and illustrated by a photo that featured Skoryk-Shkarivska breaking through a Municipal Guard cordon. There were no attempts to explain the context or circumstances of the conflict at the City Council meeting.

The YouTube video of the incident<sup>78</sup> shows people trying to prevent Skoryk-Shkarivska from reaching the rostrum, but she breaks through and speaks about the city's general plan. Her whole statement cannot be heard, because she is interrupted by her interlocutor's voice, who emotionally opposes her and stands closer to the person who was filming. There are no signs of Mykhailyna Skoryk-Shkarivska being under the influence of alcohol or engaging in unmotivated aggression in the video.

According to the activist herself, she attended the meeting as a representative of a neighborhood committee and intended to discuss the unreasonability of closing and moving to a different location the Irpin City Children's Hospital, located next to the neighborhood she represented. According to Skoryk-Shkarivska, she did not succeed at expressing the committee's position that time due to obstruction, but the issue was discussed later.

<sup>77</sup> Mykhailyna Skoryk-Shkarivska came to a City Council meeting drunk (Михайлина Скорик-Шкарівська прийшла п'яна на сесію міськради) / *Pravda Irpenia*, February 13, 2020: <https://irpin.news/mykhaylyna-skoryk-shkarivska-priyshla-p-iana-na-sesiiu-mis-krady/>

<sup>78</sup> Yuriy Ustinovskiy (Юрій Устіновський). YouTube channel, February 13, 2020: [https://www.youtube.com/watch?time\\_continue=585&v=fnW4qM-wu-fw&feature=emb\\_logo](https://www.youtube.com/watch?time_continue=585&v=fnW4qM-wu-fw&feature=emb_logo)

Earlier, Mykhailya Skoryk-Shkarivska had already drawn attention to *Pravda Irpenia's* discrediting activities using the example of the campaign against the local entrepreneur Oleksiy Zinevych:<sup>79</sup> in February 2019, Irpin City Council's Facebook page shared a fabricated "statement on organizing a gay parade in the city," allegedly by Zinevych; the website in question picked it up, and then published "updates" about alleged cancellation of the march due to the public's protests, without providing any evidence of such "protests," but referring to comments under social media posts of unknown origin (the same way as it was done in the case of Iryna Fedoriv described above). According to Mykhailyna Skoryk-Shkarivska's explanation, the problem with bringing the publication to responsibility for spreading false information is that *Pravda Irpenia* is not a registered media. Indeed, the website does not contain the source data or any information about its authors, editors or owners.

Mykhailyna Skoryk-Shkarivska is an Irpin activist, media expert and politician, the initiator of the public monitoring of the City Council's decisions and procurement, who also focuses a lot on opposing illegal construction in Irpin.

## #legal\_persecution

- On **February 14, 2020**, the non-partisan MP Andriy Derkach submitted a complaint to the police about the alleged embezzlement of \$149 million by representatives of the **Anti-Corruption Action Centre** (AntAC) NGO and the charity organization **100 PERCENT LIFE**.<sup>80</sup>

In turn, AntAC representatives claimed that neither the organization in general nor any of its members had ever received anything approaching this amount in the eight years of its existence, and that the law enforcement agencies had already conducted multiple checks in this regard.<sup>81</sup>

The organization's head **Vitaliy Shabunin** expressed an assumption<sup>82</sup> that the goal of the investigation was to establish control over the actions of anti-corruption activists, because now the investigators can petition the court to wiretap, set up surveillance or conduct other covert investigative activities.

The organization addressed the Prosecutor General's Office (PGO) (because the complaint was initiated by an MP) regarding the MP's knowingly false report of a crime, and sent a bank report to serve as evidence of the actual movement of money on the organization's accounts. In addition, according to AntAC's lawyer Olena Shcherban, they complained about the law enforcement agencies' inaction to the Pechersk Court, but as of December 2020, there was no result. As for the course of the investigation itself, according to Shcherban, they were not informed as to whether the proceedings were open or closed as of December, because the police does not reply to AntAC's requests and does not conduct investigative actions with them.

Meanwhile, on March 18, 2020, representatives of the CO 100 PERCENT LIFE stated that as a part of the investigation initiated by MP Derkach, the police came to the Kharkiv address where one of the organization's founders, Serhiy Dmytriev, is registered and where his parents currently live. Police representatives tried to enter the residence but refused to present the documents allowing them to conduct investigative actions of any kind.<sup>83</sup>

<sup>79</sup> The Irpin fake, or How the government organized a gay pride in Irpin [Ірпінський фейк, або Як влада організувала гей-парад в Ірпені] / Ukrayinska Pravda. Columns, February 18, 2019: <https://www.pravda.com.ua/columns/2019/02/18/7206992/>

<sup>80</sup> Andrey Derkach. Facebook page, February 14, 2020: [https://www.facebook.com/derkach.al/posts/1070451763306888?\\_\\_tn\\_\\_=-R](https://www.facebook.com/derkach.al/posts/1070451763306888?__tn__=-R)

<sup>81</sup> Attack against the AntAC (Атака на ЦПК) / Anti-Corruption Action Centre, date not specified: [http://attack.antac.org.ua/?fbclid=IwAR1uKwL444Hi9cOfNYvc9yXGKjMil\\_2hrlQ2isDJWs\\_N-IТyyTPuIBSiwmxQ](http://attack.antac.org.ua/?fbclid=IwAR1uKwL444Hi9cOfNYvc9yXGKjMil_2hrlQ2isDJWs_N-IТyyTPuIBSiwmxQ)

<sup>82</sup> Avakov tries to legalize covert investigative actions against AntAC through MP Derkach. Statement (Аваков намагається легалізувати негласні слідчі дії щодо ЦПК за допомогою нардепа Деркача. Заява) / Anti-Corruption Action Centre, February 18, 2020: <https://antac.org.ua/news/avakov-namahalet-sia-lehalizuvaty-nehlasni-slidchi-shchodo-tspk-za-dopomohoiu-nardepa-derkacha-zajava/>

<sup>83</sup> 100% Life - the network of people living with HIV (100% життя - мережа ЛЖВ) / Facebook page, March 18, 2020: <https://www.facebook.com/watch/?v=2497381053858387>

In April 2020, representatives of 100 PERCENT LIFE announced that they sued Derkach to protect their honor, dignity and business reputation.<sup>84</sup> In September, the Pechersk District Court of Kyiv started the consideration of the case.<sup>85</sup>

The Anti-Corruption Action Centre is an NGO founded in 2012 by Vitaliy Shabunin and Darya Kaleniuk. It develops and advocates the legislative foundation for counteracting corruption (in particular, regarding the following anti-corruption agencies: the National Anti-corruption Bureau of Ukraine (NABU), Special Anti-corruption Prosecution (SAP), Supreme Anti-corruption Court of Ukraine (SACC) and the National Agency of Ukraine for Searching and Managing Assets Obtained from Corruption and Other Crimes (Agency for Searching and Managing Assets, ASMA), regarding criminalization of illegal enrichment, etc.), monitors state procurement, and initiates investigations into abuses. CO 100% LIFE (previously called the All-Ukrainian Network of People Living with HIV) is one of the biggest patient organizations in Ukraine which implements projects aimed to improve access to health care in Ukraine and, among other things, advocated for transparent state procurement of medicine through international organizations together with the AntAC.

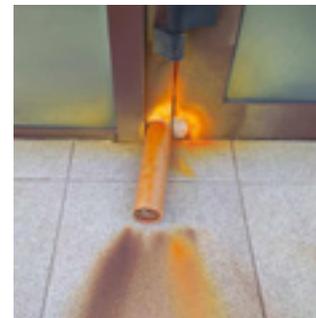
Andriy Derkach has been a member of six Verkhovna Rada conventions as a representative of the Will of the People group, the Party of Regions, and the Socialist Party of Ukraine. In 2017, he wrote a complaint to the General Prosecutor's Office and initiated an investigation into the possible disclosure of pre-trial investigation information by NABU officials in the context of Ukraine's alleged interference with the American election;<sup>86</sup> in 2019, he submitted a statement about the US Embassy's alleged influence on the NABU to the State Investigation Bureau.<sup>87</sup>

## #destruction\_or\_damage\_of\_property

## #intimidation\_threats\_and\_other\_forms\_of\_pressure

- On the night before **February 17, 2020**, in **Kyiv**, unidentified individuals threw a firecracker at the door of the Charity Organization 100 PERCENT LIFE, and left a poster reading "*Mrs. Lada, thank you for the bill*" on the gate; the poster referred to Lada Bulakh, a former member of the organization and current MP of the Servant of the People faction.

The organization associates this with the fact that Bulakh registered Bill 2684<sup>88</sup> in the Verkhovna Rada, which would allow teenagers to sign declarations with family physicians and visit them or other specialists independently (without their parents), and guarantee them the right to obtain information about the state of their health.



■ Image credit: CO 100% Life

<sup>84</sup> A patient organization sues an MP for slander (Пацієнтська організація подала позов до суду проти нардепа за наклен) / 100% Life, April 16, 2020: [https://network.org.ua/patsiyentska-organizatsiya-podala-pozov-do-sudu-proty-nardepa-za-naklep/?fbclid=IwAR0ARevfUtdjuYSkcyq9NxeNrsirwC7oD9-xyVv3I4d-VYxjHNB\\_5QJFSJGA](https://network.org.ua/patsiyentska-organizatsiya-podala-pozov-do-sudu-proty-nardepa-za-naklep/?fbclid=IwAR0ARevfUtdjuYSkcyq9NxeNrsirwC7oD9-xyVv3I4d-VYxjHNB_5QJFSJGA)

<sup>85</sup> The trial of the slander lawsuit from Shabunin and Sherembey against MP Derkach has started (Почався суд за позовом Шабуніна і Шерембея проти депутата Деркача за наклен) / ZMINA, September 11, 2020: <https://zmina.info/news/pochavsya-sud-za-pozovom-shabunina-i-sheremsbeya-proty-derkacha-za-naklep/>

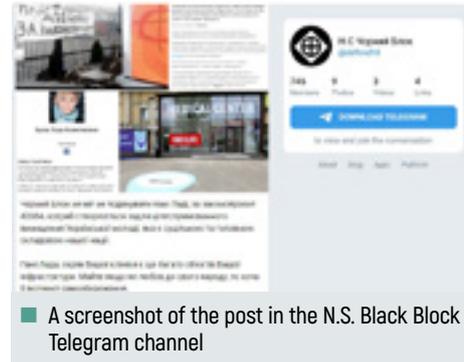
<sup>86</sup> The courts completely sabotage the cases handed to them from the National Anti-Corruption Bureau and the Special Anti-Corruption Prosecution (Є повний саботаж судами справ, переданих їм від НАБУ і САП – Ситник) / Radio Svoboda, August 19, 2017: <https://www.radiosvoboda.org/a/28685332.html>

<sup>87</sup> MP Derkach claims that he has handed the documents about "the influence of US Embassy" on the NABU to the State Investigation Bureau (Депутат Деркач заявляє, що передав у ДБР документи про «вплив посольства США» на НАБУ) / Radio Svoboda, October 9, 2019: <https://www.radiosvoboda.org/a/news-derkach-posolstvo-us-nabu/30207279.html>

<sup>88</sup> Draft Bill on introducing changes to some legislative acts of Ukraine to realize teenagers' rights in health care (Проект Закону про внесення змін до деяких законодавчих актів України щодо реалізації прав підлітків у сфері охорони здоров'я) / Verkhovna Rada of Ukraine, December 27, 2019: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=67795](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=67795)

Meanwhile, on February 17, 2020, **N.S. Black Block** claimed responsibility for the attack on the Charity Organization 100 PERCENT LIFE by publishing the information and the video of the attack on its Telegram channel.<sup>89</sup>

At the moment of the publication, the channel is not accessible. However, the Black Block Manifesto,<sup>90</sup> dated January 25, 2020, is available online; it contains the same symbols as in the screenshots from the Telegram channel mentioned above. The Manifesto states that the Black Block is a national socialist union without a single leader whose aim is “to fight for Ukrainian independence, national traditions and values.”

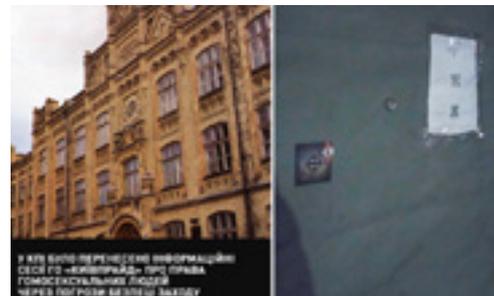


■ A screenshot of the post in the N.S. Black Block Telegram channel

The police have launched an investigation into the incident, categorizing it as hooliganism. The attackers’ identities, according to CO 100% LIFE, had not been officially established as of December 2020. A forensic analysis found that the office facade was damaged not with explosives but with pyrotechnics. In addition, according to the organization’s explanation, the investigators complained about the aforementioned Telegram channel to Cyber Police, and it was blocked.

## #obstruction\_of\_activities\_of\_a\_non-governmental\_organization

- On **February 23**, 2020, at around 10 p.m. in **Kyiv**, volunteers of the Student Social Service of the Ihor Sikorsky Kyiv Polytechnic Institute discovered stickers with swastikas and Celtic crosses at the entrance to the premises where an information session on the rights of homosexual people was scheduled to take place as a part of the KyivPride: Stronger Together project.<sup>91</sup>



■ A photo from the KyivPride Facebook page

In addition, according to **KyivPride**, a week before the event its opponents wrote a complaint to the university’s administration asking to prevent the information session; options for opposing it and attacking the event’s organizers were also discussed on social media.

As a result, the organizers decided to postpone the information session indefinitely.

KyivPride is a non-governmental organization founded in 2016 to advocate for the rights of the LGBTIQ community and to raise its visibility in society. Among its activities, the most well-known is holding annual Pride Weeks composed of various cultural and educational events on LGBTIQ topics, concluded by Marches for Equality, which have brought together several thousand participants in the past few years.

<sup>89</sup> N.S. Black Block (Н.С. Чорний блок) / Telegram channel, February 17, 2020: <https://t.me/defend18/19>

<sup>90</sup> Black Block Manifesto (Маніфест "Чорного блоку"), January 25, 2020: <https://telegra.ph/Man%D1%96fest-CHORNOGO-BLOKU-01-26?fbclid=I2wAR3i96EMs357vcQH9Y7bBqKySWsP40wLJBQT0pw4i-Isy5nhQHzYajj4BoU>

<sup>91</sup> KyivPride. Facebook page: February 24, 2020: <https://www.facebook.com/kyivpride/photos/a.858394070937490/2581807951929418/?type=3&theater>

## #legal\_persecution

- In the morning of **February 25**, 2020, in **Odesa** and **Kyiv**, at the places of registration and residence of three Ukrainian Cyber Alliance activists **Andriy Pereveziy**, **Andriy Baranovych** and **Oleksandr Halushchenko** (as well as some of their family members, according to Andriy Pereveziy), the police and the CORD (operational sudden action corps) conducted searches and seized information media and equipment.



■ A photo from the Ukrainian Cyber Alliance Facebook page

The Odesa Region police later confirmed<sup>92</sup> the information on its website, indicating that it was about the October 2019 incident when unidentified individuals demonstrated an image of the Swedish environmental activist Greta Thunberg, captioned “F\*ck you Greta,” on Odesa Airport screens instead of airline logos.

The event was categorized according to Part 2 of Article 361 of the Criminal Code of Ukraine (unauthorized interference with the work of electronic computing machines (computers), automated systems, computer networks or electronic communication networks).

The Ukrainian Cyber Alliance, in turn, deny their involvement in the airport incident, at the same time claiming that before the incident, they informed the Security Service and the Odesa Airport about vulnerabilities in their security system. In addition, the activists emphasize that the information they collect is openly accessible.

At a press conference on February 26,<sup>93</sup> representatives of the Ukrainian Cyber Alliance announced that they were suspending their activities aimed at cooperation with Ukrainian law enforcement agencies until the investigation is finished.

According to a representative of the organization, as of December 2020, none of them had been declared a suspect; the seized property had not been returned to the activists, except for the chargers; and in ten months, two phones were subjected to forensic investigation.

The Ukrainian Cyber Alliance unites Ukrainian IT professionals (cyber security experts in particular) from different cities. They position themselves as a hacktivist group (derived from “activist” + “hacker”; the most common definition of “hacktivism” is civil activities or promotion of political ideas using digital tools, including tools outside the legal field). The association is known for a number of actions. In particular, in December 2017, the activists organized a flashmob to discover vulnerabilities in the cyber security systems of state enterprises and institutions;<sup>94</sup> before that, they published correspondence between the former advisor for the Russian President, Vladislav Surkov, and Ukrainian and Russian journalists, politicians and activists.

<sup>92</sup> Odesa Region law enforcement is conducting an investigation into the criminal case based on unauthorized interference with the information systems of the Odesa Airport (Правоохоронці Одещини проводять слідчі дії у кримінальному провадженні за фактом несанкціонованого втручання до інформаційних систем одеського аеропорту) / National Police. Odesa Region, February 25, 2020: <https://od.npu.gov.ua/news/zvichajni-novini/pravoohoronnci-odeshhini-provodyat-slidchi-diji-u-kriminalnomu-provadhenni-za-faktom-nesankcionovanogo-vtruchannya-do-informacijnix-sistem-odeskogo-aeroportu/>

<sup>93</sup> InformNapalm. Facebook page, February 26, 2020: <https://www.facebook.com/informnapalm24/videos/570096263598088/>

<sup>94</sup> Ukrainian hackers have published service documents of the military, energy managers and officials (Українські хакери оприлюднили службові документи військових, енергетиків і урядовців) / Radio Svoboda, December 26, 2017: <https://www.radiosvoboda.org/a/28940075.html>

## #obstruction\_of\_peaceful\_gatherings

On **February 27**, 2020, 22 members of the Chernivtsi City Council submitted for consideration the draft decision in support of Mykola Hunko's petition to ban public campaigns and events on LGBTI topics in public spaces and municipally owned premises in **Chernivtsi**.

This was the second attempt to pass this decision: in November last year, the mayor Oleksiy Kaspruk vetoed the city council decision of October 31 in support of Hunko's previous petition because the decision was discriminatory and violated the Ukrainian Constitution.

The document was listed among the draft decisions<sup>95</sup> which the City Council intended to consider on March 26, but there is no data on its approval at the moment of the publication.

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

### #privacy\_violations

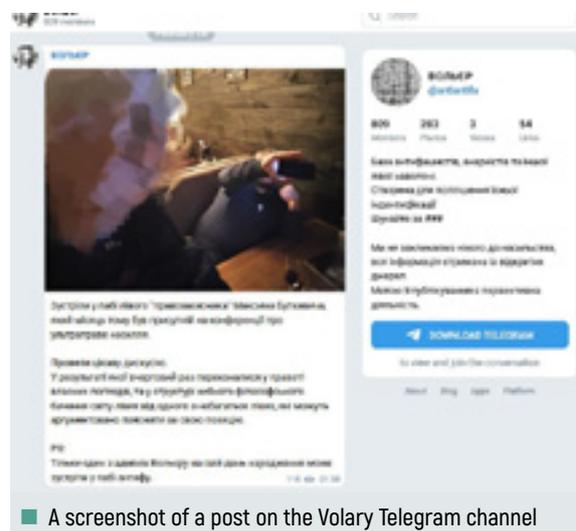
- On **February 28**, 2020, in **Kyiv**, Oleksiy Svytnarenko, the head of the far-right organization National Resistance, took a photo of **Maksym Butkevych**, the coordinator of the No Borders project helping refugees and asylum seekers, in order to publish it on the Volary Telegram channel where the far-right identify their "enemies."

This way, according to the human rights advocate, he was included in the list of potential far-right attack targets.<sup>96</sup> The photo was published with the caption: "*We met the left-wing 'human rights advocate' Maksym Butkevych in the pub. A month ago, he attended a conference on far-right violence.*"

In addition, the Telegram channel includes information on researchers of far-right movements **Vyacheslav Likhachov** and **Anna Hrytsenko**, some LGBT activists, left-wing activists, etc. The channel's authors explain its existence with the need to identify "*anti-fascists, anarchists and other left-wing scum.*"

According to Maksym Butkevych, later, on March 3, between 8 and 9 p.m., he was recognized and called by two men in an underground crossing near a metro station; they said all kinds of things to him using swear words. The activist states that there were no direct threats, but there were disguised and threatening warnings. Butkevych is not sure if this attention by the far-right is associated with the Volary publication; he cannot rule out that the meeting was accidental, but also cannot rule out the opposite.

Maksym Butkevych is a human rights advocate, media tutor, journalist, coordinator of the No Borders project, which has been active since 2006 in helping asylum seekers and opposing cases of xenophobia and hate speech.



■ A screenshot of a post on the Volary Telegram channel

<sup>95</sup> Draft City Council decisions for March 26, 2020 / Chernivtsi City Council, official web portal, February 17, 2020: <http://chernivtsy.eu/portal/proyeka-ty-rishen-miskoyi-rady-na-26-bereznya-2020-roku>

<sup>96</sup> Volary (Вольер). Telegram channel, February 28, 2020: <https://t.me/antiantifa/706>

**#privacy\_violations****#discreditation**

- On **February 29**, 2020, the former deputy head of the administration of the ex-president Yanukovich, Andriy Portnov, published a discrediting post<sup>97</sup> on his website and social media pages about the volunteer and blogger **Roman Sinicyn**. Portnov claimed that Sinicyn was “involved in mass riots, violence, propaganda of war, inciting hate and making money off military volunteers, is characterized by greed for profits and interaction with gangs involved in intentional murders.” In the same post, he refers to alleged information on taxes paid by Sinicyn and his travels (crossing the Ukrainian border)—information not available in open sources.

In reply, Sinicyn called Portnov “a burp of the past,”<sup>98</sup> denied Portnov’s accusations and said that he reported the crime of leaking personal information and passing it on to third parties to the National Police and the State Investigation Bureau.

According to the activist, as of March 31, the case was not included in the Unified Registry of Pre-Trial Investigations; his lawyers were told that an examination was still being conducted.

Roman Sinicyn (real name: Roman Balan) is a Ukrainian activist, blogger, member of the Who Ordered the Assassination of Katia Handziuk? initiative, co-founder of the People’s Rear volunteer association helping the Ukrainian military; for a while, he was the head of the attestation commission of the Ukrainian Ministry of Internal Affairs.

**#intimidation\_threats\_or\_other\_forms\_of\_pressure**

- Late in the evening of **February 29**, 2020, there was a shooting near **Pershotravensk** in Zhytomyr Region, on the shore of the Khomora River, where environmental activists came to monitor the possible dumping of industrial waste from the Poninkivska Paper Factory.<sup>99</sup>

The initiative group in question is made of local residents who oppose pollution of the rivers Khomora, which crosses Zhytomyr and Khmelnytsky Regions among others, and Sluch, which flows through Khmelnytsky, Zhytomyr and Rivne Regions. They do not unite into an NGO because they believe that their activities as a group of people, a local environmental initiative coordinated on social media, are more effective.<sup>100</sup> The activists try to capture cases of industrial waste dumping on video.

According to the eyewitnesses, that time they were trying to capture a case of waste dumping on video to appeal to the State Environmental Inspection which collects water samples.

The people present during the incident testify that they did not see the faces of the attackers, who shot in their direction, but there were no victims. Borys Muravsky, an eyewitness, counted 8 shots; later, 6 shells were found on the location of the incident and handed over to the police.

On March 2, the police launched an investigation<sup>101</sup> according to Part 2 of Article 296 of the Criminal Code of Ukraine (hooliganism), the incident was first investigated by the Department in Baranivka, Zhytomyr Region, and then, on April 6, it was handed over to investigators from Polonne, Khmelnytsky

<sup>97</sup> Andrey Portnov (Андрей Портнов). Facebook page, February 29, 2020: [https://www.facebook.com/aportnovua/posts/123419379231605?\\_\\_tn\\_\\_=-R](https://www.facebook.com/aportnovua/posts/123419379231605?__tn__=-R)

<sup>98</sup> Roman Sinicyn. Personal Facebook page, March 2, 2020: <https://www.facebook.com/romabra/posts/10206441668118632>

<sup>99</sup> Anna Sobetskaya. Personal Facebook page, March 1, 2020: <https://www.facebook.com/anna.sobetskaya.3/videos/1986725794807658/>

<sup>100</sup> !!! Save rivers Khomora and Sluch !!! (!!! Врятувати річку Хомора та Слuch !!!) / Facebook group: <https://www.facebook.com/groups/373425253146167/>

<sup>101</sup> The police are checking the reports of shooting near Poninky (Поліція перевіряє повідомлення про стрільбу неподалік Понінок ) / National Police. Zhytomyr Region, March 2, 2020: <https://zt.npu.gov.ua/news/aktualno/policziya-pereviryaje-povidomlennya-pro-strilbu-nepodalik-poninok/>

Region. As of December 2020, the individuals involved in the incident had not been identified. According to another eyewitness, the environmental activist Oleksandr Kovalenko, representatives of their initiative group heard gunshots during one of the later water sample measurements, possibly rifle shots, but they were not followed after this, and they did not go to the police.

## MARCH 2020

### #legal\_persecution

- On **March 7, 2020**, the then-Head of the State Investigation Bureau (SIB) (and current Head of the General Prosecutor's Office) Iryna Venediktova stated<sup>102</sup> that she had filed a lawsuit to defend her honor, dignity and business reputation against the **Anti-Corruption Action Centre** NGO, the online publication *Ukrayinska Pravda* and personally against the publication's owner Olena Prytula for the article published on January 28, titled *Avakov's octopus: how the "temporary" minister grows his influence in the law enforcement block*<sup>103</sup> and written by the organization, which is about her husband's possible influence on the SIB's personnel policies. The amount of the lawsuit was 150,000 hryvnias.

As of December 2020, according to the AntAC lawyer Olena Shcherban, the case is being considered by the Pechersky Court (consideration in substance). AntAC, *Ukrayinska Pravda* and its founder Olena Prytula are the defendants in the case.

### #physical\_attack

- On **March 8, 2020**, in **Kyiv**, after the end of the **Women's March**, two of its participants were beaten in an underground crossing on Naberezhno-Khreshchatytska Street. According to an eyewitness **Maryna Dubyna**<sup>104</sup>, a group of 8 people blocked their group's path and, after clarifying if the young men among them attended the march, attacked them, beating one of them and spraying pepper spray into the other's face.

According to the victims' lawyer, Oksana Huz, 4 people were arrested after the incident and delivered to a police department; three of them were released, and the third one was declared a suspect with a preventive measure in the form of house arrest. Their exact identity is unknown.

According to the lawyer, the victims insisted on launching an investigation according to the articles on "hooliganism" and "violating citizens' equality" of the Criminal Code of Ukraine; however, in reply to a request from ZMINA Human Rights Centre, the National Police specified that the record in the Unified Registry of Pre-Trial Investigations only cited the first article (Part 4 of Article 296).

As of December 2020, according to Huz, the indictment of one of the accused (P. 2 Art. 296 of CCU) had been handed over to the Podilsky District Court of Kyiv. There was a preliminary hearing, and the consideration in substance should start in 2021.

Another part of the case is still at the Podilsky District Department of the Kyiv Police. Oksana Huz has no information as to whether the other attackers have been identified. At the same time, according to her, back in May 2020 the investigation was provided with video recordings featuring these people's faces.

<sup>102</sup> Iryna Venediktova. Personal Facebook page, March 7, 2020: <https://www.pravda.com.ua/articles/2020/01/28/7238587/>

<sup>103</sup> Avakov's octopus: how the "temporary" minister grows his influence in the law enforcement block (Спрут Авакова: як «тимчасовий» міністр нарощує свій вплив у силовому блоці) / *Ukrayinska Pravda*, January 28, 2020: <https://www.pravda.com.ua/articles/2020/01/28/7238587/>

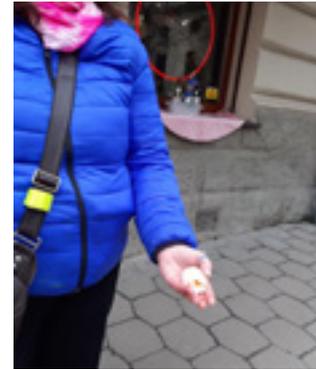
<sup>104</sup> Maryna Dubyna. Personal Facebook page, 8 березня 2020 року: <https://www.facebook.com/doobyna/posts/1551101718375111>

According to the National Police information, about 2,000 people participated in the annual March for Women's Rights in Kyiv. There were also counter-rallies organized by initiatives that present themselves as defenders of "traditional values" (the rally featured the symbols of Tradition and Order, Silver Rose and others). No violations were recorded during the events.<sup>105</sup>

## #physical\_attack

- On **March 8, 2020**, in **Lviv**, raw eggs were thrown at three participants of the **Women's March** after the demonstration. **Marta Chumalo**, one of the victims, did not manage to identify the two attackers, a young man and a young woman.

In reply to a request from ZMINA Human Rights Centre, the police stated that there were no official complaints on behalf of the victims on March 8. Marta Chumalo claims that they sent their reports by mail, but the victims do not know anything about the course of the investigation, the police has not contacted them.



■ A photo from Marta Chumalo's Facebook post

According to media reports,<sup>106</sup> the March for Women's Rights in Lviv brought together about 200 participants; the demonstration marched from Rynok Square to the Opera. Just like in Kyiv, several people organized a counter-rally here under the slogan "Against abortion in Ukraine." This rally was announced on social media by the radical right initiative Tradition and Order Lviv.

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **March 10, 2020**, during a protest against violations at Matrona Moskovska Mine in **Toretsk**, Donetsk Region, **Volodymyr Yelets**, a labor union activist who is also the coordinator of the regional legal reception of the Ukrainian Helsinki Human Rights Union (UHHRU), was threatened<sup>107</sup> by the head of company security Yuriy Hnatiuk.



■ A photo from the material on the UHHRU website

According to the UHHRU, mining in Matrona Moskovska Mine stopped in December 2019, but in March 2020 it was resumed without the required permits. On March 10, union representatives, together with miners who wanted to quit their jobs in this company because of its failure to pay wages, held a rally and then broke into the mine's administrative building. There were confrontations in the building, during which, according to Volodymyr Yelets, Yuriy Hnatiuk threatened him.

After this, according to the UHHRU, Volodymyr Yelets noticed that he was being followed and found out that unidentified individuals were gathering information about him.

<sup>105</sup> "Are you afraid of coronavirus? Sexism has more victims": March for Women's Rights in Kyiv [photo report ("Боїшся коронавірусу? У сексизму більше жертв": як пройшов Марш за права жінок у Києві [фоторепортаж])] / ZMINA, March 8, 2020: <https://zmina.info/articles/boyishsya-koronavirusu-u-seksyzma-bilshe-zhertv-yak-projshov-marsh-za-prava-zhinok-u-kyyyevi-fotoreportazh/>

<sup>106</sup> "Flowers to flower beds, rights to women!" A feminist march in Lviv [video] ("Квіти – клумбам, права – жінкам!" У Львові відбувся феміністичний марш [відео]) / Radio Svoboda, March 8, 2020: <https://www.radiosvoboda.org/a/marsh-zhinok/30476211.html>.

<sup>107</sup> New trade union. What the threats against the UHHRU Reception coordinator are linked to [Нова профспілка. З чим пов'язані погрози на адресу координатора приймальні УГСПЛ] / Ukrainian Helsinki Human Rights Union, March 25, 2020: <https://helsinki.org.ua/articles/nova-profspilka-z-chum-pov-iazani-pohrozy-na-adresu-koordinatora-pryymalni-UGSP/L>

On March 11, Yelets recorded a video statement<sup>108</sup> in which he spoke about the incident and stated that if anything happened to him, he linked it to these threats. According to the UHHRU, the surveillance stopped after the publication.

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **March 26, 2020**, in **Uzhgorod**, unidentified individuals poured yellow paint over a car that belonged to the City Council member **Viktor Shchadey** and left a funeral wreath on its roof.<sup>109</sup> The victim associates the incident with his public activities and believes that it constitutes intimidation.



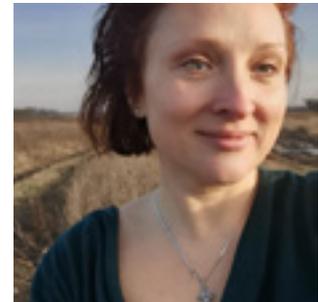
■ Photos from Viktor Shchadey's public page

The police announced that a criminal investigation was launched<sup>110</sup> with preliminary categorization according to Part 1 of Article 194 of the Criminal Code of Ukraine (intentional damage of property). As of December 2020, the individuals involved in the incident have not been identified.

Viktor Shchadey is a member of the Uzhgorod City Council, former acting mayor (2014), the founder of the Zakarpattia Centre for Supporting Housing Co-Owners Associations, public figure. He conducts public monitoring of the City Council's procurement and appeals to law enforcement agencies regarding the violations, actively covering the events on social media.<sup>111</sup>

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **March 27, 2020**, **Annabella Morina**, the founder of the Pochaina Civil Movement organization, made a statement about threats from construction workers who installed sewerage pipes near the Pochaina River bed in **Kyiv** for the needs of the residential projects that are being constructed on Rybalsky Island.<sup>112</sup>



■ Annabella Morina, a photo from the activist's Facebook page

In the video published by the activist on her Facebook page,<sup>113</sup> when a person talking to Morina notices that she is filming, he first threatens to sue her, then to take away and "drown" her phone, and then to drown the woman herself; then other male voices can be heard rudely demanding that she go away.

Annabella Morina is a Kyiv local historian and journalist, the founder of Pochaina Civil Movement, which has worked since 2015 to preserve and restore Pochaina River, a former tributary of Dnipro that has nearly disappeared because of construction in Kyiv and currently exists as a system of lakes in the capital's Obolon District.

<sup>108</sup> Volodymyr Yelets. Personal Facebook page, March 11, 2020: <https://www.facebook.com/volodymyr.yelets/videos/1174716009530238/>.

<sup>109</sup> Viktor Shchadey (Віктор Щадей). Facebook page, March 29, 2020: <https://www.facebook.com/Uzhhorod/posts/2886981274702702>

<sup>110</sup> Uzhgorod police investigates the fact of damaging a councilor's property (Поліція Ужгорода розслідує факт пошкодження майна депутата) / National Police. Zakarpattia Region, March 26, 2020: <https://zk.npu.gov.ua/news/Informacziya/policziya-uzhgoroda-rozsliduje-fakt-poshkofov-dzhennya-majna-deputata/>.

<sup>111</sup> Viktor Shchadey (Віктор Щадей). Personal Facebook page, January 30, 2020: <https://www.facebook.com/Uzhhorod/posts/2759472700786894>.

<sup>112</sup> A local historian who initiated the restoration of Pochaina River in Kyiv made a statement about threats (Краєзнавиця-ініціаторка відродження річки Почайна у Києві заявила про погрози) / ZMINA, March 27, 2020: <https://zmina.info/news/inicziatorka-stvorennya-parku-pochajna-u-ky-yevi-zayavyla-pro-pogrozy/>.

<sup>113</sup> Annabella Morina. Personal Facebook page, March 27, 2020: <https://www.facebook.com/annabella.morina/videos/3473270849390660/>.

## #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 still identify them, because in the process of the confrontation he managed to turn the lights on and get a better look at them.



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

At the hospital, the man recorded a video address.<sup>114</sup>

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,<sup>115</sup> 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 of December 2020, 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).

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 activities in violation of the State Architecture and Construction Inspection's order to stop the preparatory and construction work. 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).

<sup>114</sup> 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](https://www.youtube.com/watch?v=g9gg6kolSpw&feature=emb_logo)

<sup>115</sup> Complaining about the authorities on Facebook is dangerous for your health! (Пугать власть в фейсбуке – опасно для здоровья!) / The information portal of Kamyanske, November 9, 2020: <http://www.xn--80akarckijz.xn--j1amh/rugat-vlast-v-fehjsbuke-opasno-dlya-zdorovya/>

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 ZMINA Human Rights Centre regarding the reasons for and circumstances around Yuriy Fedorenko's arrest,<sup>116</sup> 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 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.

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 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.

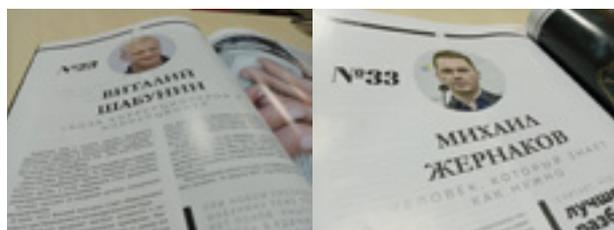
On January 17, 2020, the State Investigation Bureau started proceedings based on Tverdynia NGO's report on possible violations during the signing of the contract between the Academy's leadership and Investbudaktyv LLC. A copy of the corresponding document was given by Tverdynia activists to ZMINA Human Rights Centre. At the same time, the SIB did not provide any information in reply to 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.

## #discreditation

- In late **March 2020**, the media published reports about the spread of a fake issue of the *Publichnyye Liudi* magazine among MPs, the special issue titled *The Most Influential Gays of Ukraine*.

The ZIK TV channel<sup>117</sup> cited the Telegram account of the former MP Anton Poliakov<sup>118</sup>



■ A copy of the publication owned by ZMINA Human Rights Centre

<sup>116</sup> Tverdynia NGO. Facebook page: [https://www.facebook.com/watch/live/?v=240845750379677&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=240845750379677&ref=watch_permalink)

<sup>117</sup> The *Publichnyye Liudi* magazine or any of the members of its editorial have no relation to the fake magazine whose photos have been published by the former MP Anton Poliakov (Журнал "Публічні люди" та жоден з членів його редакції не мають жодного відношення до фейкового журналу, фотографії якого оприлюднив колишній нардеп Антон Поляков) / Zik, March 28, 2020: [https://zik.ua/news/politics/zhurnal\\_publychny\\_nie\\_liudy\\_ta\\_zhoden\\_z\\_chleniv\\_oiho\\_redaktsii\\_ne\\_maiut\\_zhodnoho\\_vidnoshennia\\_do\\_feikovo\\_ho\\_zhurnal\\_u\\_fotohrafii\\_iakoho\\_opryliudnyv\\_kolyshnij\\_nardep\\_anton\\_poliakov\\_963677](https://zik.ua/news/politics/zhurnal_publychny_nie_liudy_ta_zhoden_z_chleniv_oiho_redaktsii_ne_maiut_zhodnoho_vidnoshennia_do_feikovo_ho_zhurnal_u_fotohrafii_iakoho_opryliudnyv_kolyshnij_nardep_anton_poliakov_963677)

<sup>118</sup> Anton Poliakov (Антон Поляков) / Telegram channel, March 25, 2020: <https://t.me/poliakovanton/1394>

and noted that the magazine itself is no longer published since July 2019; it has no online version either.

At the same time, a separate eponymous website was created.<sup>119</sup>

The paper issue's cover features the Ukrainian musician and politician Sviatoslav Vakarchuk, who also allegedly leads the fake "rating." In addition to an article about him, the publication includes materials about a number of other politicians, public and cultural figures. Some of the latter are openly gay LGBT activists, such as **Sviatoslav Sheremet**, **Bohdan Hloba** or **Viktor Pylypenko**, although they claim that nobody has interviewed them. That is, the materials about LGBT activists published in the issue are compilation of information from open sources and fabrications.

At the same time, the online magazine features articles about cultural figures, anti-corruption activists (such as **Vitaliy Shabunin**, **Oleksandr Lemenov**) or activist who support the court reform (**Mykhailo Zhernakov**), for whom there is no information about their homosexuality.

On the one hand, ZMINA Human Rights Centre is convinced that sexual orientation cannot be a basis for any evaluation of public figures; on the other hand, given the rather high level of homophobia in the Ukrainian society, the Centre views the spread of false information about this and the fake outing as a discreditation attempt against the anti-corruption activists.

## 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 online<sup>120</sup> 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*<sup>121</sup> 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*).

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.



■ Photo from the *Levyi Bereg Kamenskoye* Facebook group

<sup>119</sup> *Publichnyye Liudi. The Most Influential Gays of Ukraine* / Website: <https://top-gay.com/>

<sup>120</sup> 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://sobytiye.com.ua/novosti-kriminal/shok-kadry-segodnyashnego-podzhoga-avto-v-g-kamenskom-video>

<sup>121</sup> *Levyi Bereg Kamenskoye* [Левый берег Каменское]. Facebook group, April 3, 2020: <https://www.facebook.com/groups/220643508616791/permalink/504293300251809/>

According to the victim, as of December 2020, the arsonists had not been identified.

As reported by the Ukrainian Helsinki Human Rights Union (UHHRU),<sup>122</sup> 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 over to court. This was indicated by the police in its reply to a request from 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 declared a suspect.

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. According to the police data, the incident took place at around 3 a.m.

Hanul associates the incident with his civil activism and criticism of the city 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.<sup>123</sup> The activist believes that the attack was well-planned, it was preceded by surveillance: the cameras nearby had their wires cut off.



■ Photo from Demyan Hanul's Facebook page

On April 3, the Antinazi Channel on Telegram published a post<sup>124</sup> (in Russian): “*Unknown anti-fascists burned the car of a local neonazi, Serhiy Sternenka’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.

<sup>122</sup> 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/vypaliuut-vohnem-za-shcho-napadaih-ut-na-aktyvistiv-kam-ians-koho/?fbclid=IwAR1sKJM53L\\_JIGSwe61QfCmohe\\_rOVCgFq15bdM9PdgpXbDfYUiAvWPEP4](https://helsinki.org.ua/articles/vypaliuut-vohnem-za-shcho-napadaih-ut-na-aktyvistiv-kam-ians-koho/?fbclid=IwAR1sKJM53L_JIGSwe61QfCmohe_rOVCgFq15bdM9PdgpXbDfYUiAvWPEP4)

<sup>123</sup> Demyan Hanul (Дем'ян Ганул). Personal Facebook page: <https://www.facebook.com/photo.php?fbid=2292101841095461&set=a.1476876009284719&type=3&theater>

<sup>124</sup> Antinazi channel. Telegram channel: <https://t.me/antifaua/1977>

In the evening after the incident, Demyan Hanul himself published a post<sup>125</sup> with a video from a surveillance camera attached, 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 Anatolii 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.<sup>126</sup>

The Odesa Police reported starting proceedings according to Article 194 of the Criminal Code of Ukraine (intentional destruction or damage of property).<sup>127</sup> At the moment, an investigation is being conducted, and the individuals involved in the arson had not been identified as of December 2020.

On **November 21**, another car used by Demyan Hanul was damaged, and when the activist brought it to a repair garage, it was found and burned. The next day, the victim announced that he was forced to leave Odesa temporarily due to threats against him and his family.<sup>128</sup>

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. He ran for the Odesa City Council in October 2020 as a representative of the National Corps but was not elected.

## #legal\_persecution

## #obstruction\_of\_peaceful\_gatherings

- On **April 6**, 2020, the police wrote nine misdemeanor reports about the **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.

<sup>125</sup> Demyan Hanul [Дем'ян Ганул]. Personal Facebook page: <https://www.facebook.com/100008870020776/videos/2291526961152949/>

<sup>126</sup> Vitaliy Holodok [Віталій Голодок]. Personal Facebook page: [https://www.facebook.com/permalink.php?story\\_fbid=1185861958411649&id=100009635686434](https://www.facebook.com/permalink.php?story_fbid=1185861958411649&id=100009635686434)

<sup>127</sup> 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/pravoohoronci-rozsliduyut-obstavini-zajmannya-legkovogo-avtomobilya-MERCEDES-v-czentr-odesi/>

<sup>128</sup> Odesa: Activist Demyan Hanul's car was burned again, there are threats against his family [Одеса: активісту Дем'янові Ганулу знову спалили машину і погрожують його родині] / ZMINA, November 23, 2020: <https://zmina.info/news/odesa-aktyvistu-demyanovi-ganulu-znovu-spalyly-mashynu-i-pogrozhuut-jogo-rodyni/>

As the activist **Yaryna Chornohuz** told monitors of the Association of Ukrainian Monitors of Adherence to Human Rights in the Work of Law Enforcement Agencies (UMHRC),<sup>129</sup> 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 thorough 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 announced 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 lead him away from the square, but thanks to an intervention by Chornohuz and other activists, he was released.

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.<sup>130</sup> As **Mykhailo Lebid**, a member of the board of the Human Rights Initiative NGO who monitored the course of the situation, told ZMINA Human Rights Centre, the activists who were found guilty are planning to appeal the aforementioned decision in an appeal court.

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.<sup>131</sup>

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 included 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.<sup>132</sup>

<sup>129</sup> 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-pravozaishnyky-zasudyly-vybirkovyj-tysk-na-uchasnykiv-akcziji-pid-ofisom-prezydenta/>

<sup>130</sup> 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-akcziji-vesna-na-graniti-na-bankovij-vynnymy-u-porushenni-karantynu/>

<sup>131</sup> 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 граніті» Ярини Чорногуз) / Zmina, July 1, 2020: <https://zmina.info/news/sud-ne-vyaviv-porushennya-karantynu-z-boku-uchasnyci-vesny-na-graniti-yaryny-chornoguz/>

<sup>132</sup> Spring\_on\_the\_Granite (Весна\_на\_граніті). Facebook page, March 19, 2020: [https://www.facebook.com/VesnaNaHraniti/posts/101529791493619?\\_\\_tn\\_\\_=K-R](https://www.facebook.com/VesnaNaHraniti/posts/101529791493619?__tn__=K-R)

## #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 Laboratorna 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 Laboratorna 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 live 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**,<sup>133</sup> 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 arrested<sup>134</sup>), 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.

According to Mykhailenko, at the moment of the incident, there was a conflict around the construction.<sup>135</sup> 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 ZMINA Human Rights Centre.

According to the activist's information, the Ministry of Culture and Information Policy issued an order earlier to stop the works there, but the developer was 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 claimed that he sent a statement to the State Investigation Bureau (SIB), and the MIA was 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.

<sup>133</sup> 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. Начебто, «за порушення карантину» [відео]) / Khmarochos, April 9, 2020: <https://hmarochos.kiev.ua/2020/04/09/politsiya-zatrymala-kyianku-yaka-znyala-konflikt-navkolo-budivnytstva-va-na-pechersku-nachebto-za-porushennya-karantynu-video/>

<sup>134</sup> Aleksandra Navrotskaya. Personal Facebook page, April 10, 2020: <https://www.facebook.com/aleks.navrotskaya/posts/1636570806497875>

<sup>135</sup> 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/komepaniyi-vavrysha-isayenka-u-2019-mu-otrymaly-bilshhe-dozvoliv-na-budivnytstvo-nizh-za-dva-poperedni-roky-razom-uzyati/>

The Kyiv Police have made a statement on arresting 7 people<sup>136</sup> (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).

## #discreditation

- On **April 13, 2020**, the TV program Money on the 1+1 channel published a story<sup>137</sup> 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.<sup>138</sup>

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 bit 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 was featured in criminal cases for "utilizing" western million-dollar grants;*<sup>139</sup> 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.

<sup>136</sup> 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-pravoohoronp-czi-sklali-sim-administrativnix-protokoliv-na-osib-yaki-vlashtovali-akcziyu-bilya-zabudovi/>

<sup>137</sup> Where Ukrainian anti-corruption fighters spent 143 American million (Куда украинские антикоррупционеры распиляли 143 американских миллиона) / Money. YouTube channel: [https://www.youtube.com/watch?v=Swu2CuErEAE&fbclid=IwAR3Tdrwxiq7n1LqE\\_SxiogRHrM\\_LEAUArCw1qweSUFvzQQsl.37704WrqYjM](https://www.youtube.com/watch?v=Swu2CuErEAE&fbclid=IwAR3Tdrwxiq7n1LqE_SxiogRHrM_LEAUArCw1qweSUFvzQQsl.37704WrqYjM)

<sup>138</sup> 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-ukrap-jina-na-porozii-mizhnarodnogo-skandalu.html?fbclid=IwAR0xNjc\\_6MMjccNG3IUtgCqR5X47SDg3p\\_JtVU0hjFgKJSz9GKclv5sH7pU](https://www.unian.ua/politics/10957370-ssha-vs-ukrajinski-antikorupcioneri-ukrap-jina-na-porozii-mizhnarodnogo-skandalu.html?fbclid=IwAR0xNjc_6MMjccNG3IUtgCqR5X47SDg3p_JtVU0hjFgKJSz9GKclv5sH7pU)

<sup>139</sup> Becoming an anti-corruption fighter after three stints. How the activist Sherembey was featured in criminal cases for "utilizing" western million-dollar grants (В антикоррупционеры – после трех ходок. Как активист Шерембей стал фигурантом уголовных дел, «осваивая» западные гранты на миллионы долларов) / Strana UA, May 11, 2020: <https://strana.ua/articles/rassledovania/265964-kak-antikorrupsioner-s-tremja-sue-dimostjami-s-soratnitsej-suprun-osvaivali-million-dollarov.html>

In a few days, this article was reprinted by a number of other publications, particularly by *Apostrophe*<sup>140</sup> and *Obozrevatel*.<sup>141</sup>

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.<sup>142</sup>

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.<sup>143</sup>

## #privacy\_violations

## #discreditation

- On **April 21**, 2020, the anonymous Telegram channel MP's Secrets<sup>144</sup> 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 the corrupt Sytnyk* (meaning the head of the National Anti-Corruption Bureau of Ukraine Artem Sytnyk. Ed.)." In addition, it noted that Shabunin was a suspect 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" from the US Embassy in Ukraine.

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 reported<sup>145</sup> that he received messages from several unidentified individuals, and then he was subscribed 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 the personal phone numbers of investigative journalists and his own phone number were published.<sup>146</sup>

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 Zvirobiiy, the former president's advisor and volunteer Yuriy Biryukov and others).

Vitaliy Shabunin is a co-founder of the Anti-Corruption Action Center NGO, which develops and advocates the legislative basis for counteracting corruption (particularly on the anti-corruption bodies NABU, SAP, SACC, and ASMA, on criminalizing unlawful enrichment, etc.), monitors state procurement, and initiates investigations into abuses.

<sup>140</sup> "Took out two handfuls of golden jewelry": The media tell about the crimes of Shabunin's accomplice ("Винес две жмени золотых украшений": СМИ рассказали о преступлениях пособника Шабунина) / *Apostrophe*, May 12, 2020: <https://apostrophe.ua/news/society/2020-05-12/vyines-dve-jmeni-zolotyih-ukrasheniy-smi-rasskazali-o-prestupleniyah-posobnika-shabunina/196894>

<sup>141</sup> 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>

<sup>142</sup> Andrey Derkach (Андрей Деркач). Facebook page, February 14, 2020: [https://www.facebook.com/derkach.al/posts/1070451763306888?\\_\\_tn\\_\\_=-R](https://www.facebook.com/derkach.al/posts/1070451763306888?__tn__=-R)

<sup>143</sup> Attack on AntAC (Атака на ЦПК) / Anti-Corruption Action Center, date unspecified: [http://attack.antac.org.ua/?fbclid=IwAR1uKwL44Hi9cOfNvY-c9yXGKjMil\\_2hriQ2isDJWs\\_N-1ТyyTPuBSiwmxQ](http://attack.antac.org.ua/?fbclid=IwAR1uKwL44Hi9cOfNvY-c9yXGKjMil_2hriQ2isDJWs_N-1ТyyTPuBSiwmxQ)

<sup>144</sup> MP's Secrets. Telegram channel, April 21, 2020: [https://t.me/tayni\\_deputata/566](https://t.me/tayni_deputata/566)

<sup>145</sup> Vitaliy Shabunin. Personal Facebook page, April 22, 2020: <https://www.facebook.com/photo.php?fbid=10157259087574537&set=a.10150218837464537&type=3&theater>

<sup>146</sup> Vitaliy Sych (Віталій Сич). Personal Facebook page, May 12, 2020: <https://www.facebook.com/sych.vitaliy/posts/3039041099485489>

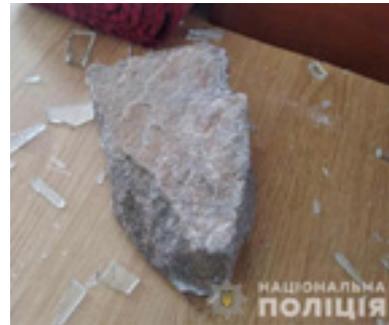
## #destruction\_or\_damage\_of\_property

## #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 grab his smartphone. 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 village.



■ Photo from the website of the National Police of Kyiv Region

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 will 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,<sup>147</sup> and reported it to the police.

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.<sup>148</sup>

The police started proceedings based on the fact of the incident<sup>149</sup> 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 of whether the city residents ever 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.

Ihor Savluk 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

<sup>147</sup> 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=Vk8vSQRRb4Q&fbclid=IwAR3htnROVlqsDZVz2l1jee6vyqCv1N-E\\_MxhZKCo84J3KcLUFVesByAA0qs](https://www.youtube.com/watch?v=Vk8vSQRRb4Q&fbclid=IwAR3htnROVlqsDZVz2l1jee6vyqCv1N-E_MxhZKCo84J3KcLUFVesByAA0qs)

<sup>148</sup> What is the truth the local princes are prepared to kill activists for (За яку правду місцеві князьки готові убийти активистів) / Money. YouTube channel, May 4, 2020: [https://www.youtube.com/watch?v=aMLKyQLKFrk&feature=emb\\_logo](https://www.youtube.com/watch?v=aMLKyQLKFrk&feature=emb_logo)

<sup>149</sup> 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-kijivshhini-vidkrila-kriminalne-provadhennya-za-faktom-poshodzhennya-majna-zhurnalista/?fbclid=IwAR04Ww3ZPwG1b0eZ1v5n6z7kONmZrOKhYF2BJYm1lLhFvMFukSjWrynHoA>

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 garbage 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.

## #privacy\_violations

- **In late April 2020**, 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, reported surveillance over them.

In particular, as they noted in their comments to the Ukrainian Helsinki Human Rights Union,<sup>150</sup> 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.<sup>151</sup>

As indicated in a document in possession of 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 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.

Hanna Tsyba reported that attacks on her messaging accounts took place in February. According to the activist, about a week after the incident, she was contacted by a detective who invited her to "talk" and said that "for now," she was registered as a "victim." In Tsyba's opinion, he meant the case opened after the action at the Turkish Embassy, when unidentified men came out of the building of the diplomatic mission and attacked the protesters (ZMINA wrote<sup>152</sup> about this case in

<sup>150</sup> WHAT the Police of Ukraine is persecuting the picketers of the Turkish Embassy for [ЗА ЩО поліція України переслідує пікетувальників турецького посольства] / Ukrainian Helsinki Human Rights Union, April 28, 2020: <https://helsinki.org.ua/articles/za-shcho-politsiia-ukrainy-peresliduh-ie-piketuvai-nykiv-turets-koho-posol-stva/?fbclid=IwAR0QU7d6S3X9-BiQxhIPctPkkaZleko2shpFuKqVrDcc-6naB4C9tPH5MSU>

<sup>151</sup> 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\\_kiyivshhni\\_v\\_znak\\_pidtrimki\\_siriyskih\\_kurdiv\\_video\\_n1492884](https://zaxid.net/anarhisti_znishhili_dvi_vishki_lifecell_na_kiyivshhni_v_znak_pidtrimki_siriyskih_kurdiv_video_n1492884)

<sup>152</sup> The situation of human rights defenders and civil activists in Ukraine in 2019: Analytical report (Становище правозахисників та громадських активістів в Україні у 2019 році: Analytical report) / M. Lavrinok, V. Likhachov; ed. by T. Pechonchuk; Ukrainian Helsinki Human Rights Union, ZMINA, Truth Hounds. – Kyiv, 2020. – 88 p. [https://zmina.ua/content/uploads/sites/2/2020/02/stateofhumanrightsdefenders2019\\_reportuaaweb\\_.pdf](https://zmina.ua/content/uploads/sites/2/2020/02/stateofhumanrightsdefenders2019_reportuaaweb_.pdf)

its monitoring report of 2019); however, the law enforcement had not contacted them about this case since October 2019. Later, after receiving the poster in question, the activist saw that it used screenshots from the demonstration at the embassy, which she herself had handed over to the investigation.

In late November 2020, the Department of the National Police of Kyiv Region informed ZMINA Human Rights Centre in reply to its request that the investigation into the arson of the cell phone towers was still underway. The officers refused to provide the information on whether anyone had been declared a suspect, citing the secrecy of the investigation.

## 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.



■ Vladyslav Orlov, photo from his Facebook page

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 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,<sup>153</sup> 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.

<sup>153</sup> 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-ra-doju-chy-porushuie-myrna-aktsiia-karantyn/?fbclid=IwAR3IORXnSQGaPSINpkaQ1WBHRhbEyeAyAgFqp9fez3I93sNhNryXpSrZhw>

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.<sup>154</sup>

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.



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

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.

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.<sup>155</sup>

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.<sup>156</sup>

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.<sup>157</sup>

<sup>154</sup> 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/>

<sup>155</sup> Mykyta Knysh (Микита Книш). Personal Facebook page, May 2, 2020: <https://www.facebook.com/knysh.nikita/videos/1099056580467448/>

<sup>156</sup> Final word on the attack (Финальное слово по нападению) / Censor.net, blogs, May 3, 2020: [https://m.censor.net.ua/blogs/3193084/finaloe\\_slovo\\_po\\_napadeniyu\\_05042020](https://m.censor.net.ua/blogs/3193084/finaloe_slovo_po_napadeniyu_05042020)

<sup>157</sup> The police are establishing the identities of the unidentified individuals who attacked a man in the Shevchenkivsky 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/inshi-podiji/policzejski-vstanovlyuyut-osobi-nevidomix-yaki-napali-na-cholovika-u-shevchenkivskomu-rajoni-xarkova/>

Mykyta Knysh is a cyber security expert who participates in various educational events on this subject, 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**, Odesa 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 links 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 Odesa 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 Izmayl 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.

Meanwhile, in December 2019, **Vladyslav Dalakov's** car was also burned by unidentified individuals, but, as reported by the police at the request of 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 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 reported by the police, several versions are considered, one of which is that the crime was committed in connection to Stepanenko's public activity.

According to the activist himself, as of December 2020, the case is still being investigated, but no investigative actions are being conducted with him, and, according to the information he has, the forensic tests required in this case are not conducted either.

## #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.<sup>158</sup>

<sup>158</sup> Bunchikova Yulia. Personal Facebook page, May 16, 2020: <https://www.facebook.com/bynhiki/videos/1892609647539639/>

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 certain 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 the 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.info<sup>159</sup> journalists that the company had all the papers confirming its ownership of this land plot, that it had acquired the plot by purchasing it.

The Zhytomyr Regional Department of the National Police confirmed to ZMINA Human Rights Center that the case of August 16, 2018, regarding unauthorized occupation of land in Dovzhyk is being investigated; in particular, investigative actions are being conducted regarding the circumstances of the use of the forest fund lands, construction of facilities on them and their registration as the property of Askona Pivden LLC.

In addition, the Department of Culture, Youth and Sports of the Zhytomyr Regional Administration replied to ZMINA's request that Askona Pivden LLC did not coordinate with them the construction in the Bohun Forest with, where land plots with burial sites of people shot during World War II are located and protected by law as memorials.

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **May 31, 2020**, at around 10 a.m., undertakers 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.



■ Photo from Serhiy Fedorenko's Facebook page

<sup>159</sup> 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\\_EO-5jnCe-toX\\_FSvSmZHIW9AK5870W3042uTYsjfEAE](https://www.zhitomir.info/news_192170.html?fbclid=IwAR3GwveP3hCD1y4af_EO-5jnCe-toX_FSvSmZHIW9AK5870W3042uTYsjfEAE)

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.<sup>160</sup>

As building residents found out later by asking the funeral service, a day before the incident, they were visited by a man in his 40s 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 ZMINA Human Rights Centre that a case had been opened according to Article 129 of the Criminal Code of Ukraine (threat of murder).

Soon after the incident, Maryna Khokhriakova stopped being active in the association. The new head of the ACOAB is Ihor Duhanets.

## #legal\_persecution

- On **May 31, 2020**, in **Kyiv**, the police wrote a misdemeanor report in accordance with the article on 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 one can see in a video<sup>161</sup> published on the initiative's Facebook page, the audience defended the actor by reciting the line in question again and offering to prosecute them for bad language as well, but the police did not write reports on them.

As the play's author Olena Herasymyuk, who was present during the staging, told ZMINA Human Rights Centre, representatives of law enforcement bodies had created obstacles for the activists since the beginning of the protest; for example, they banned them from using some of the props which had been 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 watched 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 was announced for 2020.

<sup>160</sup> 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/predstavnyczy-kyivskogo-osbb-prynesly-pid-dveri-trunu-i-venok-vid-druziv-i-koleg/>

<sup>161</sup> Spring\_on\_the\_Granite (Весна\_на\_граніті). Facebook page, May 31, 2020: [https://www.facebook.com/watch/live/?v=305119633840084&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=305119633840084&ref=watch_permalink)

## JUNE 2020 POKY

## #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**.<sup>162</sup> 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 (*Free Radio*<sup>163</sup> recorded a witness testimony: the woman said she saw one man).

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).<sup>164</sup>

As the police informed 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.<sup>165</sup>



■ A video fragment from Serhiy Fisun's Facebook Page

## #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.<sup>166</sup>



■ Photos from Iryna Salnyk's Facebook page

<sup>162</sup> An activist in Bakhmut in Donetsk Region had his car burned (Активісту в Бахмуті на Донеччині спалили автівку) / ZMINA, June 3, 2020: <https://zmina.info/news/aktyvistu-v-bahmuti-na-donechchyni-spalily-avtivku/>

<sup>163</sup> In Bakhmut, a local entrepreneur's car was burned, – an eyewitness (PHOTOS) (У Бахмуті спалили авто місцевого підприємця, – очевидця (ФОТО)) / *Free Radio*, June 2, 2020: <https://freeradio.com.ua/u-bahmuti-spalily-avto-mistsevoho-pidpriemtsia-ochevydytsia-foto/>

<sup>164</sup> Bakhmut police are investigating the fact of an arson of a local resident's car (Поліція Бахмута проводить розслідування за фактом підпалу автівки місцевого мешканця) / Bakhmut Police Department, June 3, 2020: <http://bahmut-police.dn.ua/news/view/6616>

<sup>165</sup> Hromadske Bakhmut (Громадське Бахмут). YouTube channel, December 21, 2017: [https://www.youtube.com/watch?time\\_continue=114&v=RzJ30xDMKCIQ&feature=emb\\_logo](https://www.youtube.com/watch?time_continue=114&v=RzJ30xDMKCIQ&feature=emb_logo)

<sup>166</sup> Protest action "Avakov Must Go" in Kharkiv. Confrontations (Акція протесту «Аваков має піти» у Харкові. Сутички) / Nakipelo, Facebook page, June 5, 2020: [https://www.facebook.com/watch/live/?v=2446433265648468&amp%3Bref=watch\\_permalink](https://www.facebook.com/watch/live/?v=2446433265648468&amp%3Bref=watch_permalink)

On that day,<sup>167</sup> there were several simultaneous protest actions near the Kharkiv Regional State Administration against human rights violations by police officers:<sup>168</sup> one was organized by representatives of the ATO Veterans Association and far-right organizations, and the others were spontaneous.

According to Iryna Salnyk's testimony, she came to the protest for the resignation of the Internal Affairs Minister Arsen Avakov, which was announced on social media, without clarifying 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 at a distance with a single picket, so that they had no issues with her.

After this, according to Salnyk, the police lead 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.<sup>169</sup>

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 did because they were afraid of aggression from them. In the end, due to police pressure, they were forced to leave. Anastasiya 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.

On June 10, Iryna Salnyk announced that proceedings based on her report were not registered in the Unified Registry of Pre-trial Investigations.<sup>170</sup> Then, according to the activist, she submitted a report to the State Investigation Bureau.<sup>171</sup> After some time, she received a letter from the Bureau that the SIB did not see any evidence of a crime in the incident and passed Salnyk's report back to the Regional Police Department, which, in turn, concluded that the police officers were protecting the activist with their actions.

<sup>167</sup> 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.

<sup>168</sup> 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=IwAR3GXlcl6afUmsKlR-2m80B0BT9JnCPuQuRshKZFy4UECjyZCscT8joc-qwc>

<sup>169</sup> Nastya Popova. Personal Facebook page, June 5, 2020: [https://www.facebook.com/nastya.popova.353/posts/3126779594080633?\\_\\_tn\\_\\_=-R](https://www.facebook.com/nastya.popova.353/posts/3126779594080633?__tn__=-R)

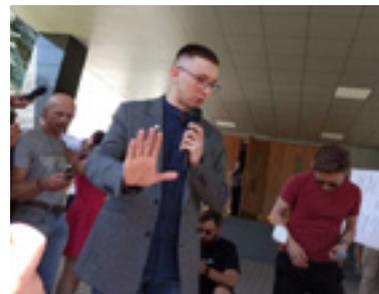
<sup>170</sup> Kharkiv: An activist's report on police use of force against her was not registered as a crime (Харків: заяву активістки про застосування до неї сили з боку поліції не зареєстрували як злочин)

<sup>171</sup> Iryna Salnyk (Ірина Сальник). Personal Facebook page, June 29, 2020: <https://www.facebook.com/photo.php?fbid=3701672789863374&set=a.749517105078972&type=3&theater>

## #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.<sup>172</sup>

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. Photo credit: Anastasiya Moskvychova, ZMINA

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,<sup>173</sup> 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 statement<sup>174</sup> 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 statement<sup>175</sup> 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 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 declaring suspicion for Serhiy Sternenko, 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 Sternenko 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 Sternenko's case has previously been reported by

<sup>172</sup> 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-zbroyi/>

<sup>173</sup> Security Service of Ukraine. Official Twitter page: <https://twitter.com/ServiceSsu/status/1271029842734125058>

<sup>174</sup> 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-nazvan-la-dij-sylovykiv-shhodo-sternenka-porushennyam-konstytucziyi/>

<sup>175</sup> 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-uhspl-shhodo-peresliduvannia-serhiia-sternenka/>

the former Prosecutor General of Ukraine Ruslan Ryaboshapka, his deputy Viktor Trepak, and the former chief of the prosecution group Andriy Radionov.

On June 25, 2020, the SSU informed him that the pretrial investigation into this case had been completed.

As of December 2020, the substance of the case was being considered in the Prymorsky District Court of Odesa. A preventive measure in the form of nightly house arrest had been selected for Serhiy Sternenko, which he was serving in Kyiv.<sup>176</sup>

In addition to the criminal case, civil lawsuits have been filed against Serhiy Sternenko by Olesia and Olha Kuznetsovs (the deceased's widow and ex-wife) for the amount of 4.5 million hryvnias.<sup>177</sup>

Serhiy Sternenko is a civil activist from Odesa, former head of the local Right Sector, and later of the Nebayduzhi NGO; among other things, he 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 (the victims asked not to specify their names in the publication), 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

<sup>176</sup> The court returned Serhiy Sternenko to house arrest (Суд повернув Сергія Стерненка під нічний домашній арешт) / ZMINA, December 19, 2020: <https://zmina.info/news/sud-povernuv-sergiya-sternenka-pid-nichnij-domashnij-aresht/>

<sup>177</sup> Millions in compensation are demanded from Sterenko for killing an attacker (Від Стерненка вимагають мільйонної компенсації за вбивство нападника) / ZMINA, October 9, 2020: <https://zmina.info/news/vdovy-cholovika-yakij-zagynuv-u-sutychozi-zi-sternenkom-vymagayut-vid-akytyvysta-miljonnoyi-kompensacziyi/>

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.

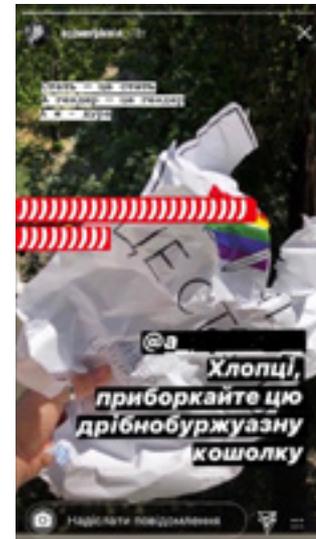
### #intimidation\_threats\_or\_other\_forms\_of\_pressure

- 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.<sup>178</sup>



■ 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 road."*<sup>179</sup> 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 links 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.

<sup>178</sup> 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 сльозогінним газом) / ZMINA, June 23, 2020: [https://zmina.info/news/u-kyievi-pid-chas-ahitreym-du-pravoradykaliv-tr%ca%b9okh-nerovnotitnikh-divchat-zabryzkaly-sl%ca%b9ozohinnym-hazom/?fbclid=IwAR1ug5iMjMgvmz\\_foLjroMpCVtYn-5MOv8Xg3gXeNRAMQglogNRXc0vavgvD0](https://zmina.info/news/u-kyievi-pid-chas-ahitreym-du-pravoradykaliv-tr%ca%b9okh-nerovnotitnikh-divchat-zabryzkaly-sl%ca%b9ozohinnym-hazom/?fbclid=IwAR1ug5iMjMgvmz_foLjroMpCVtYn-5MOv8Xg3gXeNRAMQglogNRXc0vavgvD0)

<sup>179</sup> 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/>

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 ZMINA Human Rights Centre, he receives insulting messages quite often, but this time he decided to react because there had been negative precedents in the region: the attack on the activist Serhiy Hnezdilov<sup>180</sup> 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.<sup>181</sup> As of December 2020, Kravets confirmed that the proceedings had been started, and he was contacted by an investigator by phone once; the activist is not informed about the further course of the case.

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 Vyhovskyy, 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.<sup>182</sup>

Mykola Vyhovskyy, however, stated that another misdemeanor report was written on him regarding an alleged violation of the procedure for conducting mass events, but the report on this article was

<sup>180</sup> 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-nan-paly-na-aktyvysta-sergiya-gnezdilova-ranisce-jomu-pogrozhuval-deputat-vid-opzjh/>

<sup>181</sup> Malynovsky District Court of Odesa. Decision / OpenDataBot, June 25, 2020: <https://opendatabot.ua/court/90064571-99de6c317cfa6621d9a5ed-c50897e08c?fbclid=IwAR0-13kkc4FUe0VSjdtxRQEF5-t0v5rhoQ0UjnVAESZwj2R6awAkR6lkw>

<sup>182</sup> "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'ятох 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-bin-lya-shevchenkivskogo-rajonogo-sudu-mista-kijeva-na-p-yatoh-osib-skladeno-administrativni-materiali-andrij-krishhenko/>

not considered at the court hearing later. This MCU article is consistently criticized by human rights defenders, because in Ukraine, obtaining a permit is not required to hold peaceful gatherings.<sup>183</sup>

As **Mykola Vyhovsky** told 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,<sup>184</sup> 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 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.

**Oleksandr Kiryakov** told 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. 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.

**Andriy Martynenko** told ZMINA Human Rights Centre that he saw ZIK starting a live transmission (the filming crew was surrounded by the Dialogue Police), and Vyhovsky turned on the siren on the megaphone. According to Martynenko, this was about the third time when arguments with reporters for this TV channel happened, but this time the police decided to respond. A column of special police forces started moving from the court towards the journalists, and a commotion started. Martynenko was standing aside and shouting “*Avakov is a devil,*” when one of the officers (Martynenko believes he was their commanding officer) pointed at him and said, “*Grab him. He was throwing.*” Later Martynenko found out that someone threw a tripod, but he claims that he had nothing to do with it. The police first led the activist to the other side of the court building, and then they led him towards the gate.

Throughout this, according to Martynenko, he did not resist the police; they, in turn, did not explain anything to him. Next to the gate, he was told to “*Leave the territory of the court,*” he started protesting against this verbally (asking if he was being deprived of the right to free movement), and then they dragged him into the police vehicle.

<sup>183</sup> Some of the arrests near the Shevchenkovsky 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-shevchenkivse-kym-sudom-tochno-vidbuvalasya-z-porushennyamy-ozon/>

<sup>184</sup> 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>

The fifth person arrested on June 15, **Anton Kovalenko**, told ZMINA Human Rights Centre that at first he was standing at a distance and reading a book, but he saw that something was happening (meaning the situation around the ZIK journalists when they were prevented from starting a live stream) and came closer. Then he saw the police running somewhere to the other side of the court building and went there. There was a commotion there, too. The activist says that he saw a guy in the crowd lose his balance: he was being dragged by the police, and when he tried to pick him up, the police grabbed Kovalenko as well, twisted his arms and dragged him to the other detainees. According to Kovalenko, after force was used against him by the police, he had bruises on his body and could not lift his arms for several weeks, especially his left arm. He says that the GP whom he went to after his attorney recommended to do so certified (approximately on June 28) the presence of bodily injuries.

Misdemeanor reports on these activists were considered by the Shevchenkivsky District Court, which acquitted them of all charges. According to Oleksandr Kiryakov, he also filed a report to the SIB regarding the beating by the police, but in August, the Bureau informed the activist that his report had been passed on to the Internal Police Security Department. As of December 2020, the activist's attorneys were working on appealing this decision and making the SIB specifically investigate the incident.

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 Vyhovskiy is a project coordinator at the CHESNO Movement; he actively participates in actions against police brutality (for the resignation of the 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.

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 National University in Kyiv.

Andriy Martynenko and Anton Kovalenko also say that they are just conscious citizens and do not belong to any non-governmental organizations.

## #destruction\_or\_damage\_of\_property

- On **June 17**, 2020, at around 2 a.m. in **Kyiv**, unidentified individuals burned the car<sup>185</sup> of **Borys Probko**, a resident of a building on Bulvarno-Kudriavska Street. As a member of an ACOAB, he was conducting negotiations with the neighboring Bersenev Medical Centre on installing a barrier at the entrance to their yard because the Medical Centre's clients parked in their building's yard and created inconveniences for the residents.



■ Photo of Borys Probko

According to Probko, in May, he had a conflict with a clinic guard in the parking lot; the guard beat him up and threatened to burn his car.

<sup>185</sup> Officially, the car belongs to B. Probko's son.

The Bastion ACOAB unites the residents of only one building; the neighboring buildings have different ACOABs. The building's residents say that Probko was elected as the head of the ACOAB, but he has not been registered officially, so the registries list a different person. Nevertheless, Borys Probko was trying to defend the interests of the residents, organized some processes to improve the building territory; he was the one who corresponded with the Clinic regarding the barrier, but the other party did not reply to him.

At ZMINA's request, the National Police informed us that a case was opened regarding this incident on June 17, according to Part 2 Article 194 of the Criminal Code (intentional destruction or damage of property). Meanwhile, as of December 2020, according to the victim, the investigation is still being conducted, but there is no progress in the case, the arsonists have not been identified.

Meanwhile, on September 16, representatives of the Landscaping in Shevchenkivsky District Communal Company dismantled the aforementioned barrier in the presence of the police as an object installed without permit. The KCSA replied to ZMINA Human Rights Centre's request that there had been an investigation into the installation of artificial barriers which prevent special vehicles from passing, in compliance with Mayor Vitaliy Klychko's order of July 16 No. 25686, after which an inspector ordered to present a permit for installing the barrier. According to the KCSA, they have not received the relevant documents.

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **June 25, 2020**, in **Kryvyi Rih**, there was an attack on the activist **Henri Demyanovich**, who held a single picket for the Rainbow Flag Day: he wanted to hang the LGBT flag over one of the highways at the entrance to the city.

According to the victim, while he was hanging the flag, a car stopped under the bridge, the driver came out and started calling him names and demanding to take the flag down; then he climbed onto the bridge and started chasing him to grab the flag. When he did, he tried to tear it apart, but failed and threw it into a puddle.

Following the incident, Demyanovich went to the police, but they did not open a case, registering his statement as a citizen address. Then the activist victim went to the Dovhyntsi District Court of Kryvyi Rih, which obligated the police to open a case.

However, in a month and a half, the activist was contacted by a police officer who said that Demyanovich's demonstration was not sanctioned (even though the Ukrainian law does not make it mandatory to obtain a permit for a peaceful gathering), and that he allegedly broke some regulations on the placement of advertising structures when he was attaching his flag. As a result, Henri Demyanovich withdrew his statement, and the police pressure stopped.

Henri Demyanovich is a co-founder and head of NGO Protego; he also consults international organizations.

This was not the first time that he has faced persecution and pressure due to his LGBT activism in Kryvyi Rih. In particular, in the summer of 2019, unidentified individuals wrote offensive remarks on the door of his apartment, and before that, someone shared his home address online.<sup>186</sup> (ZMINA described this persecution in detail in its monitoring report for 2019.<sup>187</sup>)

<sup>186</sup> In Kryvyi Rih, unidentified individuals painted the door of an LGBT activist's apartment because of a rainbow flag on the balcony (У Кривому Розі невідомі обмалювали двері квартири ЛГБТ-активіста через райдужний прапор на балконі) / ZMINA, January 18, 2019: [https://zmina.info/news/u\\_krivomu\\_rozi\\_za\\_vivishenij\\_rajduzhnij\\_prapor\\_nevidomi\\_obmaljuvali\\_dveri\\_kvartiri\\_aktivista/](https://zmina.info/news/u_krivomu_rozi_za_vivishenij_rajduzhnij_prapor_nevidomi_obmaljuvali_dveri_kvartiri_aktivista/)

<sup>187</sup> The situation of human rights advocates and civil activists in Ukraine in 2019: An analytical report (Становище правозахисників та громадських активістів в Україні у 2019 році: Analytical report) / M. Lavrinok, V. Likhachov, ed. by T. Pechonchuk; Ukrainian Helsinki Human Rights Union, ZMINA, Truth Hounds. – Kyiv, 2020. – 88 p. [https://zmina.ua/content/uploads/sites/2/2020/02/stateofhumanrightsdefenders2019\\_reportuaweb\\_.pdf](https://zmina.ua/content/uploads/sites/2/2020/02/stateofhumanrightsdefenders2019_reportuaweb_.pdf)

## #privacy\_violations

- On the night of **June 26**, 2020, in **Kyiv**, the LGBT activist **Sofiya 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 shared the details of the incident on Facebook.<sup>188</sup>

According to Lapina, the aforementioned car was later seen parked near the house where she arrived, and it was noticed near Khvylovy 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 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 public order, but while the discussion went without an incident, the party was interrupted by the police before its end, and a misdemeanor report was written by officers against the bar's owners.<sup>189</sup> 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.

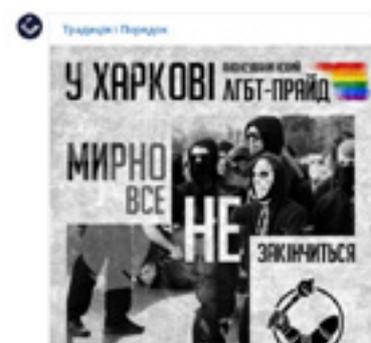
In addition to the case above, Sofiya Lapina also informed ZMINA Human Rights Centre about other cases of surveillance of her, which she links to her public activities and which, in particular, have compelled her to change her address of residence.

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.

## JULY 2020

## #intimidation\_threats\_and\_other\_forms\_of\_pressure

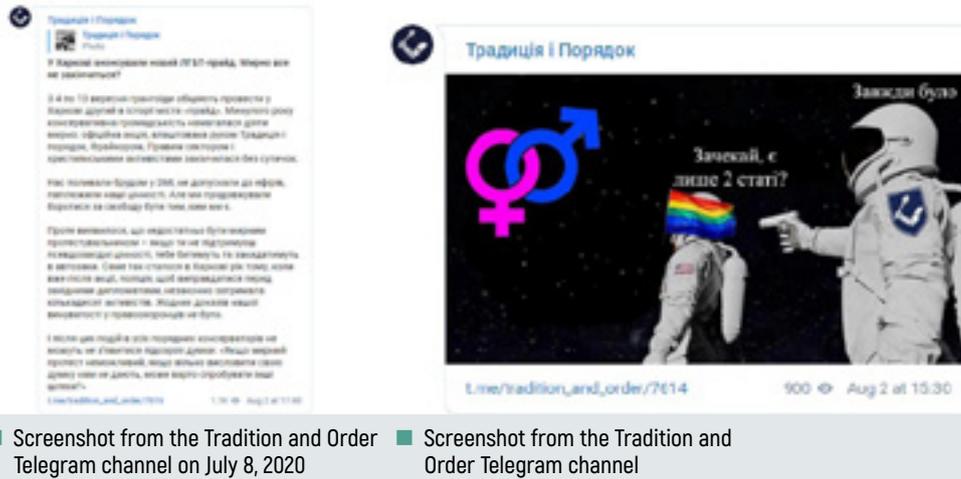
- On **July 7**, 2020, members of the right-wing radical organization Tradition and Order (TaO) covered and blocked the entrance to **PrideHub** in **Kharkiv** with posters with anti-LGBT+ captions. The Hub's administrator was inside at the time; she heard laughter and voices from the outside. Later, when she saw the posters, she called the police and submitted a statement, but the police did not open a case and treated the statement as a citizen address.



■ Photo credit: Our World NGO

<sup>188</sup> Sofiia Lapina. Personal Facebook page: [https://www.facebook.com/sofiialapina/posts/2854510944776198?\\_xts\\_\\_\[0\]=68.ARB5PXQm\\_ZEaqjz\\_wYx7q1xXUG-kHBuxlAyy3eIDloRq-iAhamEtqSAT-CabcstLxGk6EtSmHe3AG-sMZATZm5C\\_tBroZumWuRnnIH3vd0sXUewtQDz4tP51xB4KGB72KKgj-OdVwdB-mijjOSza2PPE2sxF5GjWtXAJyYwrTAIu2f0aLzHAJPEGKIUNhtgBfirG17d3VvpS&\\_\\_tn\\_\\_=-R](https://www.facebook.com/sofiialapina/posts/2854510944776198?_xts__[0]=68.ARB5PXQm_ZEaqjz_wYx7q1xXUG-kHBuxlAyy3eIDloRq-iAhamEtqSAT-CabcstLxGk6EtSmHe3AG-sMZATZm5C_tBroZumWuRnnIH3vd0sXUewtQDz4tP51xB4KGB72KKgj-OdVwdB-mijjOSza2PPE2sxF5GjWtXAJyYwrTAIu2f0aLzHAJPEGKIUNhtgBfirG17d3VvpS&__tn__=-R)

<sup>189</sup> The police have written a misdemeanor report on the Khvyliovy 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-oshtrafuvala-bar-hvylovyj-za-porushennya-norm-karantynu-pid-chas-prajd-vechirky-shho-trapylosya/>



■ Screenshot from the Tradition and Order Telegram channel on July 8, 2020

■ Screenshot from the Tradition and Order Telegram channel

Responsibility for the incident was claimed by the Kharkiv branch of TaO, who wrote about it on their Telegram channel and called their actions an “agitation raid.”

Later, in August, on the same channel, the group encouraged their like-minded followers to think about using “non-peaceful” means of protest against this year’s KharkivPride, scheduled for September.<sup>190</sup>

PrideHub is a center for the LGBTIQ-friendly community in Kharkiv, which exists as a part of the City for Everyone, Rights for Everyone project run by Kharkiv Women’s Association “Sphere.” Activists hold educational and cultural events there.

## #physical\_attack

- On **July 9, 2020**, in **Odesa**, at around 4 p.m., an unidentified individual attacked the head of Common Goal NGO **Volodymyr Savchenko**, who opposes illegal construction and is engaged in anti-corruption activities. This was reported on Facebook by the victim himself,<sup>191</sup> who added a scanned medical report certifying that he had a concussion and a number of soft-tissue injuries.



■ Volodymyr Savchenko after the attack (photo from the Facebook page of the activist Ihor Kravets)

On that day, there were rallies against illegal construction in Odesa (earlier, the court issued prohibitions to conduct construction works at certain addresses, and activists brought these court decisions to each of the construction sites in question). Volodymyr Savchenko participated in the rallies, then returned to the organization office and planned to go to participate in a TV show on Channel 7. As the activist was crossing a road, he was attacked from behind. The attacker was wearing a cap and covering his face with a scarf, and when passers-by intervened, he fled.

The victim links the incident to his civil activism. According to Savchenko, the attack was preceded by oral threats against some members of their organization.

<sup>190</sup> Tradition and Order hints that this year’s Kharkiv Pride will not be peaceful (“Традиція і порядок” натякає, що цьогорічний ХарківПрайд не відбудеться мирно) / ZMINA, August 3, 2020: <https://zmina.info/news/tradycziya-i-poryadok-do-nasyilstva-pid-chas-czogorichnogo-harkivprajdu/?fbclid=IwAR2L5mZFnAYDb97DgJU9N1nFBR7T6ZY-EMNjhBMQ1ou7qyVi57uy6uSwGGE>

<sup>191</sup> Volodymyr Savchenko (Володимир Савченко), personal Facebook page, July 9, 2020: <https://www.facebook.com/photo.php?fbid=744840606267952&set=a.20031150720903&type=3&theater>

Odesa Police has reported opening criminal proceedings according to Part 1 of Article 125 of the Criminal Code of Ukraine (light bodily injuries).<sup>192</sup>

On July 15, Odesa police arrested a 29-year-old man who was declared a suspect in the attack on Savchenko.<sup>193</sup> A preventive measure was chosen for him in the form of detention.

On September 28, the Prymorsky District Court started the consideration of the case. *Odessa Online*<sup>194</sup> reported that the defendant's attorneys requested that the court give them time for reconciliation with the victim, but according to Savchenko himself, it is impossible, because the defendant refuses to identify the person who ordered the attack.

Volodymyr Savchenko is the head of NGO Volunteer Movement "Common Goal," which has been active in Odesa since 2015. The organization's activities include opposing illegal construction, particularly along Odesa's coastline (the activists have been providing legal and informational support for these cases in court).

## #intimidation\_threats\_and\_other\_forms\_of\_pressure

- On **July 12**, 2020, the far-right Telegram channel Volary published a post<sup>195</sup> about **Serhiy Movchan**, a journalist and left-wing activist who also works on monitoring the activities of the far-right as a part of the Marker project. As the reason for mentioning this activist in their post, the authors indicated his political views, his participation in this year's March 8 demonstration, and his journalistic work.

The post contains photos of the activist and his brother, who is also engaged in civil activism, a link to his Facebook page, and lists his features which, according to the authors, can be used to recognize Serhiy Movchan.

According to the activist, he has not received any threats since then, and he does not link the post to any specific events, saying that the right-wingers know his face anyway, particularly because he used to be a member of right-wing movements himself at one point. He did not report the aforementioned events to the police.

Serhiy Movchan is an activist and journalist for *Political Critique* and *Marker*. He participates in a research of cases of violence by far-right radicals. He has participated in human rights actions and left-wing actions.

The Volary Telegram channel looks like a database with profiles of activists whom the channel's authors see as their opponents: activists of left-wing organizations (earlier, also pro-Russian activists, but this quickly stopped), feminists, LGBT activists, researchers or hate speech and hate crimes, which, in particular, are perpetrated by the far-right, etc.

Although the channel specifies that it "does not encourage anyone to violence," the rhetoric of publications signifies the opposite: they mention "physical influence," remark on the advisability

<sup>192</sup> Odesa police are establishing the circumstances of causing bodily damage to a local resident (Одеські поліцейські встановлюють обставини причинення місцевому жителю тілесних ушкоджень) / National Police of Odesa Region, July 9, 2020: <https://od.npu.gov.ua/news/tilesni-ushy-kodzhennya/odeski-policejski-vstanovlyuyut-obstavini-sprichineannya-miscozevomu-zhitelyu-tilesnix-ushkodzhen/>

<sup>193</sup> In Odesa, law enforcement officers arrested a suspect in an attack on an NGO representative (В Одесі правоохоронці заарештували підозрюваного у нападі на представника громадської організації) / Official YouTube channel of Odesa Region Police, July 16, 2020: [https://www.youtube.com/watch?v=fCtB3w1q180&feature=youtu.be&fbclid=IwAR2ACPkAYXNhij-gDE07qYrfOJOPLVaQem4TM41WwBT0G\\_woAPtVNQYeM](https://www.youtube.com/watch?v=fCtB3w1q180&feature=youtu.be&fbclid=IwAR2ACPkAYXNhij-gDE07qYrfOJOPLVaQem4TM41WwBT0G_woAPtVNQYeM)

<sup>194</sup> Attack on an Odesa activist: the suspect wants to make peace with the victim (Нападение на одесского активиста: подозреваемый хочет помириться с потерпевшим) / *Odessa Online*, September 28, 2020: <https://odessa.online/napadenie-na-odesskogo-aktivista-podozrevaet-myj-hochet-pomiritsya-s-poterpevshim/>

<sup>195</sup> Volary (Вольер), Telegram channel: <https://t.me/antiantifa/843>

of “liquidating” or “not liquidating” certain people. The channel also publishes videos in which those whose photos have been published in the Volary are chased and sprayed with pepper spray.

In March, a number of human rights organizations, including ZMINA Human Rights Centre, published an open statement<sup>196</sup> in which they addressed the leadership of the Central Office of the National Police with a request to give proper legal evaluation to the actions of the far-right who publish personal information of activists on the Volary Telegram channel.

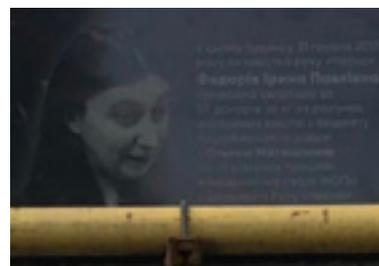
Soon after this, the channel’s authors wrote that they were dividing their work into a public part (posts on the channel which readers can see) and a non-public chat for discussions. ZMINA Human Rights Centre has information that the chat participants, among other things, discuss attacks on their opponents.

## #discreditation

## #intimidation\_threats\_and\_other\_forms\_of\_pressure

- On **July 14, 2020**, in the village of **Kotsiubynske** in Kyiv Region, unidentified individuals installed a sign on the house of the editor-in-chief of the CHESNO website **Iryna Fedoriv**, who supports Kotsiubynske’s merger with Kyiv, accusing her of alleged involvement in corruption schemes when she bought her apartment.

The activist published a photo of the “memorial plaque” on her Facebook page,<sup>197</sup> pointing out the false information written on it.



■ Photo from Iryna Fedoriv’s Facebook page

Later on the same day, the CHESNO Movement published a statement<sup>198</sup> in which they called these events an act of intimidation against their activist for her civil activities in defense of the interests of village residents and in opposition to illegal construction.

In Iryna Fedoriv’s opinion, the plaque was installed in response to a rally on July 14 in Kyiv near the Verkhovna Rada in favor of merging Kotsiubynske with Kyiv, because the village itself lacks resources to provide its residents with social services—medical, educational, etc.

On the same day, a statement about the need to merge Kotsiubynske with Kyiv was made by the Kyiv mayor, Vitaliy Klychko.<sup>199</sup> According to him, Kotsiubynske residents use the capital’s social and communal infrastructure, because they essentially live in Kyiv, and the village itself is a kind of enclave in the capital’s territory and has no road connection to any other locality.

After the incident, Iryna Fedoriv went to the police and wrote a statement about the crime. The police later sent her a letter indicating that they did not see any social danger in the installation of the plaque due to its insignificance, so they did not launch proceedings.

<sup>196</sup> Statement on the unacceptability of pressure on human rights defenders by far-right organizations (Заява про неприпустимість тиску на правозахисників з боку ультраправих організацій) / ZMINA, March 3, 2020: <https://zmina.ua/statements/zayava-pro-nerypustymist-tysku-na-pravozahysnykiv-z-boku-ultrapravyyh-organizacij/?fbclid=IwAR1ysvuyE-RBjIm5DUjn8olrzF11NBz6SSDBoCXgDlPP70o4afvtNxCtak>

<sup>197</sup> Iryna Fedoriv, personal Facebook page, July 14, 2020: <https://www.facebook.com/fedoriv.iryna.chesno/posts/1193065261045616>

<sup>198</sup> The CHESNO Movement’s editor-in-chief is being intimidated: The editorial board demands an investigation (Головну редакторку Руху ЧЕСНО залякують: редакція вимагає розслідування) / CHESNO, July 14, 2020: <https://www.chesno.org/post/4106/>

<sup>199</sup> Vitaliy Klychko: “Kotsiubynske must become a part of Kyiv” (Віталій Кличко: «Коцюбинське повинне стати частиною Києва») / Official portal of Kyiv, July 14, 2020: [https://kyivcity.gov.ua/news/vitaliy\\_klichko\\_kotsyubynske\\_povinne\\_stati\\_chastinoyu\\_kiyeva/](https://kyivcity.gov.ua/news/vitaliy_klichko_kotsyubynske_povinne_stati_chastinoyu_kiyeva/)

The installation of the plaque was not the first attempt to discredit Iryna Fedoriv and put pressure on her this year. In January 2020, ZMINA recorded a number of anonymous publications of manipulatory nature with false information about the activist, her property and activities. These materials, in particular, were published on the *Pravda Irpenia* website (which immediately published a news piece<sup>200</sup> about the plaque on Fedoriv's building, citing the anonymous Telegram channel Activists of Irpin, adding completely unsubstantiated information about the alleged 5 apartments which the activist obtained by fraud); in addition, a separate website, *fedoriv.info*, was created to accumulate such publications.

Back in 2018, the CHESNO Movement published an official statement<sup>201</sup> about the properties in Iryna Fedoriv's electronic declaration and manipulations around the assessment of their value.

The activist herself views the aforementioned publications as pressure due to her civil activities. According to the activist, tires on her car have been slashed, too, and her electricity meter was stolen once.

Iryna Fedoriv is the editor-in-chief of the CHESNO website, blogger, former councilor in the 5th village council of Kotsiubynske (from November 2010). As an activist, she consistently supports the preservation of the Bilychi Forest, which is adjacent to the village: the authorities have tried to give a part of the forest lands to developers.

The confrontation around Kotsiubynske's merger with Kyiv or Irpin is still going on; it will determine who will make decisions about the village's properties. A few years ago, there was also an escalation of violence against local politicians and officials: in November 2016, the village head Olha Matiushyna was attacked; in January 2017, the head of the local election commission Liudmyla Demchenko was beaten; and in October 2018, the car of Daryna Aleksandrova, an official at the Kotsiubynske Village Council who also opposed the cutting of the Bilychi Forest, was set on fire.

## #obstruction\_of\_peaceful\_gatherings

- On **July 15, 2020**, in **Kyiv**, law enforcement officers did not allow environmental activists, who were going to a protest to draw attention to the problem of waste treatment and garbage sorting in Ukraine, to approach the Verkhovna Rada.<sup>202</sup>

As the journalist **Denys Kazanskyi**, one of the protesters, told ZMINA Human Rights Centre, the activists were carrying props, garbage bags with recyclable waste (sorted and washed plastic bottles, drink containers). Because of this, the Dialogue Police first blocked their path, claiming that bringing bags in was not allowed because it could be dangerous, although the police agreed that the activists were not breaking any law by doing it.



■ Pavlo Vyshebaba, a participant of the environmental activist action near the Parliament. Photo from Denys Kazansky's Facebook page

Then the protesters suggested that the police check what exactly they were carrying in the bags and make sure that there were no explosives or banned items in them, but the police refused

<sup>200</sup> Kotsiubynske residents installed a memorial plaque for the dark publicity spreader Iryna Fedoriv (Жителі Коцюбинського встановили пам'ятну табличку чорній піарниці Ірині Федорів) / *Pravda Irpenia*, July 14, 2020: <https://irpin.news/zhyteli-kotsiubyns-koho-vstanovyly-pam-iaty-nu-tablychku-chorniy-piarnytsi-iryni-fedoriv/>

<sup>201</sup> Explanations on the situation around the e-declaration of CHESNO's editor Iryna Fedoriv (Роз'яснення щодо ситуації довкола е-декларції редакторки ЧЕСНО Ірини Федорів) / CHESNO, April 1, 2018: <https://www.chesno.org/post/1361/>

<sup>202</sup> The police did not allow environmental activists to have a protest involving garbage at the Verkhovna Rada (Поліція не пустила екоактивістів на акцію зі сміттям до Верховної Ради) / ZMINA, July 15, 2020: <https://zmina.info/news/policziya-ne-pustyla-ekoaktyvistiv-na-akczyiu-zi-smittiam-do-verhovnoyi-rady/>

to do it and called special police forces. The special police officers surrounded the activists and did not allow them to pass. They used force against several people who tried to get out of the cordon. The environmental activist and blogger **Yehor Firsov**, a former acting head of the State Environmental Inspection, had his shirt torn.

In the end, people were allowed to protest and managed to bring a few bags in. After the rally, the protesters cleaned up their props themselves.

According to Yehor Firsov, the protesters did not file complaints or statements to the police after the rally; the police did not write misdemeanor reports against the activists either.

On July 15, there was a rally near the Verkhovna Rada demanding to pass Bill 2207-1d<sup>203</sup> on waste management, since there was a possibility that the bill would be considered at the session hall. Some councilors and the mayor of Kyiv joined the protesters.

On July 21, 2020, the parliament passed the bill in the first reading.

## #intimidation\_threats\_and\_other\_forms\_of\_pressure

### #destruction\_or\_damage\_of\_property

- **Natalia Onipko**, the president of the Charity Foundation “Zaporuka,” reported pressure and threats from the neighbors due the construction of the Dacha centre for children with cancer in **Kyiv**.<sup>204</sup> According to the activist, on the morning of **July 21**, 2020, a resident of the capital’s Solomyansky District, where the centre is being built, cut the lock off the construction site gate with a saw and blocked a female guard in its territory. Later, Onipko wrote on Facebook that she went to the police with a report on property damage, but her statement was registered as a citizen address (and the police sent the district police officer to the site).



■ The damaged gate of CF Zaporuka.  
Photo credit: Natalia Onipko

The Charity Foundation “Zaporuka”<sup>205</sup> was founded in 2008. It operates in Kyiv and Lviv, helping children with cancer. Dacha is a house for cancer patients and their families where they live free of charge and rest after exhausting treatment; various entertainment events are organized there for them. The Foundation used to rent a building for this purpose, but in 2018, it started fundraising to purchase a plot and build a centre which will be capable of hosting 15 such families at any given time (350 families per year). According to the Charity Foundation’s website, they have already bought a land plot, designed an architectural project, built the building’s “carcass” and connected the internal communications.

At the same time, according to Natalia Onipko, some owners of the neighboring buildings do not like the fact that cancer patients will be nearby. According to her, this disgruntlement has been expressed to the Foundation’s representatives multiple times, but until the incident described here, it had taken the form of oral statements and had not escalated into open aggression.

<sup>203</sup> Draft bill on waste management (Проект закону про управління відходами) / Verkhovna Rada of Ukraine, website: [http://w1.c1.rada.gov.ua/pls/web2/webproc4\\_1?pf3511=69033](http://w1.c1.rada.gov.ua/pls/web2/webproc4_1?pf3511=69033)

<sup>204</sup> “He cut the lock off the gate with a saw”: Charity workers disclose pressure by opponents of the construction of a center for children with cancer (“Болгаркою зрізав замок на воротах”: благодійники заявляють про тиск противників будівництва центру для онкохворих дітей) / ZMINA, July 22, 2020: <https://zmina.info/news/bolgarkoyu-zrizav-zamok-na-vorotah-blagodijnyky-zayavlyayut-pro-tysk-protyvnykiv-budivnytva-czenti-ru-dlya-onkohvoryh-ditej/>

<sup>205</sup> Charity Foundation Zaporuka:

## #destruction\_or\_damage\_of\_property

- On **July 23**, 2020, at around 3 a.m., in the village of **Hnidyn** in Kyiv Region, the house of **Vitaliy Shabunin**, the chairman of the board of the Anti-Corruption Action Centre (AntAC), was burned. According to the victim, his parents were in the house at the time. They were saved by a neighbor who saw a “fiery pool” on the porch and woke them up before the rest of the house caught fire. Shabunin links the arson to his anti-corruption activities.



■ Vitaliy Shabunin's house after the arson. Photo credit: Anastasia Moskvychova

The executive director of AntAC Darya Kaleniuk has stated that the organization views the incident as a murder attempt on the lives of Shabunin and his family.

The police have opened a criminal case according to Part 2 of Article 194 of the Criminal Code of Ukraine (intentional destruction or damage of property).<sup>206</sup> The investigation has been assigned to the Boryspil Police Department in Kyiv Region.

On August 6, Vitaliy Shabunin was recognized as a victim<sup>207</sup> in this case. On September 22, Vitaliy Shabunin wrote on his Facebook page that he had received the forensic report<sup>208</sup> which confirmed that the fire resulted from arson.

The Anti-Corruption Action Centre is an NGO founded in 2012 by Vitaliy Shabunin and Daria Kaleniuk. It works to develop and advocate a legislative foundation for fighting corruption (in particular, regarding the anti-corruption bodies: NABU, SAP, HACC and ARMA, on criminalizing illegal enrichment, etc.), monitors state procurement and initiates investigations of abuses.

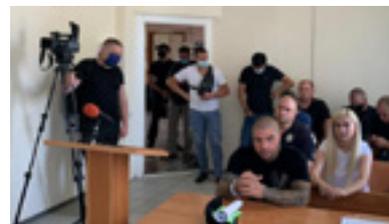
Earlier, ZMINA recorded a number of cases of persecution of Vitaliy Shabunin, particularly a lawsuit filed by the non-faction MP Andriy Derkach, which has signs of legal persecution, as well as discreditation campaigns in the media aimed against the activist, attacks and opened criminal proceedings both against Shabunin himself and against AntAC and other organization employees.

## #destruction\_or\_damage\_of\_property

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **July 28**, 2020, on a highway in **Odesa Region**, unidentified individuals shot pneumatic guns at a car in which the civil activist **Demyan Hanul** was a passenger.

According to the man, he and four other activists were driving to the city of Yuzhne in Odesa Region to cover the dismantling of a boat rental point which did not have a permit for its business. Hanul says that their presence was requested by the local government after a vacationer died in another



■ Viktor Saliy during the trial held to choose a preventive measure for him. Photo from Demyan Hanul's Facebook page

<sup>206</sup> Kyiv Region police started criminal proceedings on the fact of fire in a house in Boryspil District (Поліція Київщини відкрила кримінальне провадження за фактом загорання будинку на Бориспільщині) / Official website of the National Police, July 23, 2020: <https://www.npu.gov.ua/news/novini-z-regioniv-ta-in-sajtiv/policziya-kijivshhini-vidkrila-kriminalne-provadhennya-za-faktom-zagorannya-budinku-na-borispilshhini/>

<sup>207</sup> Shabunin has been recognized as a victim in the case of arson of his house (Шабуніна визнали потерпілим у справі про підпал його будинку) / ZMINA, August 6, 2020: <https://zmina.info/news/shabunina-vyznaly-poterpilym-u-spravi-pro-pidpal-jogo-budynku/>

<sup>208</sup> Experts confirm that there was an arson in the activist Shabunin's house (Експерти підтвердили підпал будинку активіста Шабуніна) / ZMINA, September 22, 2020: <https://zmina.info/news/eksperty-pidtvverdily-pidpal-budynku-aktyvista-shabunina/>

seaside town, Zatoka, in a crash with a water scooter.<sup>209</sup> However, the city council of Yuzhne replied orally to ZMINA Human Rights Centre's request that the activists were not directly invited to the dismantling, but it was publicly announced, so they could have seen it and come to it.

On that day, however, there was no dismantling, and then the activists decided to drive back. According to Demyan Hanul, there was no serious conflict on the site, only a verbal argument. But on the highway, two cars caught up with their car and first tried to push it off the road, and then someone started shooting from one of them.

The car of Hanul's friend, which the activists were driving, still has marks from rubber bullets, but none of the people were injured. At one point, according to Demyan Hanul, one of his comrades, who also had a rubber bullet gun (for which he had a permit, as the victim claimed) started shooting into the air to scare the pursuers. Then the activists' car pulled over, and their pursuers drove on ahead. After this, the victims called the police.

The Odesa Region Police launched proceedings according to Part 4 of Article 296 (hooliganism) of the Criminal Code of Ukraine<sup>210</sup> and announced Operation Intercept. As of 6 p.m. on the same day, the police reported that they identified the event's participants. According to the police, all of them are residents of Yuzhne aged 25 to 31. A rubber-bullet gun was discovered in one of the cars which the young people drove.

On July 30, the Komintern District Court of Odesa Region arrested Viktor Saliy, suspected of shooting at the car carrying Demyan Hanul, for 60 days.<sup>211</sup> As of December 2020, the trial is still underway.

Demyan Hanul is a civil activist from Odesa. He used to be a member of the right-wing organizations Street Front (which announced that it was suspending its activities last year) and the Odesa branch of the Right Sector. He has lately been engaged in environmental activism and the struggle against illegal construction, participated in defending the Green Theatre in Odesa, was arrested after confrontations there; he actively opposes the capture of the coastline, has published posts in defense of the Tuzlovski Lymany National Park. In his social media posts, he also supports the former MP Andriy Biletsky, the leader of the right-wing party National Corps and the founder of Azov Regiment. On July 3, Demyan Hanul declared his intention to run for the Odesa City Council in the local election, later clarifying that he was running as a National Corps candidate.

## #obstruction\_of\_peaceful\_gatherings

- On **July 31, 2020**, during a protest against the expansion of the area of lime mining by Stryhanetsky Quarry LLC near the village of **Stryhantsi**, Ivano-Frankivsk Region, as local residents were blocking the path of construction equipment, the police pushed away and tried to arrest one of the protesters, **Vasyl Kaban**, as a result of which the man's arm was broken.<sup>212</sup>

According to the victim, he was taken to the hospital in an ambulance, and while he was at the hospital, police officers came to him there and said that they would write a report on him. However, as of December 2020, the victim did not know what the result was.

<sup>209</sup> In Zatoka, a vacationer died from a crash involving a water scooter (У Затоці відпочивальник загинув від зіткнення з водним скутером) / Ukrinform, July 19, 2020: <https://www.ukrinform.ua/rubric-regions/3065812-u-zatoci-vidpocivalnik-zagynuv-vid-zitknenna-z-vodnim-skuterom.html>

<sup>210</sup> The police are looking into a report on shooting near Vizyrka (UPDATED as of 6 p.m.) (Поліція перевіряє повідомлення про стрілянину поблизу с. Візирка (ОНОВЛЕНО станом на 18.00)) / Odesa Region police, July 28, 2020: <https://od.npu.gov.ua/news/zvichajni-novini/policziya-perevirya-aje-povidomlennya-pro-strilyaninu-poblizu-s-vizirka/>

<sup>211</sup> Attack on Demyan Hanul: The suspect in shooting at a car near Odesa sent to pre-trial jail (Напад на Дем'яна Ганула: підозрюваного в обстрілі автівки під Одесою відправили в СІЗО) / Suspilne, July 30, 2020: <https://suspilne.media/51804-napad-na-demana-ganula-pidozruvanogo-v-obstrili-avivki-pid-odesou-vidpravili-v-sizo/>

<sup>212</sup> Fayne Selo Stryhantsi (Файне село Стриганці) / Facebook page, July 31, 2020: <https://www.facebook.com/watch/?v=592647931288039>

The Ivano-Frankivsk Police replied to ZMINA Human Rights Centre's request that they had conducted an internal investigation into the events of July 31, 2020, which determined that the police officers did not abuse their authority, and the bodily injuries the man suffered were not the police officers' fault.

In turn, the letter sent to ZMINA indicates that a misdemeanor report was written on Vasyl Kaban himself based on Article 185 of the MCU (persistently disobeying a police officer's legal demand). On September 24, the aforementioned documents were handed over to the Tysmenytsky District Court of Ivano-Frankivsk Region.

Vasyl Kaban is currently the head of the Regional Development Agency of Stryhantsi Village NGO and a newly elected councilor in the amalgamated territorial community council; before, he was the village head for two terms (2004–2010). Before that, he was a physical education teacher.

Activists against the expansion of the lime quarry near Stryhantsi started an indefinite protest back at the beginning of 2020: they set up a tent where someone constantly kept watch to prevent construction equipment from passing.<sup>213</sup> According to Vasyl Kaban, the first contracts to allocate land for mining were signed about ten years ago, but then nothing that was happening in the land plots was coordinated with the villagers anymore, and some of the things they were promised (particularly the construction of a bypass road for trucks driving to and from the quarry) were not implemented.

In addition, people went out to protest against lime burning in furnaces in the territory, because this, in the protesters' opinion, will cause significant harm to the environment and their health.

The Stryhanetsky Quarry is located on the border between the villages of Dovhe and Stryhantsi in Tysmenytsky District of Ivano-Frankivsk Region. Lime mining in the quarry started in 2011. In late 2019, the quarry's new owners started building a new manufacturing complex to burn lime, equipped with furnaces produced by the Italian company QualiCal, with an output of 800 tonnes per day. The total cost of the project is 22 million euros, and its implementation is expected to take three years and include three construction stages.<sup>214</sup>

## AUGUST 2020

#illegal\_detention\_or\_arrest

#legal\_persecution

#obstruction\_of\_peaceful\_gatherings

- On **August 10**, 2020, near the Belarus Embassy in **Kyiv**, during a solidarity rally against violence towards protesters in Belarus, who came out to the streets for fair elections and against Aleksandr Lukashenko's reelection as the president, the police brutally arrested five people, including a released political prisoner of the Russian Federation **Oleksandr Kolchenko**.



■ Arrest of Oleksandr Kolchenko. Photo credit: Stanislav Yurchenko, Graty

<sup>213</sup> Residents of a village in Tysmenytsky District blocked a road to prevent the construction of a lime complex (VIDEO) (Жителі села на Тисменничині перекрили дорогу, щоб завадити будівництву вапняного комплексу (ВІДЕО)) / Galka.if.ua, January 27, 2020: <https://galka.if.ua/zhiteli-se-la-na-tismennichini-perekri/>

<sup>214</sup> The Stryhanetsky lime quarry plans to become one of the most high-tech in Ukraine (Стриганецький кар'єр з видобутку вапняку планує стати одним з найтехнологічніших в Україні) / Halytsky Correspondent, February 18, 2020: <https://gk-press.if.ua/stryganetskyj-kar-yer-z-vydobutku-vaпnyaku-planuye-staty-odnym-z-najtehnologichnishyh-v-ukrayini/>

Despite what was reported on the police website,<sup>215</sup> misdemeanor reports were only written for three of them, and two people were just held for a few hours at the Shevchenkivsky District Police Department and then released (one of them was taken to a hospital in an ambulance).

As ZMINA Human Rights Centre was informed by a *Graty* reporter who was present at the rally, one of the demonstrators took out some eggs but did not have time to do anything with them because the police arrested him; later, they started arresting other activists who were blocking the path of a police car. In a video<sup>216</sup> filmed by *Graty*, we can see a fragment of the commotion which demonstrates that the activists did not attack the law enforcement officers first, but tried to hold a living chain by holding on to each other.

Another eyewitness, a reporter for Radio Liberty, told ZMINA Human Rights Centre that there were two incidents in total: during the first one, two people were arrested; and during the second one, when three other activists were arrested, including **Oleksandr Kolchenko**, they were reacting to the first arrest.

As it became known later, the egg was brought to the Embassy by a Belarus citizen **Aleksandr Vengerskyi**. Before the events described here, on the election day of August 9, he threw an egg at the Embassy building, for which he was arrested and eventually found guilty of petty hooliganism (sentenced to a fine of 51 hryvnias<sup>217</sup>). Next day, during the events described here, he brought an egg again, pulled it out, but did not manage to throw it, because he was arrested and a report was written on him about petty hooliganism and persistently disobeying legal demands of the police, which was later returned to the police by the court for clarification and correction.

Immediately after Vengerskyi, the police arrested another protester in a rather brutal way: the man was pushed to the ground, he was screaming (this participant of the events asked not to specify his name in publications; in the video of the incident filmed by Radio Liberty,<sup>218</sup> he is wearing a cap and a snood on his face; 1+1 TV channel also has footage of this arrest<sup>219</sup>). After this, he was picked up and carried into the backyard of a building. According to the arrested man, as the police were carrying him, they hit him on the head several times; around the corner, they threw him on the ground and kicked him several times (his cries can be heard in the journalists' videos), but then their superior showed up and stopped it. The activist was handcuffed, his belongings—some cash, a knife and a pepper spray can—were taken out of his pockets and seized.

The police did not write a report, the seized items were not registered or described in any way, and after all the events, his belongings were not returned to the man. According to the activist, among other things, he was threatened with rape; the officers also spoke with disdain about the Maidan protests of 2013-14. He also says that he saw at least one other person being beaten, and later he supposedly found a video online in which a bearded police officer, who was addressed as

<sup>215</sup> Misdemeanor reports written for five individuals for violating public order near the Embassy of the Republic of Belarus (За порушення правопорядку біля посольства Республіки Білорусь на п'ятьох осіб складено адміністративні протоколи) / National Police, Kyiv, August 10, 2020: <https://kyiv.npu.gov.ua/news/publiczna-bezpeka-ta-poryadok/za-porushennya-pravoporyadku-bilya-posolstva-respubliki-bilorus-na-p-ya-tox-osib-skladeno-administrativni-protokoli/>

<sup>216</sup> A fight between anarchists and the police near the Belarus embassy in Kyiv (Потасовка между анархистами и полицией под посольством Беларуси в Киеве) / Graty Me YouTube channel, August 10, 2020: [https://www.youtube.com/watch?v=Zw9C8S-vsXs&feature=emb\\_title](https://www.youtube.com/watch?v=Zw9C8S-vsXs&feature=emb_title)

<sup>217</sup> The court sentenced the man who threw an egg at the Embassy of Belarus in Kyiv to a fine of 51 hryvnias (Суд назначил мужчине, кинувшему яйцо в посольство Беларуси в Киеве, штраф 51 гривну) / Graty, August 11, 2020: <https://graty.me/news/sud-naznachil-muzhchine-kinuvshy-emu-yajczo-v-posolstvo-belarusi-v-kieve-shtraf-51-grivnu/?fbclid=IwAR2oBWFxHwSLPkibXyUJYzLXzzepPk1NO6yp4K4aTEyVeREtuUfkiL3xek>

<sup>218</sup> People were arrested at a protest near the Belarus Embassy (Під час акції під посольством Білорусі затримали людей) / YouTube channel of Radio Liberty Ukraine, August 10, 2020: <https://www.youtube.com/watch?v=dSqLPqh7bBA>

<sup>219</sup> Arrested participants of confrontations at the Belarus Embassy in Kyiv have been released (Затриманих учасників сутичок під білоруським посольством у Києві відпустили додому) / YouTube channel of TSN, August 10, 2020: [https://www.youtube.com/watch?v=uc\\_BqPOhXUE](https://www.youtube.com/watch?v=uc_BqPOhXUE)

Oleksandr, hit one of the arrested activists in the side as the latter was being carried into the yard (Channel 5's report includes footage which resembles this description<sup>220</sup>).

Later, all the detainees were delivered to the Shevchenkivsky District Police Department in Kyiv. According to the activist, the time of arrest was not recorded, only the time when they were delivered to the department was. At the department, their personal information was requested, but this activist refused to provide it. Then, according to him, he called an ambulance because he felt sick, and he was released. At the hospital, he got a medical certificate stating that he did not have a concussion, but only a bruise (we know about the document only from his words), and then he went home. At the moment of the conversation, the activist was not planning to file a complaint about the law enforcement officers' illegal actions.

As another victim, **Oleksandr Kolchenko**, told the ZMINA Human Rights Centre, at the rally, he saw the first two arrests from across the street, came closer and started asking the police what they were arresting the people for, but nobody answered him. Later, according to the activist, when he and other anarchists formed a chain, a police car started driving in their direction. According to Kolchenko, there were no requests or orders from the police at the time, the officers immediately started using force and arresting the participants of the gathering. After the arrest, according to Kolchenko, he was not beaten and he did not see anyone else being beaten; they were kept in the backyard for another hour or so, and then they were taken to the police department on Hertsen Street to get misdemeanor reports. Two reports were written on Oleksandr Kolchenko: about persistently disobeying legal demands of a police officer and about petty hooliganism. The former report was returned to the police for finalization by Iryna Makarenko, a judge of the Shevchenkivsky District Court of Kyiv; as for the latter report, at a hearing on August 11, the judge found Kolchenko guilty and sentenced him to 40 hours of community service. In their reports, the police claimed that the activist was grabbing their clothes, cursing, spitting and not responding to remarks. Kolchenko denies these allegations.

On September 11, the Kyiv Court of Appeal started the consideration of an appeal of the Shevchenkivsky District Court's ruling in the case of the activist Oleksandr Kolchenko, arrested near the Belarus Embassy, who was sentenced to 40 hours of community service.<sup>221</sup> At the next hearing,<sup>222</sup> the court studied the video filmed by the *Graty* reporter Stanislav Yurchenko and questioned the journalist himself, as well as the two police officers who wrote the aforementioned reports.

On October 8, the Court of Appeal ruled in favor of Oleksandr Kolchenko, finding him not guilty.<sup>223</sup>



■ Police officer gives testimony at the Appeal Court about the events at the Belarus Embassy. Photo credit: Anastasia Moskvychova, ZMINA

Another one of the arrested activists, who asked not to publish his name, told us that the arrested activists were pushed down on their knees in the backyard, and some of them were hit in the torso (he himself underwent a medical examination which revealed that his left shoulder joint was injured;

<sup>220</sup> Arrests were brutal, face down into the pavement: How the demonstration of solidarity with the people of Belarus in Kyiv went [Затримували жорстко – обличчям в асфальт: Як минула акція солідарності з білоруським народом в Києві] / YouTube channel of Channel 5, September 10, 2020: <https://www.youtube.com/watch?v=6Gd7VSg15UI>

<sup>221</sup> Kolchenko's appeal: The court will question the witnesses of his arrest at the Embassy of Belarus [Апеляція Кольченка: суд допитає свідків його затримання під посольством Білорусі] / ZMINA, September 11, 2020: <https://zmina.info/news/apelyacziya-kolchenka-sud-dopyta-svidkiv-jot-go-zatrymannya-pid-posolstvovom-bilorusi/>

<sup>222</sup> Appeals Court has heard out the witnesses in Kolchenko's case [Апеляційний суд заслухав свідків у справі Кольченка] / ZMINA, September 25, 2020: <https://zmina.info/news/apelyacijnyj-sud-zaslukah-svidkiv-u-spravi-kolchenka/>

<sup>223</sup> The Kyiv Court of Appeals has found the anti-fascist Oleksandr Kolchenko not guilty of petty hooliganism in the misdemeanor case on the protests at the Embassy of Belarus [Київський апеляційний суд признав невинним в мелком хулиганстве антифашиста Александра Кольченко по административному делу о протестах у посольства Беларуси] / Graty, October 8, 2020: <https://graty.me/news/kievskij-apellyacziione-nij-sud-priznal-nevinovnym-v-melkom-huliganstve-krymskogo-antifashista-aleksandra-kolchenko-po-delu-o-protestah-u-posolstva-belarusi/>

ZMINA has the document at its disposal). Later, at the District Police Department, a misdemeanor protocol was written on him. On August 12, the activist reported that the Shevchenkivsky District Court found him guilty of gross insubordination (Article 185 of the Misdemeanor Code of Ukraine) and sentenced him to the minimum fine allowed by the article; the court did not find the substance of a misdemeanor according to the article on petty hooliganism (Article 173 of the Misdemeanor Code).

On August 9, there was a presidential election in Belarus. On that day, a rally was held near the Belarus Embassy in Kyiv next to the line of voters. On the next few days, there were several similar demonstrations at the Embassy in response to police aggression against the peaceful protesters in Belarus who demanded not to recognize the results of the vote.

As of the moment of the publication, protests against the results of the presidential election in Belarus were still going on; workers of state companies, school workers, journalists, former officials, athletes, and the Nobel Prize winner Svetlana Aleksiyevich participated in the protests.

### #destruction\_or\_damage\_of\_property

### #intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **August 15, 2020**, a group of unidentified individuals with symbols of the far-right organization Tradition and Order posted their propaganda posters<sup>224</sup> all over the building in Mykolayiv where the central office of the **LGBT organization Liga** is located. Later, the same situation repeated on **August 22**.<sup>225</sup>

According to the organization's head, Oleh Aliokhin, these actions were also accompanied by threats to the organization and individual representatives of the LGBT community: their office phones were called, they received direct messages, etc.



■ A young participant of TaO's homophobic pickets. A photo from the Liga Facebook page

After this, TaO representatives attacked Liga's regional office in **Odesa** multiple times.<sup>226</sup> According to Aliokhin, radicals came to them and to Queerhome, a community centre of another LGBTIQ organization **Gay Alliance Ukraine**, in turns; they put posters on the facade and the gate, blocked keyholes with something, and once they threw eggs at the facade of the building where the Liga office is located, trying to disrupt educational events that were taking place there.

This lasted approximately until mid-October (it stopped in the third decade of the month, after a statement and requests from the Ombudsman and conducting a roundtable with the police).

According to Oleh Aliokhin, the aforementioned actions by the far-right radicals started after their organization publicly supported OdesaPride and initiated a thematic photo exhibition.

In general, the activist associates the homophobes' activities with the elections in Ukraine. He says that last year, they were attacked by the Right Sector before the presidential election, and now the events took place before the local election. He assumes that they try to destabilize the situation this way.

<sup>224</sup> LGBT Association LIGA / Facebook page, August 15, 2020: <https://www.facebook.com/Association.LiGA/posts/3450906038266667>

<sup>225</sup> LGBT Association LIGA / Facebook page, August 22, 2020: <https://www.facebook.com/Association.LiGA/posts/3480556561968281>

<sup>226</sup> LGBT Association LIGA / Facebook page, September 19, 2020: <https://www.facebook.com/Association.LiGA/posts/3559728334051103>

In reply to ZMINA Human Rights Centre's request, the National Police informed us that they had conducted a check of the incident of August 15 in Mykolayiv and did not find any confirmation of circumstances that could signify about crimes or misdemeanors.

At the same time, in reply to a request from the Paralegal Association, NGO Alliance.Global, the police said that a misdemeanor case was opened based on the facts of the events of August 15 and 23 in Mykolayiv according to Article 152 of the MCU (violation of state standards, norms and rules in the sphere of beautification of localities, the rules of beautification of territories of localities).<sup>227</sup>

The Liga Association of Gay, Lesbian and Bisexual People was founded in Mykolayiv as an interest club and an art association back in 1993 and later developed the human rights and educational areas of activity. Its main office is located in Mykolayiv, but the organization also has offices in Kherson, Odesa and Kyiv.

## #intimidation\_threats\_and\_other\_forms\_of\_pressure

### #discreditation

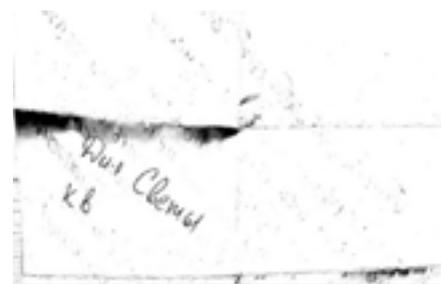
### #privacy\_violations

- On **August 18, 2020**, in **Kyiv**, **Svitlana Blahodeteleva-Vovk**, the head of the Point of Growth, Education and Science NGO and the coordinator of the anti-plagiarism initiative Dissergate, reported persecution and recurrent rape threats from a male stranger to ZMINA Human Rights Centre.



■ Collage: Svitlana Vovk (left) and a screenshot from the surveillance camera which recorded her pursuer

The activist assumes that the stalker is being paid by someone, and links the stalking to her actions against plagiarism in scientific papers written by officials: for the past five years, Svitlana Blahodeteleva-Vovk and other like-minded people have revealed dozens of cases of academic plagiarism, particularly in theses written by Arseniy Yatseniuk, Stanislav Nikolayenko, Lilia Hrynevych and others. In June 2020, after exposing plagiarism in papers written by the acting education minister Serhiy Shkarlet, the activist's Facebook account started to be regularly blocked, and then threats and stalking began.



■ One of the notes received by the victim

According to the victim, since July, she has been regularly receiving emails and Telegram messages with threats of sexual nature. At first they were emails and direct messages from different accounts in which the criminal described his fantasies of violent actions against her in detail; later, in August, he started attaching photos of the building where Blahodeteleva-Vovk and her family live, and then photos of Svitlana herself in the street, which signify that the stalker physically follows her and her house.

When the stalker came again to stick a note in her door and take new photos, the activist called the police. On September 2, Blahodeteleva-Vovk wrote a report about the stalking and threats of sexual violence, but the police registered it as a citizen address, informing the activist about it.

<sup>227</sup> Paralegal Networks (Мережі параюристів) / Facebook page, November 9, 2020: <https://www.facebook.com/paralegals.ua/posts/391498282281993>

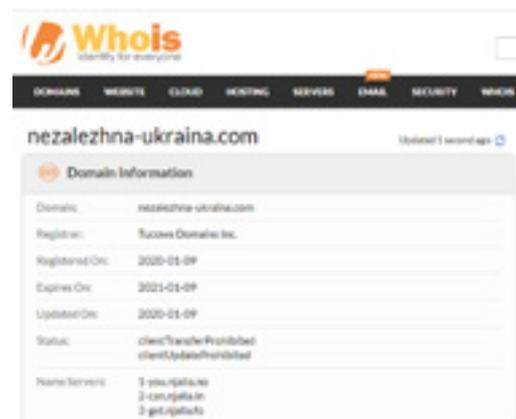
On October 6, when a press conference to publicize this incident was announced, the police told Svitlana Blahodeteleva-Vovk's lawyer Lidia Dmytrus different information: that back on September 13, proceedings were launched according to Article 182 of the Criminal Code of Ukraine (violating the sanctity of private life), although the victim's statement itself was about Article 153 of the Criminal Code (sexual violence). As of the moment of this publication, the police claim that they are conducting an investigation, but the activist continues to receive messages with rape threats.

In addition, before the press conference where Svitlana Blahodeteleva-Vovk planned to speak about the stalking, the political scientist Denys Horokhovskyy published a post about the activist's allegedly exposed "dark past"; he attached a link to the nezalezhna-ukraina.com website, where a publication, allegedly from 2015 (the only publication in the archive made that year), discusses a supposed court ruling of 2010, in which the activist was found guilty of raping her husband. This information is false, and the domain of the website cited by Horokhovskyy, according to Whois.com, was registered in 2020.

In turn, the acting minister of education Serhiy Shkarlet denies any connection to this persecution and claims that he does not know Svitlana Blahodeteleva-Vovk.<sup>228</sup>

Svitlana Blahodeteleva-Vovk, who has a PhD in Economics, is the head of the NGO Point of Growth: Education and Science, coordinates the Dissergate initiative, and is the author of blogs about education and science on various resources. In addition to her work in science, she participates in environmental civil actions and in actions against illegal construction (in particular, she defended the preservation of Lake Kachyne in Kyiv).

Dissergate is a civil initiative founded by a group of Ukrainian scientists which exposes cases of lack of academic integrity and holds the contest for the Academic Indecency of the Year, where people can vote for the most high-profile scandals in Ukrainian science and education.



■ Whois.com, a network protocol which provides access to public IP and domain name registries

## #obstruction\_of\_peaceful\_gatherings

## #physical\_attack

- On **August 30, 2020**, in **Odesa**, right-wing radicals attacked the participants of a demonstration in support of the LGBTI community, organized as a part of the **OdesaPride**. According to the organizers, at least 16 people were victimized, but not all of them reported it to the police.

The final event of the pride week in Odesa was supposed to be a march, but, as the organizers indicated,<sup>229</sup> because their opponents—individuals with the symbols of the far-right organization Tradition and Order and protesters “for the traditional family”—came to the location of the march’s beginning near the monument to Duke,



■ Photo of the Dumskaya publication

<sup>228</sup> The person who exposed plagiarism in Shkarlet's works reported threats. He responded (Викривачка плагіату в роботах Шкарлета заявила про погрози. Він відреагував) / Suspilne. News, October 7, 2020: <https://suspilne.media/69037-vikrivacka-plagiatu-v-robotah-skarleta-zaavis-la-pro-pogrozi/>

<sup>229</sup> Odesa Pride 2020 (Одесса Прайд 2020), Facebook page: <https://www.facebook.com/OdessaPride/posts/2715743425305221>

the location was moved to Dumska Square, and the demonstration was made static, as the police suggested for the purpose of ensuring public order.

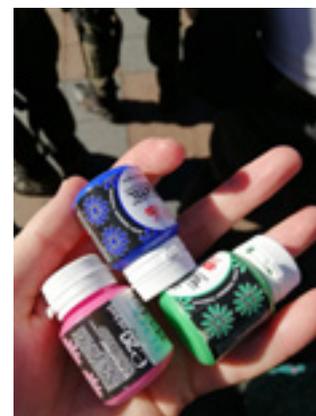
The information was published on the OdesaPride Facebook page less than half an hour before the demonstration started. Meanwhile, when the demonstrators gathered in Dumska Square, a column of right-wing radicals started heading there; they began throwing eggs and spraying pepper spray from cans into the crowd. There was a confrontation with the police.

One of the victims, who characterizes himself as a trans person and asked not to mention his name in the publication, told us that he got bruises on his hands and skin irritation (a chemical burn) because pepper spray was used against him. The activist notes that the radicals started using violence even before the demonstration began, and the victims of their attacks were mostly girls. He recognized some of the attackers and claimed that they came to Odesa from Zaporizhia. In addition, the activist recalled a dialogue with a stranger during the events described here, who came up to him and declared that LGBT people were “sick,” but if he (the victim) was raped, then he would become “like all the normal girls.” The victim decided not to report it to the police, he said it was because he did not have the time, he had to help his underage friend, who also participated in the demonstration, to get to a safe place.

Another victim, a volunteer for the **Gay Alliance Ukraine**, confirms that the attack started even before the demonstration, when the participants were arranging the props. Several people used pepper spray against her. She reported the attack to the police. Later, after returning home in a taxi, she decided to go for a walk in a nearby park. She was met there by two young men who recognized her and started threatening her. Later, at around 2 a.m., the same people together with their comrades (she saw two, but she says she heard some other people’s voices, too) came again, but this time to her home. The activist did not open the door. For some time after the incident, she had to hide at her friends’ house, because she was afraid for herself and her family if the people who threatened her returned.

Another victim who participated in the demonstration, **Veronika Nikolska**, reported chemical burns and beating (she was hit on the back of her head and on her back), as a result of which she suffered a closed brain injury, hemorrhage in the right front part of her head, and had hematomas on her body (this was recorded by medical professionals). The activist also witnessed the attackers throwing rocks, eggs and lumps of soil at the demonstrators. According to the girl, during the demonstration, they called the police 11 times in vain, but they managed to submit a statement only the next day. In addition, according to Nikolska, after the demonstration, the community center was surveilled by the radicals, who photographed and filmed the people who came there and exchanged the recordings on their social media channels.

Another one of the victims, **Yulia Sirous** (a non-binary person whose pronoun is “they”), says that some opponents were allowed to pass through the National Guard cordon (in particular, Rita Sakhalinska and some men who threatened the female activists with rape), and those who were not allowed to pass threw eggs, bottles of paint, parts of banners taken from LGBTIQ activists over the police cordon (according to the victim, they were hit several times), and sprayed pepper spray, including at the police. Some were allowed to pass because they had journalist IDs. One of these “journalists,” according to Sirous, upon passing the cordon, started shouting insults and threats at the demonstrators and filmed everything on his phone. After the incident, the activists tried to call the police to the community center’s address for several hours in a row, but the police never came. They managed to submit a statement only when the victims were at the bus station, preparing to return to Kyiv after the demonstration. It is yet unknown



■ These items, among others, were thrown at the activists. Photo credit: Yulia Sirous

whether a case has been opened. Soon after the incident, Tradition and Order called the beating of the people at the demonstration their victory and encouraged others to join their Odesa branch.<sup>230</sup>

As a result of the attack on the demonstration, two police officers were hospitalized, 16 people were arrested.<sup>231</sup> Later, at the request of a participant of the peaceful gathering, the police replied that misdemeanor reports were written on the attackers based on Article 173 (petty hooliganism), and for some based on Article 185 (persistently disobeying legal requests of a police officer) of the Criminal Code. As the Ukrainian Helsinki Human Rights Union (UHHRU) reported later, twelve of the attackers had to pay a fine.<sup>232</sup>



■ Activists took a photo of one of the men who threatened them. Photo: Yulia Sirous

In addition, Illia Popkov, a member of Tradition and Order, had a misdemeanor protocol written about him for violating the quarantine, but on October 8, according to the head of TaO Bohdan Khodakovsky,<sup>233</sup> he was acquitted.

As of August 31, five participants of the demonstration had submitted statements to the police about the bodily harm caused to them, but, according to UHHRU, no proceedings were launched on the basis of these statements.

An internal investigation initiated by the victims' attorney Yulia Lisova did not confirm the fact that the police did not properly ensure the public order and safety during the demonstration as a part of the LGBT pride on August 30 in Odesa, when the event participants were attacked by right-wing radicals.<sup>234</sup>

According to *Graty*,<sup>235</sup> on September 1, the Prymorsky District Court of Odesa chose a preventive measure for Mykyta Shevchenko, a 17-year-old resident of Kryvvi Rih, in the form of nightly house arrest. He was declared a suspect in a case of violence against a police officer (Article 345 of the Criminal Code) during the disruption of the OdesaPride demonstration in support of LGBT by members of the right-wing radical organization Tradition and Order. Shevchenko denies his guilt. He says that video records show that the person who attacked the police officer was wearing different clothes.

Later, on October 13, 2020, the victims' lawyer Yulia Lisova filed a complaint about the law enforcement's inaction with the investigative judge of the Prymorsky District Court of Odesa. The court satisfied the complaint and obligated the police to open a case based on the right-wing radicals' attack on the peaceful march.<sup>236</sup>

<sup>230</sup> Tradition and Order (Традиція і порядок), Telegram channel: [https://t.me/tradition\\_and\\_order/7985](https://t.me/tradition_and_order/7985)

<sup>231</sup> Law enforcement officers delivered sixteen public order violators to Prymorsky Police Department from Dumska Square (UPDATED) (До Приморського відділу поліції з Думської площі правоохоронці доставили шістнадцятьох порушників громадського порядку (ОНОВЛЕНО)) / National Police. Odesa Region: <https://od.npu.gov.ua/news/zvichajni-novini/do-primorskogo-viddilul-policiji-z-dumskoj-ploshhi-pravoohornci-dostavili-shistnadczyatoh-porushnikov-gromadskogo-poryadku/>

<sup>232</sup> Ukrainian Helsinki Human Rights Union (Українська Гельсінська спілка з прав людини), official Facebook page: <https://www.facebook.com/Ugspil/posts/3357200760994523>

<sup>233</sup> Bohdan Khodakovsky (Богдан Ходаковський), personal Facebook page: <https://www.facebook.com/bohdan.khodakovsky/posts/815784089250814>

<sup>234</sup> An internal investigation did not confirm the police's inaction during the attack on OdesaPride participants (Службове розслідування не підтвердило бездіяльності поліції під час нападу на учасників Одесапрайду) / ZMINA, November 18, 2020: <https://zmina.info/news/u-policiji-shho-pid-chas-napadu-na-odesaprajd/>

<sup>235</sup> Odesa court sent one of the suspects in the attack on Odesa Pride to overnight house arrest. The victims are five police officers and 16 participants of a demonstration for LGBT rights (Одеський суд отправил под ночной домашний арест одного из подозреваемых в нападении на «Одесса-Прайд». Пострадавшие – пятеро полицейских и 16 участников акции за права ЛГБТ) / Graty, September 1, 2020: <https://graty.me/news/odesskij-sud-otpravil-pod-nochnoj-domashnij-arrest-odnogo-iz-podozrevaemyh-v-napadenii-na-odessa-prajd-postradavshie-pyatero-policzejskih-i-16-uchastnikov-akczii-za-prava-lgbt/>

<sup>236</sup> In Odesa, the court obligated the police to open a case based on an attack on an LGBT demonstration on August 30 (В Одесі суд зобов'язав поліцію відкрити провадження щодо нападу на ЛГБТ-акцію 30 серпня) / ZMINA, December 7, 2020: <https://zmina.info/news/policziyu-v-odesi-cherez-sud-zobovuzaly-vidkryty-provadzhennya-shhodo-napadu-na-lgbt-akcziiyu-30-serpnja/?fbclid=IwAR-2gEljQtrUjQMTmM9xayVQABTRZQF0JOWWWOM3qtGgzbF8yi81-CSR9i4>

OdesaPride is a series of educational, cultural and human rights events in support of the LGBTIQ community which takes place in Odesa. In addition to it, there were pride events in Kyiv, Kharkiv and Zaporizhia this year.

## #physical\_attack

- On **August 31, 2020**, in **Odesa**, the civil activist **Serhiy Sternenko** was attacked near the Prymorsky District Court before the beginning of a hearing in his case: two men poured liquid from a bottle on him and fled, and two others filmed it.

As ZMINA Human Rights Centre was informed by a witness of the attack, **Vlada** (she asked not to specify her last name), the attackers were two young men in black hats who looked younger than 18. She also saw a man who was filming a video; he was later interrogated by the police.



■ An attack on Serhiy Sternenko near the court. Photo credit: Stanislav Yurchenko, Graty

At the same time, *Graty* reports that the police arrested two men who filmed the attack.<sup>237</sup>

In the evening of the same day, Serhiy Sternenko wrote on his Facebook page<sup>238</sup> that he identified three of the attackers (according to him, there were four of them); he named them and published their photos.

On September 1, it became known that Sternenko's lawyers filed a lawsuit about the attack.<sup>239</sup>

Earlier, on August 25, 2020, the Supreme Court of Ukraine denied the activist Serhiy Sternenko's request to change the jurisdiction of the case in which he is featured as a suspect, so the case is being considered by the Prymorsky District Court of Odesa. The first substantial hearing of the case was on August 31.

Serhiy Sternenko is an activist from Odesa, former head of the regional branch of the Right Sector, later of the NGO Nebayduzhi. In Odesa, he participated in protests against the development of the Summer Theater of Odesa.

In 2018, Sternenko was attacked three times: in February, the activist was beaten and suffered stab wounds; in May, he was hit in the neck with a rubber bullet. During the third attack, on May 25, 2018, there was a confrontation as a result of which Serhiy Sternenko fatally wounded one of the two attackers, Ivan Kuznetsov.

In May 2020, Oleksandr Isaykul and (the deceased) Ivan Kuznetsov were declared suspects by the police 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. At the same time, Sternenko himself was also declared a suspect in the intentional murder of Kuznetsov and illegal carrying of a cold weapon.

<sup>237</sup> Graty (Грати), the publication's Facebook page: <https://www.facebook.com/graty.me/posts/339587347404090>

<sup>238</sup> Serhiy Sternenko (Сергій Стерненко), personal Facebook page: <https://www.facebook.com/sternenko/posts/2805048369771494>

<sup>239</sup> Miller, law office (Міллер, юридична компанія), official Facebook page: <https://www.facebook.com/millerlawfirm/photos/a.406824629404660/3288910251196069/?type=3&theater>

## SEPTEMBER 2020

#physical\_attack

#privacy\_violations

- On September 1, 2020, in Odesa, two unidentified individuals attacked the activist **Oleksandr Romaniuk**, who came to a hearing of Serhiy Sternenko's case, as he was walking to the railway station after the hearing in order to return home.

According to the victim, he walked through the back alleys to take a shortcut. He did not notice the attackers right away because he was talking on the phone. They attacked him from behind, knocked the phone out of his hands, hit him a few times and fled. As Romaniuk indicates, one of them said something like “So, do you like coming to Sternenko’s trials?”



■ Screenshot of messages from activists about surveillance of them in Odesa, September 1, 2020

According to him, he does not intend to go to the police, he did not see the attackers in detail. The activist cannot rule out that they were following him from the courthouse, but he also thinks that they could have simply recognized him as a participant of protests in support of Sternenko, which were held near the Prymorsky District Court of Odesa during the hearings.<sup>240</sup>

Meanwhile, at least another two social media users also reported that they were followed after the hearing. According to them, unidentified individuals filmed them with their phones. One of them, **Bohdan** (who asked not to mention his last name in the publication), says that he noticed a man wearing a medical mask who was following him in Serebrynsky Park in Odesa. It seemed like he was taking photos or videos on his phone, facing in the activist's direction, but when he saw that the activist noticed him, he quickly walked away.

None of these activists went to the police.

Oleksandr Romaniuk calls himself a “citizen who cares.” According to him, he is not a member of any civil society organization or movement, but he tries to attend protests and hearings, particularly the ones related to Serhiy Sternenko's case.

Bohdan came from Khmelnytsky specifically to attend a hearing in Serhiy Sternenko's case. When it became known that the hearing was postponed until the next day, he, together with Oleksandr and a few other people, found an apartment to spend the night.

<sup>240</sup> In Odesa, an activist who came to a court hearing in the Sternenko case was attacked (В Одесі напали на активіста, що приїхав на суд у справі Стерненка) / ZMINA, September 1, 2020: <https://zmina.info/news/v-odesi-napaly-na-aktyvista-shho-pryyihav-na-sud-u-spravi-sternenka/>

## #physical\_attack

## #intimidation\_threats\_and\_other\_forms\_of\_pressure

- On **September 5, 2020**, in **Dnipro**, there was an attack on **Oleksandr Snisar**, the head of the Anti-Corruption Human Rights Council (an organization which presents itself as an information agency), near his house.

The attack happened when Snisar was returning from one of the local TV channels where he appeared in a show. He was hit on the head.

The attackers did not take anything, so his colleagues rule out robbery. Instead they say that members of the organization constantly receive threats from people featured in anti-corruption investigations. As ZMINA Human Rights Centre learned from a member of the Anti-Corruption Human Rights Council who asked not to mention his name in the publication, five days before the incident, the victim's Facebook account was blocked and marked as "deceased," but the victim ignored it.

As of September 8, the victim was in hospital in a serious condition. The local publication *Nashe Misto* reported that he was in intensive neurological care with a severe brain injury, a broken jaw and other fractures in his skull.<sup>241</sup>

On September 8, the Anti-Corruption Human Rights Council published a statement in which they said that the attack was ordered by someone.<sup>242</sup>

The Dnipropetrovsk Region Police opened a case according to Part 2 of Article 15; Part 1 of Article 115 (attempted intentional murder) of the Criminal Code of Ukraine. On September 14, the case was handed over to the Central Office of the National Police in Dnipropetrovsk Region.

On October 1, the police reported the arrest of two people (male, 28 and 37, from Kamyanske) in this case; both of them were declared suspects, and their residences were searched. In addition, according to the National Police, information about another man's involvement is being verified.<sup>243</sup>

In late September, the Facebook page of the Anti-Corruption Human Rights Council published a post<sup>244</sup> on behalf of Oleksandr Snisar saying that he had returned to work after treatment.

The information agency Anti-Corruption Human Rights Council was created on May 25, 2012. According to the agency's website,<sup>245</sup> the association involves former law enforcement officers, officials of control agencies, lawyers, journalists, members of other partner non-governmental organizations. The Council exposes violations of the current law by legal entities (with various forms of ownership and subordination), officials and citizens, reporting the discovered facts to the law enforcement or control agencies.

<sup>241</sup> In Dnipro, an activist who investigated corruption in regional health care has been brutally beaten (В Дніпре зверски избит активіст, розслідовавший корупцію в обласній медицині) / *Nashe Misto*, September 7, 2020: <https://nashemisto.dp.ua/2020/09/07/v-dnepre-zverki-izbit-aktivist-rassledovavshij-korruptsiyu-v-oblastnoj-medicine/>

<sup>242</sup> Anti-Corruption Human Rights Council (Антикорупційна правозахисна рада), Facebook page: <https://www.facebook.com/pravrada1/photos/a.672506289457959/4493380040703879/?type=3&theater>

<sup>243</sup> The police arrested two suspects in a murder attempt at an activist in Dnipro (За замах на вбивство активіста у м. Дніпро поліція затримала двох підозрюваних) / National Police. Dnipropetrovsk Region: <https://dp.npu.gov.ua/news/podiji/za-zamax-na-vbivstvo-aktivista-u-m-dnipro-policziya-zatrimala-dvox-pidozryvanix/>

<sup>244</sup> Anti-Corruption Human Rights Council (Антикорупційна правозахисна рада), Facebook page: <https://www.facebook.com/pravrada1/posts/4587664967942052>

<sup>245</sup> Anti-Corruption Human Rights Council (Антикорупційна правозахисна рада), website: [https://com1.org.ua/?fbclid=IwAR37qfGxlfqJnk8SKцс3xg5-mqcdPdI9uqnQTq5\\_hiPQx\\_zUrqd3Y2rfrxЕо](https://com1.org.ua/?fbclid=IwAR37qfGxlfqJnk8SKцс3xg5-mqcdPdI9uqnQTq5_hiPQx_zUrqd3Y2rfrxЕо)

## #destruction\_or\_damage\_of\_property

## #intimidation\_threats\_and\_other\_forms\_of\_pressure

- On **September 7, 2020**, co-organizers of **KharkivPride** told ZMINA Human Rights Centre<sup>246</sup> about a series of attacks on their LGBTIQ community center, PrideHub, which took place over one week.



■ Photo credit: NGO Sphere

In particular, according to them, on **August 31**, two young men threw eggs at the entrance to the community center and wrote “*Sodom*” on its wall. In a few days, at night, three other young men threw eggs again and poured urine on the Hub’s front door, and wrote “*This is the beginning*” and “*Happy pride*” on the front of the building. According to **Anna Sharyhina**, the head of **Sphere** and a co-organizer of KharkivPride, this time the attackers did not try to hide their faces, and she recognized them: they were members of the Kharkiv branch of the far-right organization Tradition and Order.

On the night of **September 7**, masked people broke windows in the office part of the building.

After the last incident, the Telegram channel of the far-right organization Freikorps published photos of the damaged building with a caption that they had “*received photos of the results of a night wind which seriously rattled the local den of perversion today.*”<sup>247</sup> This post was also shared by the page of the aforementioned Tradition and Order.

At the same time, as the police informed the Alliance.Global NGO paralegal network at their request, the agency does not see any evidence of a crime in these actions, and the complaints about them were registered as citizen addresses.

The pride week in Kharkiv started on September 4, and its final event, the March for Equality, went peacefully and without an incident on September 13 in the format of a car rally.

As a reminder, earlier, Tradition and Order encouraged its sympathizers to think about using “non-peaceful” means of protest against this year’s KharkivPride. Later, after the attack on an OdesaPride demonstration, the organization confirmed its intention to use similar methods in Kharkiv.

<sup>246</sup> In a week, the LGBT community center Pride Hub in Kharkiv was attacked three times (За тиждень у Харкові тричі атакували ком'юніті-центр для ЛГБТ “Прайд-хаб”) / ZMINA, September 7, 2020: <https://zmina.info/news/za-tyzhden-do-marshu-rivnosti-v-harkovi-trychi-atakuvaly-komyuniti-centr-dlya-lgbt/>

<sup>247</sup> Freikorps (ВПО Фрайкор), Telegram channel: [https://t.me/freikorps\\_org/1344](https://t.me/freikorps_org/1344)

**#physical\_attack****#intimidation\_threats\_and\_other\_forms\_of\_pressure**

- On **September 8, 2020**, near the CityMarket mall in **Hostomel** in Kyiv Region, there was an attack on the civil activist **Anton Kudinov** while he was filming (streaming on Facebook) a conversation with the current mayor of the village Yuriy Prylypko.

According to the victim, he saw Prylypko by accident and decided to use the opportunity to ask him about the results of his work in office in the past five years, since he and a group of like-minded people were trying to organize the event #BattleOnFacts for this purpose and had registered a petition on the subject on the village council website. Prylypko, however, did not want to talk to Kudinov; his bodyguard started pushing the activist away, but the latter continued following them to the car and streaming.



■ Photo from Anton Kudinov's Facebook page

At that moment, right in the middle of the livestream, according to Anton Kudinov, the village head's relatives (Rostyslav Skurativskiy, the founder of NGO Agency for the Development of Hostomel, who, according to the victim, is Yuriy Pylypko's son-in-law) and some other men ran out of the mall, started beating the activist (he says that this was done by the son-in-law's brother) and took his phone away. Kudinov broke free and jumped into the mall. The man says that he got help from a mall employee who called the police.

When the police arrived, it turned out that the attacker brought the victim's phone to the mall and gave it to the workers of a bar located inside, after deleting the stream and several of Kudinov's posts.

According to the victim, the police started proceedings according to Article 125 of the Criminal Code of Ukraine (intentionally causing light bodily injuries).

According to the information received by the Ukrainian Helsinki Human Rights Union,<sup>248</sup> whose public reception lawyer represents the activist's interests in this case, on September 11, Kudinov got a call from an acquaintance who said that he met a man at the village council who showed him materials from Kudinov's phone. The activist is convinced that when the attackers stole his cell phone, they managed to copy its data and look through his social media messages. In particular, he messaged this acquaintance about the activities of the mayor of Hostomel and exchanged documents with him.

Anton Kudinov claims that he is not a member of any NGOs or parties, but acts as an active citizen of Hostomel together with a group of like-minded people (they coordinate in local social media groups such as True Hostomel, etc.). For instance, they opposed the destruction of green areas in Hostomel and illegal construction.

On September 28, Kudinov wrote on his Facebook page<sup>249</sup> that he was running for the office of the head of the Hostomel Amalgamated Territorial Community; however, Prylypko was elected to the office.

<sup>248</sup> Hacked social media page, threats and robbery live: What was Anton Kudinov attacked for (Злам соцсторінки, погрози та грабіж у прямю етері: Защо напали на Антона Кудінова) / Ukrainian Helsinki Human Rights Union, September 12, 2020: <https://helsinki.org.ua/articles/zlam-sotss-torinky-pohrozy-ta-hrabizh-u-priamu-eteri-zashcho-napaly-na-antona-kudinova/>

<sup>249</sup> Anton Kudinov, personal Facebook page: <https://www.facebook.com/antonio.kudinov/posts/2756932211244939>

## #physical\_attack

- In the morning of **September 8, 2020**, in **Dnipro**, two unidentified individuals beat up the head of the local union of drivers and autotransporters **Mykhailo Tonkonohy**. The attack took place when the man was going to a meeting with representatives of the Dniprobass company and the local government.

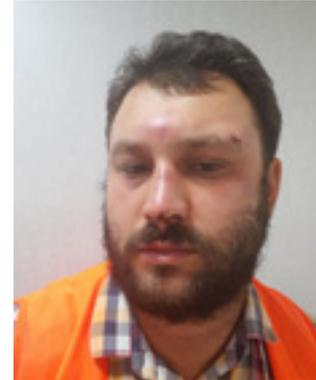
According to the victim's testimony, the attackers were wearing medical masks, and one of them was also wearing a vest with the symbols of the union which Tonkonohy represents. The police later found the vest in a garbage can near the location of the attack.

According to the activist, he reported the attack to the police. Doctors recorded that he had a broken nose, a concussion, bruises and contusions. In addition, Tonkonohy speaks about threats which he received from Dniprobass earlier and immediately after the incident. He also mentioned this in a Facebook stream which he started broadcasting after the attack as he was waiting for the police to arrive. But the dialogue with the threats itself is not recorded in the video which is currently online.

At the same time, some media wrote about a conflict within the union, allegedly over membership fees. Mykhailo Tonkonohy denies it.<sup>250</sup>

The Dnipropetrovsk Police started proceedings based on the fact of the attack on the activist according to Part 2 of Article 296 of the Criminal Code of Ukraine (hooliganism). As of September 14, nobody was declared a suspect.

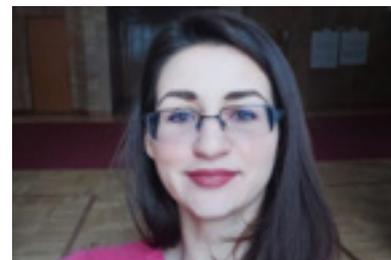
The Dnipropetrovsk City Independent Trade Union of Autotransporters, Entrepreneurs and Company Workers was founded in 2006. Mykhailo Tonkonohy became its head in 2011. In addition to the actual union work, Tonkonohy is an active blogger who covers transportation-related problems in Dnipro and speaks in the media as an expert on transportation infrastructure.



■ Photo from Mykhailo Tonkonohy's Facebook page

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **September 10, 2020**, in **Kyiv**, **Maria Muzychenko**, a student of the Institute of International Affairs (KIIA) of the Taras Shevchenko Kyiv National University (KNU), filed a complaint with the Institute director about one of the professors, Valentyna Dayneko, the chair of the Department of Foreign Languages, noting that the latter bullies and humiliates students for various characteristics, particularly their gender. This was the second complaint, the first was filed by a group of students and graduates, but the Institute leadership refused to accept it due to allegedly inappropriate format.



■ Maria Muzychenko, a photo from the activist's Facebook page

When Muzychenko entered the Institute lobby to bring the complaint in, she saw that she was being followed by an older stranger (a man in his mid-60s) who was inside.

After getting to the second floor, Maria Muzychenko stopped at the parapet (the Institute lobby looks like a four-story "well" with a window in the ceiling) to sign the document and saw that the man was

<sup>250</sup> In Dnipro, the leader of the autotransporters' union was attacked (У Дніпрі напали на керівника профспілки автоперевізників) / ZMINA, September 8, 2020: <https://zmina.info/news/u-dnipri-napaly-na-kerivnyka-profspilky-avtopereviznykiv/>

looking over her shoulder, and when she asked what the matter was, he claimed that he knew her. All of this scared the student, and she, without responding, went into the director's waiting room to file the statement; when she came out, the man followed her in silence right to the gate in the street.

According to Muzychenko, she called a taxi, and while she was riding it, she received an SMS from Volodymyr Liashenko, the head of the Student Parliament of the KNU (a BA student at the KIIA) that a criminal case was allegedly opened against her “*because of finances.*” Then Muzychenko tried to check this information somehow, and it was not confirmed, but due to the fear that someone would try to harm her somehow, she changed her place of residence by renting an apartment.

On October 21, Maria Muzychenko received a reply to her email from the Director of the KIIA, in which he stated that since there were no testimonies with the signatures of the student victims of Valentyna Dayneko attached to her complaint, it can be viewed as slander, and, allegedly, according to the University's Ethical Code, she can be expelled for this, and Dayneko can sue her.<sup>251</sup>

Chervonyi Huber NGO, which unites students and graduates of the Taras Shevchenko KNU, told ZMINA Human Rights Center that the Ethical Code was adopted without any coordination with students, and their proposals were not taken into account at all, so it should not be considered valid. The organization also published social media posts about open letters to the President of Ukraine, the University's Scientific Council, and the Rector Leonid Hubersky.

According to members of the organization, it all started with them publishing a post about Valentyna Dayneko receiving another medal (I Degree Princess Olga medal), and in response, in addition to positive and happy comments, they also received comments from graduates and students saying that this professor humiliated them. The open letter (the first one in question) was mostly signed by graduates, but also by a few students (including Maria Muzychenko).

According to Muzychenko, other students, unlike her, did not suffer from Dayneko's actions, but they signed the letter in solidarity. She says that she does not have any information that any of them was persecuted.

All of them also appealed to the Student Parliaments of the KIIA and KNU. The latter proposed to create an Ethics Commission, but with only professors as its members. As of the end of 2020, Valentyna Dayneko is still working in her position.

## #destruction\_or\_damage\_of\_property

- On **September 12**, in **Odesa**, there was an attack on a community centre for LGBTIQ people, **Queer Home**. As reported by **Gay Alliance Ukraine**,<sup>252</sup> before the centre opened, during non-working hours, a group of young men climbed over the fence into the private territory and posted agitation posters of the right-wing radical organization Tradition and Order on their front door.

Representatives of the organization view it as an act of intimidation. They reported it to the police as a crime, but the police registered it as a citizen address.



■ Photo from the Instagram page of Gay Alliance Ukraine

<sup>251</sup> A student who complained about Professor Dayneko is threatened with expulsion and a slander lawsuit (Студентці, яка поскаржилась на професорку Дайнеко, погрожують відрахуванням та позовом за наклеп) / ZMINA, October 22, 2020: <https://zmina.info/news/studentci-yay-ka-poskarzhylas-na-profesorku-dajneko-pogrozhuuyut-vidrahuvannyam-ta-pozovom-za-naklep/>

<sup>252</sup> Right-wing radicals covered the entrance to an LGBTIQ community center in Odesa with their posters (Праворадикали заклеїли своїми плакатами вхід до ком'юніті-центру для ЛГБТІК в Одесі) / ZMINA, September 14, 2020: <https://zmina.info/news/pravoradykaly-zakleyily-svoiyimy-plakatomy-vhid-do-komyuniti-czentr-dlya-lgbtik-v-odesi/>

After this, as the organization's head Anna Leonova indicates, the right-wing radicals started coming to the community centre every Saturday, sticking posters to their doors, sometimes blocking the keyhole with matches or glue, recording videos in front of the entrance. The participants of the TaO actions included underage young people.

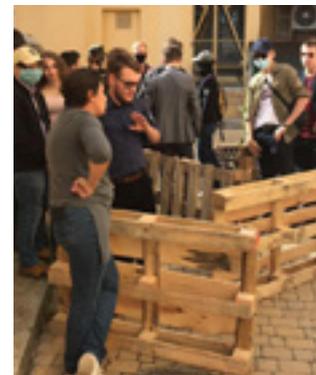
This series of incidents continued in October 2020 following the police's inaction (Anna Leonova says that she went to the Odesa Police several times with corresponding reports, but they did not open any criminal cases and did not write misdemeanor protocols).

In particular, on October 3, 2020, TaO representatives entered the Queer Home community center in Odesa and opened their banners, trying to provoke the activists who were conducting a renovation inside and hindering their work. As Anna Leonova, the head of the Gay Alliance Ukraine who was present during these events, told ZMINA Human Rights Centre, the activists were filmed and asked questions such as "What gender is the cat?"<sup>253</sup>

The volunteers present at the community center brought out the trays that were in the building, pushed the young men out of the yard and called the police. The police invited Leonova and a TaO representative to the department, and they both wrote statements about each other: she reported trespassing on private property, and he reported slander.

On October 15, 2020, Illia Popkov, a representative of TaO, posted a video on his Facebook page<sup>254</sup> in which he says and demonstrates how he hung a lock on the gate separating the stairs to the Queer Home entrance.

According to Anna Leonova, the incident actually took place on October 14 and was allegedly done on the occasion of the Day of the Defender of Ukraine.



■ The incident on October 3. A photo from the Facebook page of Illia Popkov, a TaO member

Queer Home is a network of community centres for LGBTIQ people which operate in a number of Ukrainian cities. They host educational, cultural and human rights events, and some of them also act as service centers where, on some days, one can, for instance, take a quick HIV test, etc.

## #discreditation

- On **September 16, 2020, Oleksandr Dubinskyi**, a Sluga Narodu MP, published a statement in which he accused the Ukrainian office of **Transparency International** of corrupt abuses and wrong reporting and wrote about an allegedly initiated check of the anti-corruption organization by the National Agency for the Prevention of Corruption (NAPC) and the State Tax Administration.<sup>255</sup>

Transparency International representatives assume that this was about Dubinskyi's MP request and point out manipulations in his words. In particular, as they explained in an official statement,<sup>256</sup>

<sup>253</sup> Tradition and teenagers: How they continue opposing LGBT after disrupting the pride in Odesa (Традиція і підлітки: як після зриву прайду в Одесі продовжують протидіяти ЛГБТ) / ZMINA, October 10, 2020: <https://zmina.info/articles/tradytsiya-i-pidlitky-yak-pislya-zryvu-praydu-v-odesi-prof-dovzhuyut%ca%b9-protidyaty-lhbt/>

<sup>254</sup> Illia Popkov (Ілля Попков) / Facebook page, October 15, 2020: <https://www.facebook.com/ilya.popkov.37/posts/812314522892953>

<sup>255</sup> Dubinsky initiated checks by the Tax Authority and the NAPC at Transparency International Ukraine (Дубинський ініціював перевірки Налоговой и НАПК в «Трансперенсі Інтернешнл Україна») / AD. Aleksandr Dubinsky's website. Facts and rumors about big money, September 16, 2020: <https://dubinsky.pro/news/dubinskyi-iniciiroval-proverki-nalogovoy-i-napk-v-transperensi-interneshnl-ukrayina>

<sup>256</sup> STOP DISCREDITATION FOR PERSONAL GAIN: TI UKRAINE RESPONDS TO MANIPULATIONS BY AN MP (ДОСИТЬ ДИСКРЕДИТАЦІЇ ДЛЯ ВЛАСНОЇ ВИГОДИ – ТІ УКРАЇНА ВІДРЕАГУВАЛА НА МАНІПУЛЯЦІЇ НАРДЕПА) / Transparency International Ukraine, September 16, 2020: <https://ti-ukraine.org/news/dosyt-dyskredyatsiyi-dlya-vlasnoyi-vygody-ti-ukraine-vidreaguvala-na-manipulyatsiyi-nardepa/>

every year, the organization has an audit of the results of its activities; donors and international partners invite audit firms to check the NGO's activities in specific projects: in the past two years only, such checks were initiated by the European Commission, SIDA, GIZ, EU Anti-Corruption Initiative in Ukraine, Pact and UNDEF, and no violations were found. The organization believes that this is about systematic discreditation of all effective civil society organizations in Ukraine as a form of pressure, which aims to create obstacles for the active cluster of society.

In late October, the NAPC replied to ZMINA Human Rights Centre's request that they had indeed received an appeal from Dubinskyi regarding the failure to submit 2017 declarations by members of the board of NGO Transparency International Ukraine, and they see no reason to take any measures against this organization.<sup>257</sup>

As the Agency explained, there is a Constitutional Court decision of 2019 which deemed civil activists' declarations unconstitutional, and Ukrainian laws cannot be applied retroactively, except in the cases when they mitigate or cancel a person's responsibility. In addition, according to the NAPC data, the Agency sees no signs of a conflict of interest, which was also mentioned in the MP's appeal, because the latter provided no evidence of this conflict.

Transparency International Ukraine is an accredited representative of the global Transparency International movement that takes a comprehensive approach to developing and introducing changes in order to reduce corruption.

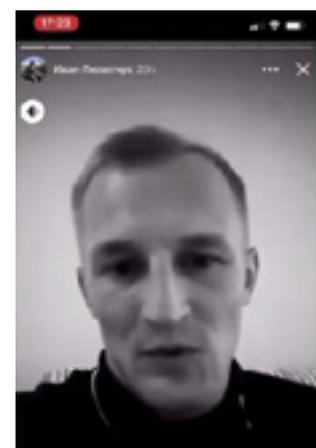
The Ukrainian branch of Transparency International started in Kropyvnytsky (then Kirovohrad) in 1999. On June 1, 2012, the local NGO TORO Creative Association was officially renamed into NGO Transparency International Ukraine. In October 2014, TI Ukraine received full official accreditation as a representative of the global movement. This happened at an annual congress of Transparency International.

Transparency International is present in more than 100 countries. The organization is best known for the Corruption Perceptions Index and the Global Corruption Barometer.

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **September 18, 2020**, the activist **Serhiy Sternenko** reported threats by some representatives of the far-right organization Tradition and Order because he expressed an opinion about the pro-Russian nature of this organization's activities and its connections with law enforcement structures.

As the activist told ZMINA Human Rights Centre, the user Ivan Pylypchuk recorded a video in the Stories where he demanded that Sternenko provide evidence of TaO's connections to Russia and threatened to "meet" him otherwise.<sup>258</sup> After this, according to Sternenko, he published a post on Facebook about the threats and expressed criticism of TaO's attacks on women and cultural figures. As of September 22, he had not received any other threats from other representatives of the right-wing radical organization; he did not report the threats to the police either.



■ Screenshot from a video with threats against Serhiy Sternenko

<sup>257</sup> NAPC will not check Transparency International Ukraine at Dubinsky's request (НАЗК не перевірятиме "Transparency International Україна" на запит Дубінського) / ZMINA, October 26, 2020: <https://zmina.info/news/nazk-ne-bude-pereviraty-transperency-international-ukrayina-na-zapyt-dubinskogo/>

<sup>258</sup> Tradition and Order members threaten Sternenko for criticizing their organization (Представники «Традиції і порядку» погрожують Стерненку за критику їхньої організації) / ZMINA, September 23, 2020: <https://zmina.info/news/predstavnyky-tradyciyi-i-poryadku-pogrozhuut-sternenku-za-krytyku-yihnoyi-organizaciyi/>

Serhiy Sternenکو is a civil activist from Odesa who lives in Kyiv. He studies law, records blogs. He used to be the leader of the Odesa branch of the Right Sector and NGO Nebayduzhi. In 2018, he was attacked by armed individuals three times, and during the last attack, he fatally wounded one of the attackers and is now featured in a criminal case on this episode. During the trial, which was assigned to Odesa, Sternenکو was also attacked by unidentified young men (*see above*).

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- In the evening of **September 20**, 2020, in **Kyiv**, right-wing radicals disrupted a screening of a documentary from the last Sundance Film Festival program, *Hail Satan?* (USA, 2019), which was scheduled at the House of Cinema. The film is about the Satanic Temple, a group of American activists who advocate for secularization and mock the relations between the government and Christian organizations with “hooligan” art actions.

*“In the six years of its existence, the movement has gone beyond bold trolling and become a serious platform for popularizing the ideas of social justice and religious pluralism,”* read the invitation to the screening published on the Concert.ua website.<sup>259</sup>

One of the screening organizers, **Natalia Soboleva**, says that before the event, she received a “warning” from her acquaintances at the State Film Agency and threats from a stranger, who supposedly wrote to her at 4 a.m.

About half an hour before the beginning of the screening, a group of young men in balaclavas came to the building where the event was supposed to take place from the direction of the Olimpiyska Subway Station. Some were wearing symbols of the right-wing radical organization Tradition and Order; in addition, the organizers say that there were also representatives of Dmytro Korchytskyi’s Brotherhood present, as well as one Orthodox priest (and before the event, Facebook user Yarros Von Yasenets called people to hold a prayer against the screening<sup>260</sup>).

The right-wing radicals entered the building and blocked the entrance to the film hall: first they tried to occupy all the seats, then they formed a living chain, not allowing people in and, at the same time, not letting about 30 viewers who had already entered the hall to get out. Some of the viewers who came to the screening and could not get inside also told ZMINA Human Rights Centre that the attackers threatened to “release gas” into the room (they probably meant pepper spray).

The organizers say that they addressed the police who were present nearby, but they did not do anything: at first allegedly because the right-wing radicals were not hitting anyone, and they themselves did not want to provoke a confrontation with them. Then, as another organizer, Oleksandr (who asked not to mention his last name in the publication), told us, representatives of the House of Cinema administration came and said that they were cancelling the event for safety reasons. The organizers led people out through the back door. They were not informed about any victims.

The right-wing radical organization Tradition and Order took responsibility for the incident,<sup>261</sup> writing about it on their Facebook page.

After a while, the film club held a screening of *Hail Satan?* online, and everyone who wanted to could watch it during a Facebook livestream.

<sup>259</sup> HAIL SATAN/ Галерея / Концерт.Уа <https://concert.ua/uk/event/hail-satan>

<sup>260</sup> Yarros Von Yasenets, personal Facebook page: [https://www.facebook.com/yarros.vonyasenets/posts/10217815514004839?hc\\_location=ufi](https://www.facebook.com/yarros.vonyasenets/posts/10217815514004839?hc_location=ufi)

<sup>261</sup> In Kyiv, Tradition and Order disrupted a screening of a documentary about Satanism [У Києві “Традиція і порядок” зірвала показ документального фільму про сатанізм] / ZMINA, September 21, 2020: <https://zmina.info/news/u-kyievi-tradycziya-i-poryadok-zirvala-pokaz-festyvalnogo-dokud mentalnogo-filmu-pro-satanizm/>

The Blow Up film club was created at the Kinopanorama cinema to demonstrate the best films of the world cinema; it was named after Michelangelo Antonioni's film which won the main prize at the Cannes IFF in 1967. When Kinopanorama was closed in 2018, the film club was moved.

Natalia Soboleva is a former director of Kinopanorama, kulturtrager and journalist.

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

### #obstruction\_of\_peaceful\_gatherings

- On **September 20, 2020**, an unidentified man threatened the participants of the **March for Equality** in **Zaporizhia** with a weapon.

On that day, as a part of ZaporizhiaPride, the city hosted its first March for Equality, a traditional march for LGBT rights, the only one that took place in Ukraine in 2020. The march was attended by about 500 people.<sup>262</sup>

The event was guarded by a cordon of police and National Guard officers, because about fifty representatives of right-wing radical and Christian organizations, as well as supporters of “traditional values,” gathered for a counter-protest at the same time. In particular, Tradition and order, as well as the Love Against Homosexuality and All Together movements were represented.



■ Participants of the March for Equality in Zaporizhia. Photo credit: Yelyzaveta Sokurenko, ZMINA

As reported by a representative of ZMINA Human Rights Centre who monitored the march, even before its beginning the march's opponents tried to enter the square where it was supposed to start, but they were pushed away by the police.

Near the end, when the demonstration participants were articulating their demands (to legalize civil partnerships, to introduce criminal responsibility for hate crimes based on sexual orientation and gender identity, etc.), the police carried a man out of the crowd.

The police later reported that aggressive young men tried to throw firecrackers and eggs at the activists during the demonstration. However, the law enforcement officers prevented it.

Three people were arrested during the demonstration for violating public safety and order. One of them had a gun which he pointed at the participants of the demonstration for LGBT rights. The Ukrinform information agency<sup>263</sup> reported that, according to the arrested man, he wanted to shoot the participants because he “*hated representatives of the non-traditional orientation.*”

Two other men, 39-year-old local residents, had misdemeanor reports written on them according to Articles 173 (petty hooliganism) and 185 (persistently disobeying a legal order or demand by a police officer) of the Misdemeanor Code of Ukraine.

<sup>262</sup> “Zaporizhia is our city, there's no place for homophobes here”: Photo report from the March for Equality [“Запоріжжя – наше місто, гомофобам тут не місце”: фоторепортаж з Маршу рівності] / ZMINA, September 20, 2020: <https://zmina.info/articles/zaporizhzhya-nashe-misto-gomofobam-tut-ne-misce-fotoreportazh-z-marshu-rivnosti/>

<sup>263</sup> During Zaporizhia Pride, the police arrested a man with a gun [Під час ЗапоріжжяПрайду поліція затримала чоловіка з пістолетом] / Ukrinform, September 20, 2020: <https://www.ukrinform.ua/rubric-regions/3103140-pid-cas-zaporizzaprajdu-policia-zatrimala-colovika-z-pistoletom.html>

On September 21, Zaporizhia Police told *Graty* that they had started proceedings on illegal handling of weapons (according to preliminary data, it was a non-lethal gun with Flobert caps), but the arrested man was released without being declared a suspect.<sup>264</sup>

ZaporizhiaPride is a human rights event in support of the LGBT community. In 2020, it was held in Zaporizhia for the first time and ended with an offline March for Equality, unlike the other pride events this year, which were held online (in Kyiv) or as car rallies (Kharkiv) due to the quarantine. According to the organizers, thanks to effective action by the police, no participants were injured during the march of after it.

## #illegal\_detention\_or\_search

- On **September 24, 2020, in Kyiv, Dmytro Nesviatypaska**, the head of the Student and Teacher Union of the Ivan Piddubny Olympic College, and a student **Yehor Bataron**, who protested against merging their college with the National University of Physical Education and Sports, were arrested by the police and taken to the Desniansky District Department of Kyiv. Nesviatypaska had a misdemeanor report written about him and was released, but Bataron spent the night in a temporary detention cell and then released without being declared a suspect or having a report written on him.



■ Screenshot from a video showing the arrest of Dmytro Nesviatypaska

A few hours before these events, there were confrontations near the Olympic College. On that day, the university rector Yevhen Imas came to the college with a liquidation commission and the police, and they were met by the institution's students and teachers to express protest. In a video published by Hromadske,<sup>265</sup> one can see an argument that started between the sides, and then Imas was picked up and carried towards a garbage bin, and flour was thrown at him; after this, the police intervened and started beating the protesters and using special equipment, as a result of which the college student government head **Kateryna Zhdanovych** and some teachers were driven away in an ambulance, and a few other students and teachers were injured.

The arrest of Nesviatypaska and Bataron, however, took place later, when the confrontation ended. As **Bohdan Hrytsay**, a teacher at the college and a freestyle fighter, told ZMINA Human Rights Center, the men were going to lunch.<sup>266</sup>

In a video published on the college Facebook page, one can see the police brutally arresting a young man wearing a white T-shirt (Dmytro Nesviatypaska), grabbing him by the neck from behind.

Later, in the evening, the head of the union was released after a misdemeanor report was written about him for disobeying a legal demand of a police officer, while Bataron was put in a temporary detention cell, where he stayed until September 25. College representatives said that he was about to be declared a suspect according to the hooliganism article of the Criminal Code, because the Kyiv police reported opening such a case.<sup>267</sup>

<sup>264</sup> The police have released the man who threatened Zaporizhia Pride with a gun (Полиція отпустила мужчину, грозившего запорожскому Прайду пистолетом) / Graty, September 21, 2020: [https://graty.me/news/policziya-otputstila-muzhchinu-grozivshhego-zaporozhskomu-prajdu-pistoletom/?fbclid=IwAR35rjVyQc\\_qZ6QgudLJtZzj8ZfvCLW\\_NjwUv9jnoyZ0r7yzo0KLiWmUBg](https://graty.me/news/policziya-otputstila-muzhchinu-grozivshhego-zaporozhskomu-prajdu-pistoletom/?fbclid=IwAR35rjVyQc_qZ6QgudLJtZzj8ZfvCLW_NjwUv9jnoyZ0r7yzo0KLiWmUBg)

<sup>265</sup> In Kyiv, a fight around the Olympic College (В Києве подрались из-за Олимпийского колледжа) / Hromadske YouTube channel, September 24, 2020: <https://www.youtube.com/watch?v=r4jBCPWct7w>

<sup>266</sup> Two activists of the Olympic College student union were arrested (Двох активістів студпрофспілки Олімпійського коледжу затримали) / ZMINA, September 24, 2020: <https://zmina.info/news/dvoh-aktyvistiv-studprofspilky-olimpijskogo-koledzhu-zatrymaly/>

<sup>267</sup> Kyiv Police (Поліція Києва), official Facebook page: <https://www.facebook.com/UA.KyivPolice/photos/a410279982361112/3322700094452405/?type=3&theater>

In the end, Bataron was released without being declared a suspect, according to his lawyer Yuriy Samson. The information was confirmed by the Desniansky District Police Department, who indicated that he was not declared a suspect because the Prosecutor's Office did not approve it. But in just a few hours, the Kyiv Police website published a message that a 20-year-old student was actually declared a suspect according to this article<sup>268</sup> (Bataron supposedly matches the description, but his lawyer denies receiving and signing the suspicion papers).

It has also become known that the police wrote a misdemeanor protocol on another Olympic College teacher, **Stepan Zakharkiv**, according to the same article as Dmytro Nesviatypaska.

In early September, the Cabinet of Ministers passed a decree with which it merged the college with the National University of Physical Culture. According to the documents, the students who already study there will continue their studies on the same terms.<sup>269</sup>

At the same time, representatives of the college stated that the purpose of this decision was to later develop the land plot where the college is located. In addition, according to them, there is a secondary school on the basis of the college, teaching children in 6th-11th grades, and the school will be closed, because it is not mentioned in the document.<sup>270</sup>

The college administration, teachers and the student government held protests near the Verkhovna Rada and declared a strike.<sup>271</sup>

As Dmytro Nesviatypaska told ZMINA Human Rights Centre in December 2020, the confrontation was exacerbated when college employees were not paid their salaries and reached the point where he and another college teacher, Bohdan Hrytsay, had to move out of the college dormitory where they lived.

## #discreditation

## #privacy\_violations

- On **September 30**, 2020, the Pechersk District Court of Kyiv found **Vitaliy Shabunin**, a co-founder of the Anti-Corruption Action Centre, guilty of failing to submit a declaration on time as a member of the competition commission to elect the head of the NAPC and sentenced him to a fine (850 UAH). The activist appealed the ruling, but the hearing, scheduled for December, had to be postponed due to COVID-19.

According to Shabunin himself, he missed the deadline by less than a day, and usually the court acquitted the reporting person in such cases due to the insignificance of the misdemeanor. According to the activist,<sup>272</sup> this is about a reputation attack for the purpose of adding his name to the registry of the people who have committed corrupt violations.

It should be noted that the case gained media prominence even before it reached the court. For instance, in August, *Strana.UA* published a news piece about it, citing Andriy Portnov, a lawyer

<sup>268</sup> Kyiv Police (Поліція Києва), official Facebook page: <https://www.facebook.com/UA.KyivPolice/photos/a410279982361112/3326237847431963/?type=3&theater>

<sup>269</sup> Cabinet of Ministers of Ukraine, official webpage: [https://www.kmu.gov.ua/npas/pro-reorganizaciyu-olimpijskogo-koledzhu-imeni-ivana-piddubnogo-1083020920?fbclid=IwAR2t4qEVgzWAKlZZZ2PVyV1pTdezWgfQ\\_vl84o1Uy-Bv1D6YWx0T6eNdhGI](https://www.kmu.gov.ua/npas/pro-reorganizaciyu-olimpijskogo-koledzhu-imeni-ivana-piddubnogo-1083020920?fbclid=IwAR2t4qEVgzWAKlZZZ2PVyV1pTdezWgfQ_vl84o1Uy-Bv1D6YWx0T6eNdhGI)

<sup>270</sup> A step to meet raiders halfway? The government hands over the Piddubny College of the Physical Education University (document) (Крок на зустріч рейдерам? Уряд передає коледж Піддубного Університету фізвиховання (документ)) / Glavkom, September 4, 2020: <https://glavkom.ua/sport/news/krok-na-zustrich-reyderam-uryad-peredaje-koledzh-piddubnogo-universitetu-fizvihovannya-dokument-703337.html?fbclid=IwAR3E7zllfYW0mbMlnr7RgP6CWNHpiD7JP8nJBFeqxb0cY6VM521HICP6-H8>

<sup>271</sup> Ivan Piddubny Olympic College, official webpage: <https://www.olimpko.com/64-holovna/831-rishennia-zahalnykh-zboriv-studentiv-olimpiisko1ho-koledzhu-imeni-ivana-piddubnoho.html>

<sup>272</sup> Vitaliy Shabunin, personal Facebook page: <https://www.facebook.com/vitaliy.shabunin/posts/10157708049649537>

and former official under the former president Viktor Yanukovich; then it provided a screenshot of a misdemeanor report on Vitaliy Shabunin<sup>273</sup> (which lists all of the activist's private information except for his home address: his ID number, phone number, etc.). The news was published on August 8, and the report indicates that it was written a day earlier, on August 7. Later, in September, *Vesti.ua* published a news piece, again citing Andriy Portnov, that Shabunin had been summoned to court on September 14.<sup>274</sup>

Following the Pechersk Court ruling, news about Shabunin's conviction appeared in a number of national media, some of which indicated right away that it was about a failure to submit a declaration on time, while others give headlines such as *Court Found the Anti-Corruption Activist Shabunin Guilty of Corruption* (Interfax Ukraine<sup>275</sup>), which has signs of manipulation and generally undermines trust in his activities as an activist.

## OCTOBER 2020

#obstruction\_of\_activities\_of\_a\_non-governmental\_organization

#intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **October 10**, 2020, in **Mariupol** in Donetsk Region, a group of unidentified individuals tried to disrupt a Coming Out Day film screening organized by the **TYU Platform art organization**. According to TYU representatives, about 15 men (without any symbols, some wearing medical masks) came after the event began, surrounded the building, trying to get inside, expressed some insults, but because the police was protecting order during the event, they failed to disrupt the event. Nobody was injured.



■ A photo from the TYU Platform's Facebook page

As the activists came to know later, the attackers communicated about the attack on the event on social media before the incident, calling to conduct “educational work” for LGBT people.<sup>276</sup>

In the post in question, the attackers mentioned one of the previous attacks on the TYU Platform in 2018, when it hosted a concert of the punk rock band oDemontaGo. Most of the victims were teenagers: the musicians and the concert audience. At the time, TYU representatives said that some of the attackers were wearing T-shirts with symbols of the National Corps party. However, the Mariupol branch of the party rejected the accusations of the attack. Nobody has claimed responsibility for the incident.<sup>277</sup>

<sup>273</sup> Revealed: A photo of the protocol on the corruption of Shabunin, who failed to submit a declaration on time (Появилось фото протокола о коррумпції Шабуніна, який не подав декларацію вчасно) / Strana.UA, August 8, 2020: [https://strana.ua/news/283145-protokol-o-korruptsii-shabunina-popal-v-rasporjazhenie-strany.html?fbclid=IwAR130XCu7iz-fZzuZbhmQnF0RdFZ3kDmp0yq9r9PB9jn20\\_30Ptn4WD7E2w](https://strana.ua/news/283145-protokol-o-korruptsii-shabunina-popal-v-rasporjazhenie-strany.html?fbclid=IwAR130XCu7iz-fZzuZbhmQnF0RdFZ3kDmp0yq9r9PB9jn20_30Ptn4WD7E2w)

<sup>274</sup> We must press on. Portnov announced that Shabunin has been summoned to court (Надо дожимать – Портнов анонсировал вызов Шабуніна в суд) / Vesti.ua, September 15, 2020: <https://vesti.ua/strana/portnov-anonsiroval-vyzov-shabunina-v-sud?fbclid=IwAR3L3WJ7ocPKkf7KG3uxi4FqQmE0IYfjV2lJ66xoBf3XQJTbqSvK2e4xQJtc>

<sup>275</sup> The court found the anti-corruption activist Shabunin guilty of corruption (Суд визнав антикорупціонера Шабуніна винним в корупції) / Interfax Ukraine, September 30, 2020: <https://ua.interfax.com.ua/news/general/691817.html>

<sup>276</sup> In Mariupol, aggressive young men tried to disrupt a screening of a film about gay Cossacks (У Маріуполі агресивні молодіжки намагалися зірвати показ фільму про геїв-козаків) / ZMINA, October 13, 2020: <https://zmina.info/news/u-mariupoli-agresywno-nalashтовani-moloodyky-namagalysya-zirvaty-pokaz-lgbt-filmiv/?fbclid=IwAR1g2lWnhgJQijsE0ihDRjPceg-TUo0byHRFwJNuCFK0sEiVmF5XumZ0Po>

<sup>277</sup> An attack on punks in Mariupol: Why it's important (Напад на панків у Маріуполі: чому це важливо) / Radio Svoboda, August 20, 2018: <https://www.radiosvoboda.org/a/29444021.html>

As a part of the Coming Out of Isolation 2.0 project, five artists worked to create video projects about the problems of the LGBT+ community in Ukraine and the lives of its individual members. A presentation of these videos and a discussion with their authors was scheduled for October 10 at the TYU Platform Art Centre.

## #destruction\_or\_damage\_of\_property

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **October 13, 2020**, in **Lysychanks**, Luhansk Region, unidentified individuals damaged the business car of **Vira Yastrebova**, the head of the East Human Rights Group: the windshield was broken, tires were slashed and wires inside the car were cut; the criminals also stole the license plates, documents, money and other things stored inside the car.

The human rights defender herself was undergoing treatment in a different region at the time (for the third week). According to Yastrebova, someone called her from an unknown number on the day of the incident, saying *“How are you feeling? Look at the car.”* According to the activist, this was not the first anonymous call of that sort: she had already been called about two weeks before the incident by unidentified individuals asking about her health and offering to “talk,” which the activist herself interprets as veiled threats.



■ A photo provided to ZMINA by Vira Yastrebova

Liudmyla Denisova, the Verkhovna Rada Ombudsman, responded to this vandalism case and called on the MIA leadership to take control over the investigation of this case.<sup>278</sup>

As Luhansk Police told ZMINA Human Rights Centre, the Investigative Department of the Lysychansk Police is investigating this incident as robbery (according to Part 3 of Article 185 of the CCU).

On January 10, 2021, the Eastern Human Rights Group published the results of its own investigation in which it pointed at the possible connection between the incident and “LNR” groups. At the moment of the publication of the report, the law enforcement agencies’ reaction to this information is not yet known.

The East Human Rights Group NGO has operated in the territory of Luhansk and Donetsk Regions since 2014, founded after the conflict began by a group of lawyers to oppose human rights violations in the region. The organization’s areas of activity include monitoring human rights violations, particularly in the uncontrolled territories, providing legal assistance to victims, particularly IDPs and refugees, evacuating civilians from localities where fighting becomes active, organizing educational events, etc.

The damaged car has lately been mostly used by Vira Yastrebova for work,<sup>279</sup> but before, it was also used by other organization representatives for monitoring trips, transporting props for demonstrations, etc. Vira Yastrebova is the only official speaker for the organization who speaks at press conferences. According to her, this decision was made collectively to reduce the danger for those organization representatives who visit the uncontrolled territory.

<sup>278</sup> In Luhansk Region, unidentified individuals destroyed a human rights defender’s car (На Луганщині невідомі розтрощили машину правозахисниці) / ZMINA, October 14, 2020: <https://zmina.info/news/na-luganshyni-nevidomi-roztroshhyly-mashynu-pravozahysnyci/>

<sup>279</sup> East Human Rights Group (Восточная правозащитная группа) / Facebook page, October 13, 2020: <https://www.facebook.com/east.hr.group/posts/2820375641554951>

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **October 15**, ZMINA Human Rights Centre was addressed by **Borys Hrachov**, the leader of the Alliance Global NGO's project aimed at building national paralegal networks, regarding the public persecution against him and the paralegal network by members of the far-right organization Tradition and Order (TaO).

According to the activist, it is associated with his criticism of this organization. On June 24, there should have been a discussion between Borys Hrachov and the head of TaO Bohdan Khodakovsky in the TV show *Duel with Ruslan Kotsaba* on KRT TV channel (in late June, it became known that following a complaint sent, in particular, by Hrachov,<sup>280</sup> the National Television and Radio Broadcasting Council took away this channel's license due to the homophobia which it regularly broadcasted).

The TV show's rules were that a supposed discussion of a certain relevant topic is organized between two participants (one of them records a video beforehand in which they challenge the other to a "duel"); they also have "seconds" who can join in at certain points and comment on something.

In the episode<sup>281</sup> in question, Hrachov and his "seconds" expressed their evaluation of KRT and TaO's activities, calling them pro-Russian, opened a Ukrainian flag and left the studio. After this, Kotsaba hosted the show only with Khodakovsky and his "seconds," spoke about LGBT himself and so on.

After this, according to Hrachov, he met them several times at pride events and had to run away from them several times. As the activist explains, Bohdan Khodakovsky and his deputy Yuriy Bondarenko know him personally, so he is afraid of aggression from them.

Later, on September 25, 2020, the Paralegal Network addressed the Verkhovna Rada Ombudsman Lyudmyla Denisova and the Head of the National Police with an open letter in which they asked them to verify if TaO's activities are in compliance with the Ukrainian law.<sup>282</sup>

TaO social media pages later started posting hate posts, memes for which they used Hrachov's photos,<sup>283</sup> and their media, *Conservator*, published a statement illustrated with this image.<sup>284</sup>

Posts were also published on their pages by some other TaO activists. They did not contain open threats, only manipulative rhetoric (claiming that if there are no open cases, there are no crimes, and phrases such as *"our noble paratroopers took some crappy classes. First go get an education, because we'll have to discriminate against you hard. Based on the characteristic of competence"*).

<sup>280</sup> The National Council took away the KRT TV channel's its broadcasting license due to homophobia after an appeal from Alliance.Global activists (Нацсовет лишил телеканал КРТ ліцензії на вещання із-за гомофобії після звернення активістів із "Альянс.Глобал") / Gordon.ua, June 31, 2020: <https://gordonua.com/news/society/nacsoviet-lishil-telekanal-ktr-licenzii-na-veshchanie-iz-za-gomofobii-posle-obrashcheniya-aktivn-istov-iz-alyansglobal-1511712.html>

<sup>281</sup> Freedom of Speech: A scandal in an episode with LGBT – DUEL with Ruslan Kotsaba (Свобода слова: Скандал в ефіре с ЛГБТ – ДУЕЛЬ с Русланом Коцабой) / KRT TV channel (Телеканал КРТ), YouTube channel, June 24, 2020: <https://www.youtube.com/watch?v=iNXXiXTOX4M>

<sup>282</sup> Denisova is asked to check the activities of the right-wing radical organization Tradition and Order (Денісову просять перевірити діяльність праворадикальної організації "Традиція і порядок") / ZMINA, September 30, 2020 : <https://zmina.info/news/ponad-30-gromadskiyh-organi-zaczij-prosyat-denisovu-perevirty-diyalnist-tradyciyi-i-poryadku/>

<sup>283</sup> Tradition and Order / Telegram channel, October 8, 2020: [https://t.me/tradition\\_and\\_order/8358](https://t.me/tradition_and_order/8358)

<sup>284</sup> Tradition and Order Strikes Back (Традиція і порядок завдає удару у відповідь) / Conservator, October 8, 2020: <https://conservatorjournal.com/tipstrikesback>

In addition, Borys Hrachov said that oral threats were communicated to him through his acquaintances from the right-wing circles (whom he knows because he is also a volunteer and a member of the Turn Off Russian initiative), and his acquaintances received messages with links to the activist's Facebook profile with comments saying that their friend was gay and *"a mercenary for anti-Ukrainian propaganda, popularizing the pseudo-culture of sexual deviations."*

Borys Hrachov said that he felt in danger because of this and because of the fact that TaO now often mention the paralegals in their posts. He has also met a TaO member Yuriy Bondarenko at a store near his house.

Hrachov later changed his place of residence. He did not file a report with the law enforcement.

The ALLIANCE.GLOBAL NGO specializes in providing services for the prevention of HIV/AIDS and other sexually transmitted infections among men who have sex with men (MSM) and aims to develop and bring together the subgroup of gay and bisexual men as a part of the LGBT community and the whole community in general, as well as to help reduce the degree of homo-, bi- and transphobia in the Ukrainian society. The organization has been active in Ukraine since 2001.

The project of building paralegal assistance networks for MSM and teenagers affected by the HIV epidemic is being implemented by the ALLIANCE.GLOBAL NGO in partnership with the Charity Foundation "Teenergizer Association of Teenagers and Youth" with support from the Charity Organization "All-Ukrainian Network of People Living with HIV/AIDS – 100% LIFE" and with financial support from the Global Fund to Fight AIDS, Tuberculosis and Malaria.

## #physical\_attack

- On **October 16, 2020, Ihor Duhanets**, the head of the Favorite ACOAB, located in the Obolon District of **Kyiv**, was attacked by an unidentified individual right in the Board office. According to the victim, he visited the office that day, where a visitor in a medical mask was waiting for him; the visitor said that he wanted to discuss some working issues, and when the ACOAB head invited him, the man hit him in the face and fled.

According to Ihor Duhanets, he does not know the attacker, and this person does not live in the buildings managed by his ACOAB. Duhanets called the police but did not file a separate report, saying that he was in a road accident right before the incident and was busy with other matters. Because he had injuries from the accident (particularly broken ribs), he did not go to a doctor after the incident either.

In addition to the incident with the attack, Duhanets says that he is receiving oral threats from debtors, because he made the decision to cut off the floors on which they live from elevator service, since the buildings are technically capable of doing so. At the same time, he does not link the attack to these threats, since, according to him, he has many enemies due to the ACOAB activities.

Ihor Duhanets is the head of the Favorite ACOAB, founded in 2004. This ACOAB includes two buildings, and the current and previous leadership of the ACOAB had conflicts with some residents due to their unauthorized occupation of non-residential rooms.

In May 2020, ZMINA documented another incident involving Maryna Khokhriakova, a Board member of the Favorite ACOAB, who received a delivery of funeral items ordered by an unidentified man at her home.

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

## #obstruction\_of\_activities\_of\_a\_non-governmental\_organization

- On **October 24, 2020**, in **Mariupol**, Donetsk Region, two unidentified individuals harassed **Volodymyr Prokofyev**, a representative of the Paralegal Network, as he was traveling to a workshop on feminist writing, which was to take place at the TYU Platform Art Centre.

The individuals demanded that he take off a rainbow-colored mask (which, in particular, were handed out to participants of ZaporizhiaPride) and followed him into a trolleybus, where they filmed him while asking him mocking questions.

The activist started filming them back as well, and later published a video of this conversation on Instagram.<sup>285</sup>

In addition, Prokofyev called the police, after which the harassers got off the trolleybus and fled. According to the activist, the police was not coming for a long time after he got off the trolleybus, so he “called and cancelled the call.”

The activist did not see the harassers anymore on that day, but later on Instagram he got a message reading “Pray,” which he views as a threat. The author of the message, user Rast.Shg, wrote Tradition and Order in the caption of a blog post.

The workshop taught by Valeria Zubatenko, the manager of the Paralegal Network who is also a researcher of feminist writing, together with the artist Maria Pronina went peacefully, but when the participants came out to the street during a break in the discussion, they saw that the facade of the TYU Platform and the front door of the art centre were covered with propaganda posters of the right-wing radical organization Tradition and Order; some of the posters had characteristics of calls to violence (the one with a figure in the colors of the Ukrainian flag hitting a figure in the colors of the rainbow).<sup>286</sup> According to them, the individuals who did it came and went quietly, and nobody saw them.

Earlier, on October 21, two unidentified individuals who called themselves members of TaO came to a demonstration for the legalization of medical cannabis (this incident is not described in the report separately because some political parties were involved in the organization of the event) and tried to disrupt the rally:<sup>287</sup> they tore banners out of the participants’ hands, demanded “a license for activities and a permit for LGBT propaganda,” asked when the TYU Platform would host the next “premiere” of films such as the *Main Fortress of the Sich* (an attempt to disrupt a screening of this film was recorder in this monitoring report above).

The TYU Platform is an art centre in Mariupol which hosts exhibitions, concerts, theatre performances, parties, discussions and other events, often on socially relevant topics. The Art Centre was founded in 2015 by cultural organizers displaced from Donetsk.

The Alliance.Global Paralegal Network operates in many Ukrainian cities, providing consultations to people on the issues of opposing discrimination and violence based on gender, sexual orientation or HIV status, access to health care, etc.



■ A photo provided by the Paralegal Network

<sup>285</sup> Umbrallis / Instagram page, October 24, 2020: <https://www.instagram.com/tv/CGuPLzvA1vB/?igshid=qxjmd8umanw3&fbclid=IwAR1nJLqWtR3XylBFIGBEvGwqWP1rNPLz84AGTTVDslX6h1QNV5GYSAiCo5l>

<sup>286</sup> Paralegal Networks (Мережі параюристів) / Facebook page, October 24, 2020: <https://www.facebook.com/paralegals.ua/posts/377588730339615>

<sup>287</sup> TYU Platform (Платформа ТЮ) / Facebook page, October 21, 2020: <https://www.facebook.com/tumariupol/posts/2717447188498199>

## #legal\_persecution

- On **October 28**, 2020, ZMINA Human Rights Centre was contacted by **Natalia Dron**, a resident of **Obukhiv** in Kyiv Region, regarding a lawsuit filed against her in 2019 by the owner of the neighboring land plot Olena Milkevych, demanding to demolish her house.



■ Natalia Dron. Photo credit: Anastasia Moskychova, ZMINA

The conflict started in the process of the construction of the Comfort House residential project, whose construction started in 2011 (the first line in Zarichna Str., 22/1). According to the information from the State Land Cadastre of Ukraine, the owner of one of the land plots on which the residential project is located is Olena Milkevych, the wife of Oleksandr Milkevych, a councilor in the Obukhiv City Council. In 2014, the construction of the second line of the project at Kyivska Str., 128, started; this caused protests by local residents, because the apartment building was being built in a low-rise detached house area. Residents of Obukhiv came out to protest, blocked roads, claiming that the Comfort House project construction was illegal, that the number of floors provided in the regulations was exceeded and there were other violations. One of the protesters was Natalia Dron, whose house is next to one of the buildings of the project that is being constructed (Zarichna Str., 22). In the course of the conflict, Milkevych filed a lawsuit against Dron herself.

According to the information from the lawsuit claim, Milkevych bought a land plot with a private house which was later reconstructed into a 7-story building with a ground and an attic floors, and her neighbor, Natalia Dron, started building her house at a distance of six meters from her unreconstructed building before the beginning of the reconstruction, which violated construction regulations.

At the same time, Dron claims to have all the permit documents to start the construction of her house, while Milkevych, according to her, did not reconstruct but rather demolished and built the building from scratch without the proper permits, due to which she sued Milkevych earlier.<sup>288</sup>

That lawsuit passed three court instances and, in January 2020, the Supreme Court made the decision to consider the complaint anew.<sup>289</sup> Thus, Milkevych's lawsuit is essentially a reciprocal lawsuit to Dron's lawsuit.

On December 14, the Obukhivsky District Court of Kyiv Region left the lawsuit of the developer Olena Milkevych against the civil activist Natalia Dron without consideration due to the fact that the plaintiff recurrently failed to appear in court.<sup>290</sup> Later, it also became known that the plaintiff was obligated to compensate the court fees to Dron.

The building in question (at Zarichna Str., 22) is a part of the Comfort House residential project in Obukhiv, which currently consists of three buildings, two of which are allegedly already settled, but the LUN website<sup>291</sup> indicates that the permit to construct at least one of them has been annulled (on Kyivska Str.).

<sup>288</sup> New City Planning State Inspection. Will there be less corruption in the construction industry after the reform? (Нова Держінспекція містобудування. Чи поменшає корупція в будівельній галузі після реформи?) / *Radio Svoboda*, July 29, 2020: <https://www.radiosvoboda.org/a/nova-dim-reforma/30754402.html>

<sup>289</sup> The Supreme Court supported the claims of an Obukhiv resident against DABl and the developer (Верховний суд підтримав претензії обухівчанки до ДАБІ та забудовника) / *Kyiv Region*, January 4, 2020: <https://kyivregion.info/2020/01/04/verhovnyj-sud-pidtrymav-pretenziji-obuhivchanky-do-dabi-ta-zabudovnyka/>

<sup>290</sup> Obukhiv Court left without consideration a lawsuit of a developer who demands to demolish an activist's house (Суд в Обухові залишив без розгляду позов забудовниці, яка вимагає знести будинок активістки) / ZMINA, December 14, 2020: <https://zmina.info/news/sud-u-obuhovi-zalyshev-bez-rozglyadu-pozov-zabudovnyci-yaka-vymagaye-znesty-budynok-aktyvistky/>

<sup>291</sup> LUN / Website: <https://lun.ua/ru/%D1%83%D0%BB-%D0%BA%D0%B8%D0%B5%D0%B2%D1%81%D0%BA%D0%B0%D1%8F-128-%D0%BE%D0%B1%D1%83%D1%85%D0%BE%D0%B2>

As reporters for the ZIK TV channel found<sup>292</sup> in 2018, the demolishing is not taking place because people have already moved into the buildings. They claim that the buildings exceed the number of floors allowed by regulations, the purpose of the land plot is changing, etc.

Natalia Dron's activities express not just her own interests, but also the interests of the community of Obukhiv District, where the woman lives; therefore, in ZMINA Human Rights Centre's opinion, it fits into the definition of civil activism specified in the monitoring methodology.

## #illegal\_detention\_or\_search

- On **October 30, 2020**, during the rally at the Constitutional Court in **Kyiv** against the decision to deem persecution for lying in declarations unconstitutional, the police arrested two men when they walked away from the rest of the protesters to go to a drug store and buy one more medical mask for each of them, and then planned to go have a coffee.



■ The people arrested at the rally  
(Photo: Ruslan Horovyi)

As the wife of one of the arrested men told ZMINA Human Rights Centre (she asked not to mention her name), when he was still at the rally, her husband pointed a laser pointer at one of the police officers, which, in her opinion, provoked the police's actions. According to her, people wearing civilian clothes, who did not introduce themselves and did not explain anything, came up to them next to the drug store and started to twist the arms of her husband and his friend. This, in particular, was recorded on video by the Automaidan activist Oleksiy Hrytsenko (the third video shows the police officer refusing to explain why they are being taken to the police department).<sup>293</sup>

The woman called 102, but a police transport vehicle arrived, and the special police officers pushed the arrested men into it (carrying one of them) and took them to the Holosiyivsky Police Department. The woman was allowed to come with them. As they were riding the police vehicle, according to her, the police called back and asked them who they were. The people driving them did not explain anything, saying that it would all become clear at the police department.

At the department, they were led into separate rooms; according to the woman, they were first told that reports will be written on them, to which her husband responded emotionally and, as she claims, the police officer choked him. Then someone called them (she refuses to say who), and all three of them were released without writing reports.

According to the woman, the arrest took place at around 11:45 a.m., and the protesters were released after 3 p.m.

On October 30, 2020, there was a rally with thousands of participants near the building of the Constitutional Court of Ukraine (CCU) in response to the decision of October 27, with which the court deemed unconstitutional Article 366-1 of the Criminal Code, which provided responsibility for officials who declare false information. The court also cancelled a number of provisions of the Law on the Prevention of Corruption. As it published the decision on October 28, the CCU explained that the anti-corruption laws created conditions for illegal influence on courts. This was condemned by anti-corruption organizations, NAPC, NABU and SAP.

<sup>292</sup> In Obukhiv, an illegal residential project cannot be demolished because people have already moved in. – Zhytlobud / ZIK, February 19, 2020: [https://zik.ua/news/2018/02/19/v\\_obuhovi\\_ne\\_mozhut\\_znesty\\_nezakonnny\\_zhk\\_bo\\_tam\\_uzhe\\_vselylysia\\_lyudy\\_\\_1269039](https://zik.ua/news/2018/02/19/v_obuhovi_ne_mozhut_znesty_nezakonnny_zhk_bo_tam_uzhe_vselylysia_lyudy__1269039)

<sup>293</sup> Oleksiy Hrytsenko (Олексій Гриценко) / Personal Facebook page: <https://www.facebook.com/grytsenko.alex/posts/10223871507525780>

## NOVEMBER 2020

## #physical\_attack

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **November 8, 2020**, during a demonstration against land works in a park in **Marhanets**, Dnipropetrovsk Region, the civil activist **Yulia Bond** was attacked while she was filming a conflict that took place there.

According to the activist, the confrontation regarding the park had been active since October: the residents of the surrounding buildings sent a series of requests to the city government regarding a ditch that someone started to dig there, but nobody answered anything to them except that the land was leased out. They also went to the police and the Prosecutor's Office multiple times, collected signatures, organized demonstrations and blocked the roads, etc.



■ Yulia Bond. A photo from the activist's Facebook page

Finally, on November 8, the residents came out to a rally and decided to fill the ditch in. The police and the lease holders arrived. According to the victim, the police did not prevent either the protesters from filling the ditch or representatives of the lease holder from digging it back out, because the lease holder did not present any permits. As a result, an argument broke out between the two sides: representatives of the lease holder, using brutal curse words, demanded to stop the protest, and one of them pushed Yulia Bond into the hole.<sup>294</sup>

When she climbed out of there, she started filming the conflict, and then one of the people present, Denys Zhmudskyyi (then a city council candidate from the Proposal Party, according to local media<sup>295</sup>), knocked the phone out of her hands and hit her in the face.

In total, according to Bond, there were 4 victims among the activists (including her), and she reported it to the police. As the activist's attorney told us later, the actions against Yulia Bond were categorized as petty hooliganism (Article 173 of the MCU). The perpetrator was identified for the first episode (when she was pushed into the ditch), and he was fined in court. For the second episode (when her phone was knocked out), there has been no hearing as of late December 2020.

According to Yulia Bond, for some time after the incident at the protest, she was receiving insulting messages and threats of physical violence on social media from unidentified individuals.

Yulia Bond is an environmental activist, member of the youth climate initiative Fridays for Future (inspired by Greta Tunberg), blogger. She also helped elderly people in Marhanets as a volunteer during the strict quarantine.<sup>296</sup> Earlier, she volunteered for the UN.

<sup>294</sup> Environmental Marhanets (Екологічний Марганець) / Facebook group, November 9, 2020: <https://www.facebook.com/groups/EcoMarganets/permalink/1084844675304560/>

<sup>295</sup> In Marhanets, a council candidate beat up an activist (VIDEO) [В Марганце кандидат в депутаты избил активистку (ВИДЕО)] / *Novosti Dnepra*, November 9, 2020: [https://dnepr.news/news/v-margance-kandidat-v-deputaty-izbil-aktivistku-video?fbclid=IwAR10uhCLLM9GGEY00Thtfcla2-K36fjJNZQLspLB80t1L7P\\_-3Q4YV2L\\_H4](https://dnepr.news/news/v-margance-kandidat-v-deputaty-izbil-aktivistku-video?fbclid=IwAR10uhCLLM9GGEY00Thtfcla2-K36fjJNZQLspLB80t1L7P_-3Q4YV2L_H4)

<sup>296</sup> Full "mobilization." How Ukrainians who care help the people around them during the pandemic (Повна «мобілізація». Як небайдужі українці допомагають оточенню в період пандемії) / *Den*, March 20, 2020: <https://day.kyiv.ua/uk/article/cuspilstvo/rovna-mobilizaciya>

## #physical\_attack

- On **November 19, 2020**, at around 11 p.m. in **Lviv**, the left-wing activist and animal rights advocate **Anton Hrybnytskyi** was attacked near the house where he lives.<sup>297</sup>

According to the victim, six individuals waited for him next to the building entrance, and about ten other people joined them later. Hrybnytskyi has a broken finger, concussion and bruises of arms and legs. He recognized two of the attackers.

When the attackers ran away, the activist called an ambulance. According to Hrybnytskyi, the police arrived together with the medics and started to ask him if he was drunk and if he did not just imagine it all, and then they left and never contacted him again.



■ Фото зі сторіз постраждалого

As of the evening of November 23, he had not written a statement to the police and does not plan to. The Lviv Police confirmed to ZMINA Human Rights Centre that they had received a call about the incident and arrived to the call, but, according to their information, the victim was allegedly supposed to come later and write a statement himself, which he did not do.

After the attack on Hrybnytskyi, information about the attack appeared on the Concentration Camp. Inform.block Telegram Chanel, where the victim was called an “untermensch”.<sup>298</sup> Later, the same channel published posts with insults of the activist and calls to beat up his girlfriend. The authors of the post articulate the reason for their aggression as a response to Hrybnytskyi’s social media posts.

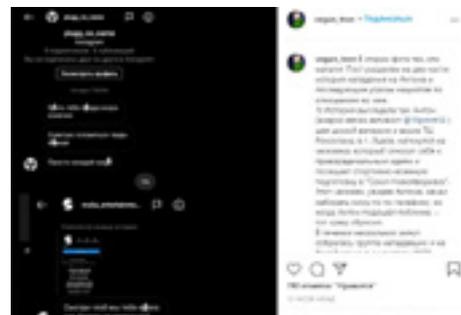
On November 30, Anton Hrybnytskyi reported that he saw a group of young men wearing black (one of them wearing a balaclava) near the place where he moved after the first incident. This time, there was no conflict because Hrybnytskyi saw the malefactors beforehand and left.<sup>299</sup>

Anton Hrybnytskyi is an activist from the anarchist organization Black Flag and the Environmental Platform organization. He is engaged in environmental activism, participates in protests against climate change and against killing and eating animals, etc.

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- After the attack on the civil activist from Lviv Anton Hrybnytskyi, his girlfriend, an environmental blogger, animal rights advocate and feminist activist **Violetta** (she asked not to mention her last name in the publication) started receiving messages with threats from unidentified individuals on social media.

According to her, at first, on **November 22**, the Telegram channel Concentration Camp. Inform.block published a message with screenshots and a link to her Instagram page, as well as calls to break her face.



■ A screenshot of the threats published by Violetta on her Instagram page

<sup>297</sup> In Lviv, right-wing radicals with bats attacked a local environmental activist (У Львові праворадикали з битами напали на місцевого екоактивіста) / ZMINA, November 20, 2020: <https://zmina.info/news/u-lvovi-pravoradykaly-z-bytamy-napaly-na-miscevogo-ekoaktivista/>

<sup>298</sup> Concentration Camp. Inform.block (Концтабір. Інформ.Блок) / Telegram channel, November 20, 2020: [https://t.me/Auschwitz\\_Birkenau/358](https://t.me/Auschwitz_Birkenau/358)

<sup>299</sup> “Break her face”: How the far-right appoint targets for attacks in anonymous Telegram channels (“Розбийте їй пику”: як ультраправі призначають мішені для нападів в анонімних телеграм-каналах) / ZMINA, December 3, 2020: <https://zmina.info/articles/udar-z-telegramu-yak-ultrapravi-pryznachayut-misheni-dlya-napadiv-v-anonimnyh-kanalah/>

According to her information, this was also discussed in the chat of another right-wing radical Telegram channel, Volary.

After this, according to the activist, she started receiving threats in direct messages and comments. They were mostly from anonymized profiles (such as Adolf\_Hitler). The activist has no personal conflicts with anyone who is threatening her. Violetta assumes that the harassers saw her in some photos in Anton Hrybnytskyi's Instagram account, where there are photos from demonstrations where she is tagged, and this way they identified the activist with Black Flag (which, according to her, is a mistake) and started to threaten her.

In response, Violetta started publishing screenshots of threats and blocking the accounts which they were sent from. She also identified some of the individuals who attacked Hrybnytsky and wrote about it as well, after which the threats stopped.<sup>300</sup> At the same time, she says that her feminist friends who follow her page started receiving insults and threats.

Violetta is not a member of any non-governmental organization. She has an Instagram blog about veganism and ecological goods, animal rights.

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

### #physical\_attack

- On **November 23**, 2020, several right-wing radical Telegram channels (particularly the aforementioned Concentration Camp. Inform.block) published information about **Kyrylo Samozdra**, a student of the National University of Kyiv-Mohyla Academy (NaUKMA) (his name, social media accounts, phone number, location of the dormitory), after which the young man started receiving threats of beating, pouring piss on him, and breaking the windows at his dormitory.<sup>301</sup>

Before this, on November 9, 2020, Samozdra hung an LGBT flag on the balcony of his dormitory in **Kyiv**, because, according to the student, he is a member of the LGBT+ community himself and did it as a sign of solidarity and to promote the visibility of the community.<sup>302</sup>

After this, he had a conflict with the dormitory administration, whose representative demanded that he remove the flag; the conflict was resolved after the university administration interfered (after which the dormitory worker apologized to the student, explaining her actions by saying that she supposedly thought it was an "extremist" symbol).

On **December 4**, 2020, at around 9 p.m. on the pedestrian crossing near Bessarabska Square in Kyiv, two unidentified individuals in medical masks attacked the LGBT activist Kyrylo Samozdra as he was passing by with a female friend (heading to a supermarket).

According to the victim, one of these people first rudely harassed him (asking several times, "Are you a fag?") and then hit him in the face with a fist. After this, the attackers left.

<sup>300</sup> Vegan\_tron / Instagram page, November 25, 2020: <https://www.instagram.com/p/C1B26w8s5Bn/>

<sup>301</sup> A Mohylianka student hung an LGBT flag on a dormitory balcony; he is now threatened by right-wing radicals (Студент Могилянки вивісив на балконі гуртожитку ЛГБТ-прапор, тепер йому погрожують праворадикали) / ZMINA, November 24, 2020: <https://zmina.info/news/student-mohylianky-vyvisyv-na-balkoni-gurtozhytku-lgbt-prapor-teper-jomu-pogrozhuuyut-pravoradykaly/>

<sup>302</sup> Kyrylo Samozdra / Personal Facebook page, November 24, 2020: <https://www.facebook.com/kyrylosamozdra/posts/1434627743400389>

Samozdra did not recognize these people. He says they were sober, wearing athletic clothes, without symbols. The victim believes that the attack stems from the threats and links it to the publications in the right-wing radical Telegram channels.<sup>303</sup>

At the same time, ZMINA did not manage to find any social media post in which a right-wing radical organization would claim responsibility for the attack, which is rather a sign of an unplanned nature of the attack. However, we cannot rule out that the attackers could actually read the far-right channels which, in connection to the previous events, published the photo and some other personal information of Kyrylo Samozdra, and act on their own homophobic beliefs.

According to the victim's attorney, at the end of 2020, the police informed him about closing the case of the attack but did not present the relevant order.

Kyrylo Samozdra is a student of sociology at NaUKMA. He used to be a member of the organizational committee of NGO KyivPride.<sup>304</sup> Before turning 18, he lived in the territory not controlled by the Ukrainian government (in Luhansk); he says that he had to hide there lately and left when the local force structures got interested in him because of his activism.

## #legal\_persecution

- On **November 25, 2020, in Berdyansk**, the Administrative Commission of the Executive Committee of the Berdyansk City Council in Zaporizhia Region made a decision to fine the civil activist **Oleksandr Pechnikov** for 340 hryvnias allegedly for “cluttering up the territory” during a demonstration in the memory of the deceased soldier and civil activist Vitaliy Oleshko (“Sarmat”).

The peaceful gathering took place on October 24, on the “day of silence” before the local election in the centre of Berdyansk, Zaporizhia Region. About 50 people participated in it. During the demonstration, a banner reading “Who ordered the murder of Sarmat Vitaliy Oleshko?” was attached to the bottom of the monument to Freedom Fighters (this is what was interpreted as “clutter”). A video livestreamed by Oleksandr Pechnikov<sup>305</sup> clearly shows that the banner was attached by different people.

According to the activist, the meeting of the Administrative Commission was supposed to take place on November 11, but it was cancelled, and Pechnikov was not informed that it was moved to November 25, so he could not come in person and explain the situation.

On December 4, the activist filed a statement against the City Executive Committee to appeal the decision. On January 14, 2021, it became known that the Executive Committee decision against Pechnikov was cancelled.<sup>306</sup>

Oleksandr Pechnikov is the director of NGO Sarmat Military-Patriotic Association of Participants of Military Actions in Berdiansk, founded in 2017 (the founders included the now deceased activist Vitaliy “Sarmat” Oleshko).

<sup>303</sup> In Kyiv, an LGBT activist who had received threats from right-wing radicals was hit in the face (У Києві вдарили в обличчя ЛГБТ-активіста, якому раніше погрожували праворадикали) / ZMINA, December 5, 2020 : [https://zmina.info/news/u-kyievi-pobyly-lgbt-aktyvista-yakomu-ran-ishe-pogrozhuvaly-pravoradykaly/?fbclid=IwAR1lWd9h2rW0YdTjwSYF3Yp\\_LjrMmWtUX8BaX08WszeA6B8V9ekjumSuws](https://zmina.info/news/u-kyievi-pobyly-lgbt-aktyvista-yakomu-ran-ishe-pogrozhuvaly-pravoradykaly/?fbclid=IwAR1lWd9h2rW0YdTjwSYF3Yp_LjrMmWtUX8BaX08WszeA6B8V9ekjumSuws)

<sup>304</sup> “People often told me that I came from North Korea”: a young man talks about living in Luhansk («Мені часто говорили, що я приїхав із Північної Кореї» – розповідь юнака про життя у Луганську) / *Radio Svoboda*, September 29, 2020: <https://www.radiosvoboda.org/a/istoriya-priyhav-z-lu/ganska-vstupyv-u-moglyanku/30862380.html>

<sup>305</sup> Sarmat TV / Facebook page, October 24, 2020: [https://www.facebook.com/watch/live/?v=355142018930921&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=355142018930921&ref=watch_permalink)

<sup>306</sup> Activist Oleksandr Pechnikov's administrative fine has been cancelled (3 активіста Олександра Печнікова знято адміністративний штраф) / *Berdiansk 24*, January 14, 2021: <https://www.brd24.com/news/a-79851.html>

Vitaliy Oleshko was shot in Berdiansk on July 31, 2018, in the territory of a hotel owned by his family. The National Police categorized the crime as assassination. On the first days, the police arrested four individuals. In September, the fifth suspect, the 38-year-old local businessman Mykhailo Sihida, was arrested in Zaporizhia. One of the suspects, a Tornado soldier Artem Matiushyn, pointed at him as the person who ordered the hit. According to him, Sihida explained that Oleshko was a “racketeer and extortionist.” In December 2018, the sixth suspect, a businessman from Dnipro Yevhen Brodsky, was arrested. According to the police version, he can be one of the people who ordered the hit. At the same time, people close to Oleshko are convinced that Sihida was just an intermediary, and Sarmat was killed because of his fighting against the local authorities, particularly MP Oleksandr Ponomariov.

In 2019, the State Investigation Bureau opened a criminal case based on the fact of possible concealment of information about the preparations for Oleshko’s murder by the police. The Bureau believes that the police knew about the preparations for the crime.

Pechnikov and his comrades are following the course of the investigation into Vitaliy Oleshko’s murder and organize demonstrations to increase its effectiveness. In particular, in the summer of 2020, the activist participated in a hunger strike next to the Office of the President in Bankova Street in Kyiv, which they announced in response to the court’s decision to release the four suspects in the case of Oleshko’s murder to house arrest.

## DECEMBER 2020

### #discreditation

- On **December 2, 2020, Roman Lykhachov**, an attorney and civil activist from **Chuhuyiv**, Kharkiv Region, stated that there was a discreditation campaign against him on social media which claimed that he allegedly belonged to a group of people suspected of drug dealing or that he represented their interests as a lawyer.

According to the human rights defender,<sup>307</sup> his friends were calling him all day to make sure everything was alright, because they saw his photo in local Telegram channels with a caption about an arrest of people suspected of drug trafficking. These messages were published in the evening of December 1.

ZMINA found relevant posts with the same photos on at least two channels, Kharkov Life<sup>308</sup> and Overheard from the Police<sup>309</sup> (neither is an official information source). The text of the first post is about an arrest without any names (but Lykhachov’s photo is the only one in which the face is not blurred), while the other post directly states that Roman Lykhachov is the lawyer of the arrested people.

Literally, it reads: “*Roman Lykhachov, a lawyer and human rights defender known in Chuhuyiv, decided to defend the arrested people. It’s strange when someone with an active civil position, a former candidate for the office of Chuhuyiv’s mayor who promised to make order and close all the shady joints, supports drug trafficking.*”

<sup>307</sup> Roman Lykhachov (Роман Лихачов) / Personal Facebook page, December 2, 2020: [https://www.facebook.com/permalink.php?story\\_fbid=1619658018218896&id=10000524405154](https://www.facebook.com/permalink.php?story_fbid=1619658018218896&id=10000524405154)

<sup>308</sup> Kharkov Life / Telegram channel, December 1, 2020: <https://t.me/kharkivlife/8058>

<sup>309</sup> Overheard from the police (Подслушано в поліції) / Telegram channel, December 1, 2020: <https://t.me/podslushshenopolice/3950>

According to Lykhachov himself, he recognizes himself in the photo, but he does not know where it was taken, and he is neither a lawyer in a case like that nor a suspect. He believes that these posts are a planned discreditation campaign aimed to obstruct his public and legal work.

At the same time, the official website of the Kharkiv Region Police does not have any reports using these photos and videos, although there are at least two news pieces about arrests of drug trafficking suspects.

Roman Lykhachov is a lawyer and civil activist, the founder of the Chuhuyiv Human Rights Group. Before (until 2018), he was also the director of NGO Anti-corruption Centres Network.

Earlier, ZMINA reported other cases of persecution of Lykhachov: in the night of September 26, 2019, unidentified individuals delivered a wreath and an ax to the building where the office of the Chuhuyiv Human Rights Group is located, and a coffin was delivered to the human rights defender's apartment with a note reading, "*Dear Roma, if you don't stop doing nonsense, the next one (ax. Ed.) will be in your head.*" After the incident, Lykhachov assumed that the threats were linked to his work in the Anti-corruption Centres Network. According to him, the group stated earlier that the government and the police were "covering up" unlicensed alcohol sales at the Black Pearl cafe.

In addition to his active public work in Chuhuyiv, Lykhachov also worked on the case of the activist Mykhailo Bychko from Eskhar, Chuhuyiv District, who was found hanged in the forest in June 2018. The human rights defender argued that the young man was murdered, although the investigation insisted on the suicide version. Bychko had also received threats before.

## #legal\_persecution

- On **December 4, 2020, Natalia Voronkova**, a volunteer and an external advisor for the deputy minister of defense, reported a lawsuit against her filed by the Command of the Medical Forces of the Armed Forces of Ukraine for a Facebook post criticizing the medical provision for military units in the context of the coronavirus pandemic.<sup>310</sup>

According to the documents published by the activist, a lawsuit on 12 pages was received by the Pechersky District Court of Kyiv. As of December 14, the Court's website listed the information about this receipt, the case was assigned to Judge Oleksiy Sokolov (the single unique number is 757/51133/20-c; the case number is 2-12478/23). At the same time, until that day, according to Voronkova, nobody from the Court had contacted her (she learned about the fact of receiving the lawsuit from her own sources), and she had not seen the text of the lawsuit.

The lawsuit in defense of honor, dignity and business reputation was mentioned by the Command of the Medical Forces of the AFU on their Facebook page on December 4.<sup>311</sup> According to them, Voronkova shared unfounded and slanderous accusations, and this did not help solve the problem, but rather undermined trust in military medics.

Meanwhile, already on December 21, the decision by Judge Sokolov was published to leave the lawsuit by the Command of the Medical Forces of the AFU without movement in order to eliminate flaws in its composition.<sup>312</sup>

<sup>310</sup> Nataly Voronkova / Personal Facebook page, December 4, 2020: <https://www.facebook.com/nata.voronkova/posts/3519064474814890>

<sup>311</sup> Command of the Medical Forces of the Armed Forces of Ukraine (Командування медичних сил Збройних сил України) / Official Facebook page, December 4, 2020: <https://www.facebook.com/Ukrmilitarymedic/posts/201003298173308>

<sup>312</sup> Pechersky District Court of Kyiv. Decision: <https://reyestr.court.gov.ua/Review/93646512>

Natalia Voronkova is the founder and leader of NGO Dobrovolia Volunteer Hundred,<sup>313</sup> registered in July 2014 to help the wounded in the conflict zone in Donbas, as well as medical and various children's facilities (schools, preschools, boarding schools). The volunteer's key areas of work include helping the Central Military Clinical Hospital. She has been awarded the III Degree Princess Olha Medal.<sup>314</sup>

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **December 8, 2020**, the queer activist **Edward Riz**, who identifies as a non-binary person, informed ZMINA Human Rights Centre that he experienced online harassment by one of the viewers of his educational TikTok blog on the topic of sexuality and gender identity from September until almost the beginning of December 2020.

According to him, user @just\_ukrainian\_patriot first wrote homophobic and insulting comments under videos ("*You're a defective woman*"), and then—this started in late October—started threatening to kill him "in Kyiv," etc.

In late November—early December, Edward Riz complained about the harassment to the TikTok administration. According to him, the comments he complained about were deleted, and the user in question stopped writing him. But around mid-December, the harassment attempt continued.

At the same time, the activist does not understand how seriously he should take these insults and accusations from an anonymous user, because he himself is a rather public person.

Edward Riz is a queer activist, performer (he acted at the PostPlay Theatre), author of a TikTok blog where he talks about the varieties of sexual orientations (pansexuals, litsexuals, asexuals and aromantics) and gender identities.

## #discreditation

- On **December 10, 2020**, **Mykhailo Zhernakov**, a public activist, expert in the judiciary reform and the coordinator of the Public Integrity Council (PIC), received a message from his colleagues that he was wanted by the police.<sup>315</sup> This was about a letter from the Investigative Police of Kharkiv Region investigating a case based on a statement about pressure on the court from Judge Inna Shelest of the Chervonozavodsky District Court of Kharkiv Region: she allegedly received an information request in October signed by the former PIC coordinator **Andriy Kulibaba** asking whether anyone provided her illegal benefits and in what amount, which, according to Kulibaba himself, he did not do.<sup>316</sup>

As explained by Mykhailo Zhernakov, all PIC correspondence is conducted through official email addresses and signed by an electronic signature (which the aforementioned email did not include), and Kulibaba left PIC in August 2020 before the local election because he was running for office.

The activist contacted the investigator by phone, told her about this and provided the documents confirming that Kulibaba had left the Council.

<sup>313</sup> Dobrovolia Volunteer Hundred [Волонтерська сотня Доброволія] / Facebook page: <https://www.facebook.com/%D0%92%D0%BE%D0%B-D0%BE%D0%BD%D1%82%D0%B5%D1%80%D1%81%D1%8C%D0%BA%D0%B0-%D1%81%D0%BE%D1%82%D0%BD%D1%8F-%D0%94%D0%BE%D0%B1%D1%80%D0%BE%D0%B2%D0%BE%D0%BB%D1%8F-1641531642814590/>

<sup>314</sup> Advisors or businessmen? Who consults the Minister of Defense Poltorak (Радники чи бізнесмени? Хто консулює міністра оборони Полторака) / *Hlavkom*, July 28, 2018: <https://glavkom.ua/publications/radniki-chi-biznesmeni-hto-konsultuje-ministra-oboroni-poltoraka-428205.html>

<sup>315</sup> Mykhailo Zhernakov / Personal Facebook page, December 10, 2020: <https://www.facebook.com/mzhernakov/posts/2472669782884206>

<sup>316</sup> Andriy Kulibaba (Андрій Кулібаба) / Personal Facebook page, December 10, 2020: <https://www.facebook.com/AndriiKulibaba/posts/3487607931287016>

It is unknown how the case is proceeding. Mykhailo Zhernakov believes that it is either an attempt to discredit the Public Integrity Council, or the police intends to obtain a permit to conduct covert investigative operations regarding the Council's members as a part of the case.

At the same time, the previous PIC coordinator **Vitaliy Tytych**, whom the Kharkiv police also contacted, told ZMINA Human Rights Centre that cases of fraud, when judges were pressured allegedly on behalf of the council and offered them to solve something for a bribe, have happened before. In Tytych's opinion, the judge was right to go to the police when she received this letter from an unknown individual, and now the law enforcement should determine who is actually behind the letter.

The Public Integrity Council<sup>317</sup> is an independent public body which helps the High Qualifications Commission for Judges (HQCJ) to evaluate working judges and select candidates for the positions of judges since 2016, based on Article 87 of the Law of Ukraine "On the justice system and the status of judges." PIC consists of twenty members appointed for two years. The members of the Public Integrity Council are appointed by an assembly of representatives of civil associations, but PIC itself is not an NGO. At the same time, representatives of the council are not public officials and identify as civil activists.

## #destruction\_or\_damage\_of\_property

- On the night of **December 17**, 2020, unidentified individuals burned a hay barn at the Shcherbati Tsugli stable in the village of **Prybirsk**, Kyiv Region, where a group of enthusiasts are trying to revive an almost extinct breed of Polissia horses. All the hay stored there was burned. According to the environmental activist **Yuriy Yahusevych**, who owns the stable and breeds the horses, this is the second arson in a few weeks: the first took place on **December 13**. Luckily, both times, the animals survived.<sup>318</sup>

Yahusevych links the incidents to the fact that on November 30, he wrote a post about heavy equipment working on the shore of River Teteriv in Prybirsk, which is adjacent to a nature reserve.<sup>319</sup>

According to the activist, the next day, he was contacted by the police to verify the circumstances of the incident, and later he started receiving oral threats "through other people" from a neighbor who initiated the work with the equipment.

Yuriy Yahusevych (AKA Jurij Molfar) is an environmental activist who, among other things, advocated locally for the meadow near Prybirsk to receive the status of a reserve to prevent its cultivation, and organized the festival Chornobyl Renaissance in Prybirsk.<sup>320</sup>



■ A photo from Jurij Molfar's Facebook page of December 13, when the first arson took place



■ A photo from Jurij Molfar's Facebook page

<sup>317</sup> Public Integrity Council (Громадська рада доброчесності) / Official website: <https://grd.gov.ua/>

<sup>318</sup> In Kyiv region, a stable of an activist who is reviving an almost extinct breed of Polisia horses has been burned for the second time (На Київщині вдруге підпалили стайню активіста, який відновлює майже зниклу породу поліських коней) / Zmina, December 17, 2020: <https://zmina.info/news/na-kyivshhyni-vdrugye-pidpalyly-stajnyu-aktyvysta-shho-vidnovlyuye-majzhe-znyklu-porodu-poliskyh-konej/>

<sup>319</sup> Jurij Molfar / Personal Facebook page, November 30, 2020: <https://www.facebook.com/jurij.molfar/posts/3615485868543786>

<sup>320</sup> Prybirsk: Life on the border of exclusion (Прийбірськ: життя на межі відчуження) / Ukraïner, March 22, 2018: <https://ukraïner.net/prybirsk/>

Yahusevych is a member of NGO Oreli (works to preserve the culture of Ukrainian Polisia) and the initiator of the project to revive the Polisia horse breed. He does all this as a volunteer.

The Polisia horse is one of the native breeds of Ukraine which is now considered to be practically extinct. For a long time, it was cultivated in a rather closed ecosystem of the forests and marshlands of Polisia. The Shcherbati Tsugli stable in Pryborsk, Kyiv Region, is gathering the last specimens of the Polisia horse for the purpose of reviving the breed. Enthusiasts and researchers from the M. V. Zubets Institute for Horse Breeding and Genetics of the National Academy of Agricultural Sciences have developed a project to reconstruct the population of the breed. This program is the only one of its kind in Ukraine.<sup>321</sup>

## #physical\_attack

- On **December 23, 2020**, in the village of **Lavochne** in Lviv Region, the local civil activist **Vasyl Vasylytyn**, who opposes cutting of trees, was attacked while he was trying to block the path of wood transporting trucks.

According to the victim, four men (foresters and drivers) came out of the vehicles, knocked him off his feet and started beating him; in response, he shot one of them in the leg with a pneumatic gun, but the gun was taken away, as well as his phone; they tied the man to a vehicle and threatened to drive him over. The incident was stopped by Vasylytyn's fellow villagers, who ran to the scene and called the police.

Meanwhile, according to the activist, the police, on the contrary, wrote a report on him. He says that he had already been fined several times for allegedly unjustified calls (because he called the police when he saw wood transporting vehicles arrive, but the police told him that there are permits for cutting down the forest, although the permits were never shown to him, and other villagers never saw the permits either).

On December 24, according to Vasylytyn, woodcutters threatened the women who came out to protest against the cutting.

According to representatives of the Regional Office of the National Police, they opened a case based on Part 2 of Article 345-1 of the CCU (threats or violence against a journalist) regarding the events of December 23 and the violence against Vasyl Vasylytyn. They say that Vasylytyn is a reporter for the *Antycorruptsiynyi Visnyk* newspaper. At the same time, the police notes that no misdemeanor reports were written on him because of the events of December 23, 2020.

Vasyl Vasylytyn is a member of NGO Public Anti-corruption Watch, but together with a group of other villagers, he protests against the cutting of trees nearby as a volunteer.

The conflict around the cutting of trees in Lavochne has been going on for a long time. As reported by *Suspilne*,<sup>322</sup> local residents organize rallies and block wood transporters from passing; at the same time, the contractors and the forest management have told the journalists that they have obtained all the required permits and are harvesting the wood legally.

<sup>321</sup> A project to revive the breed of Polisia horses has started (Стартував проєкт з відновлення породи поліських коней) / Ukrainian Crisis Media Centre, October 20, 2020: <https://uacrisis.org/uk/startuvav-proekt-z-vidnovlennya-porody-poliskyh-konej>

<sup>322</sup> Wood is taken out: in the mountains in Lviv Region, villagers oppose cutting of trees [Вивозять ліс: у горах на Львівщині селяни виступили проти вирубки дерев] / *Suspilne*, December 11, 2020: <https://suspilne.media/87492-vivozat-lis-u-gorah-na-lvivsini-selani-vistupili-proti-virubki-derev/>

## #illegal\_detention\_or\_arrest

## #legal\_persecution

- On **December 23, 2020**, in **Pyriatyn**, Poltava Region, during a Pyriatyn City Council session, the police did not allow the journalist and civil activist **Vadym Kyrpychenko** to enter, and then arrested him and wrote a misdemeanor report on him based on Article 185 of the MCU (persistently disobeying a legal demand of a police officer) and Article 172 of the MCU (petty hooliganism).

According to Kyrpychenko, he was going to preparatory meetings of various commissions and finding that the heads of departments were being appointed without competition, and that the city council intended to financially support a non-governmental organization whose head, according to the activist's information, has expressed a pro-Russian position.

Kyrpychenko says that he was covering these issues in the media and decided to hold a protest, for which he had banners and a funeral wreath with a ribbon reading, "To democracy from the mayor." He said that he did not intend to have any physical contact with the police; the other protest participants (who coordinated on social media) were allowed to enter, but he was recognized and detained.<sup>323</sup>

When his lawyer and he left the police department, the session meeting was still going on, but the police came with him and entered the session hall with him.

Vadym Kyrpychenko is a Pyriatyn journalist and the founder of the local newspaper *Apelsyn*. The Institute of Mass Information has recorded several cases of obstruction of his journalistic work, discreditation<sup>324</sup> and threats.<sup>325</sup>

## #destruction\_or\_damage\_of\_property

- On **December 28, 2020**, at around 4:40 a.m., unidentified individuals poured oil on the door of a house in the village of **Lukvytsia**, Ivano-Frankivsk Region, where **Oleksandr and Stepan Krasilych** live with their family, and set it on fire.<sup>326</sup> The former is now the head of the Plast camp Chota Krylatykh, and the latter (his father) founded the Camp.

The activists ran out to the street and saw that Stepan Krasilych's car, parked nearby under a tent (in the garage), was also burning. They extinguished the fire together with their neighbors.<sup>327</sup>

In addition, it turned out that at approximately the same time, unidentified individuals set fire to the house of a former village head.

The victims, the Krasilych family, cannot trace any connections or name the possible reasons for the arsons, but they associate them



■ A photo from Oleksandr Krasilych's Facebook page

<sup>323</sup> Apelsyn Newspaper (Газета Апельсин) / Facebook page, December 23, 2020: <https://www.facebook.com/citypluspir/posts/3554631734573699>

<sup>324</sup> In Pyriatyn, unidentified individuals posted posters with a local blogger's personal information (У Пирятині невідомі розклеїли листівки з персональними даними місцевого блогера) / Institute of Mass Information, September 30, 2019: <https://imi.org.ua/news/u-pyryatyni-nevidomi-rozkleyily-lystivky-z-personalnymy-danyumy-mistsevogo-blogera-i29803>

<sup>325</sup> In Pyriatyn, blogger Vadym Kyrpychenko found grenades in his yard (У Пирятині блогер Вадим Кирпиченко виявив на своєму подвір'ї гранати) / Detector Media, October 17, 2020: <https://detector.media/community/article/130981/2017-10-17-u-pyryatyni-blogger-vadym-kyrpychenko-vyuvayv-na-svoiemu-podvirri-granaty/>

<sup>326</sup> Oleksandr Krasilych / Personal Facebook page, December 29, 2020: <https://www.facebook.com/oleksandr.krasilych/posts/3585250744856456>

<sup>327</sup> In Prykarpattia, someone tried to burn the house and car of the commander of Chota Krylatykh: Details (На Прикарпатті намагалися спалити будинок і авто команданта "Чоти Крилатих": подробиці) / Suspihna, December 29, 2020: <https://suspihna.media/91928-na-prikarpatti-namagalisa-spaliti-budynok-i-avto-komendanta-plastovogo-taboru-cota-krylatih/>

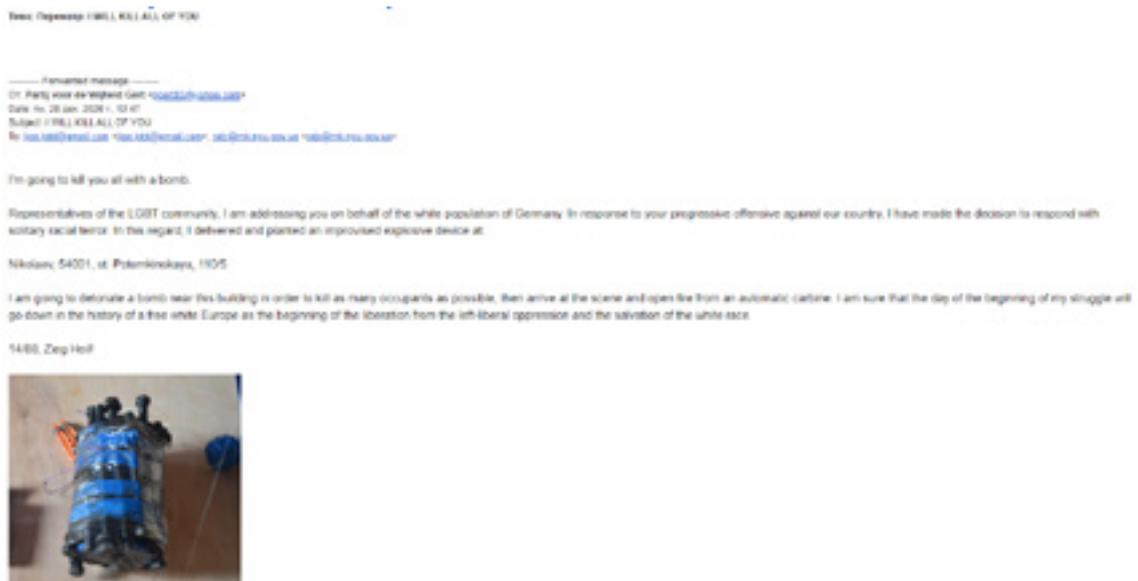
with their civil activism, because, according to them, they do not do anything else. In Oleksandr Krasilych's opinion, it was an attempt on their lives. The activist assumes that the motive could be envy by some of their fellow villagers (he does not name them) who wrongly believe that Plast work is very profitable and who told him about it.

The Ivano-Frankivsk Region police started proceedings based on Part 2 of Article 164 of the CCU (intentional destruction or damage of property).<sup>328</sup> On the site of one of the fires, the police found a five-liter bottle with the smell of gasoline and oil which probably served as a means of the crime.

Chota Krylatykh is an aviation Plast squadron.<sup>329</sup> It trains children and teenagers who learn the basics of aerodynamics, paraplannerism, deltaplanerism and aviation modeling.

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **December 28, 2020, the Liga LGBT Association** received an email with a message from the “white population of Germany” about the supposed bomb threat in their central office in **Mykolayiv**, and about an intention to shot the survivors with a carbine after the explosion.<sup>330</sup> As the purpose of these actions, the email states the “*liberation from the left-liberal oppression,*” emphasizing that the actions target the LGBT community.



■ A screenshot of an email received by the activists

The sender of the letter is listed as “Partij voor de Vrijheid Gert” (a real party registered in the Netherlands).

Police and a bomb tech squad arrived at the location, but they did not find the device described in the email. Based on the fact of the incident, Mykolaiv police started proceedings based

<sup>328</sup> The police is investigating arsons of residential houses and a car in Bohorodchanshchyna (Поліцейські розслідують підпали житлових будинків та автомобіля на Богородчанщині) / Ivano-Frankivsk Region Police (Поліція Івано-Франківської області), December 28, 2020: <https://if.npu.gov.ua/news/zagalna-informacziya/policzejski-rozsliduyut-pidpali-zhitlovix-budinkiv-ta-avtomobilya-na-bogorodechanshchyni/>

<sup>329</sup> Life's work – the highest runway (Справа життя – найвища злітна смуга) / Ukrainer, YouTube channel, May 2, 2018: [https://www.youtube.com/watch?fbclid=IwAR1Hj5U2ruWyniRqus5HTRfaH7WfUGjAt\\_WNOvjoLq1RdoeT-U5g3lJfuk&v=UFik2u9hH8&feature=youtu.be](https://www.youtube.com/watch?fbclid=IwAR1Hj5U2ruWyniRqus5HTRfaH7WfUGjAt_WNOvjoLq1RdoeT-U5g3lJfuk&v=UFik2u9hH8&feature=youtu.be)

<sup>330</sup> LGBT Association Liga / Facebook page, 28 грудня 2020 року: <https://www.facebook.com/Association.LiGA/posts/3843782772312323>

on Article 259 of the Criminal Code of Ukraine (knowingly false report of a threat to the safety of citizens, destruction or damage of properties), and an investigation is being conducted.<sup>331</sup>

The Liga Association of Gay, Lesbian and Bisexual People was founded in Mykolayiv as an interest club and an art association back in 1993 and later developed the human rights and educational areas of activity. Its main office is located in Mykolayiv, but the organization also has offices in Kherson, Odesa and Kyiv.



■ A photo from the Facebook page of the Liga LGBT Association

## #destruction\_or\_damage\_of\_property

- On the night of **December 29, 2020**, in **Kharkiv**, three young men attacked the office of the **Sphere Women's Association**: they threw eggs and rocks at the building and wrote the word "Perverts" on the wall with a spelling error. This was recorded by video surveillance cameras.

According to the Association's vice president Anna Sharyhina, the criminals tried to break the windows, but they did not manage to, because after the previous vandalism incidents against the organization's office, the window glass was replaced with tempered glass.<sup>332</sup>



■ A photo from Anna Sharyhina's Facebook page

According to the organization's representative Yevhenia Ilyinska, their organization was attacked 7 times in total in 2020 (cases of vandalism: eggs or something else thrown at the building, feces smeared over the lock, etc.), but the activists are not aware of any police proceedings opened based on any of these cases.

The Sphere Kharkiv Women's Association is a Ukrainian lesbian-feminist NGO founded in 2006 (registered in 2007). It unites women regardless of their age, marital status, origin, sexual orientation, religious, political or other beliefs. Sphere activists have initiated a number of projects, particularly held the KharkivPride twice, and organized the PrideHub community center for LGBTIQ people.

## #intimidation\_threats\_or\_other\_forms\_of\_pressure

- On **December 30, 2020**, in **Rivne**, two F-1 grenade shells attached to a black box were found at the door of the apartment where the mother of the anti-corruption activist **Vitaliy Shabunin** lives. The object, which looked like an explosive device, was noticed by a neighbor, who called the police. The next day, the same object was placed at the door of an apartment in **Kyiv** which belongs to Shabunin's parents-in-law.

<sup>331</sup> The police is determining the identity of the individual who falsely reported a bomb threat in an office in Mykolayiv (Поліція встановлює особу, яка надала неправдиве повідомлення про замінування офісу у Миколаєві) / The official website of the National Police in Mykolayiv Region: <https://mk.npu.gov.ua/news/novini/policziya-vstanovlyuyut-osobu-yaka-nadala-nepravdive-povidomlennya-pro-zaminuvannya-ofisu-u-mikolajevi/>

<sup>332</sup> In Kharkiv, unidentified individuals threw rocks at the office of the Sphere Women's Association (У Харкові невідомі закидали камінням вікна офісу жіночого об'єднання "Сфера") / ZMINA, December 29, 2020: <https://zmina.info/news/u-harkovi-nevidomi-zakydaly-kaminnyam-vikna-ofizu-su-zhinochogo-obyednannya-sfera/>

In both cases, the residents of the apartment buildings were evacuated for the period of the check, but no explosives were found in the objects.

Vitaliy Shabunin believes that this is a “warning” addressed to him.

After the first incident, the Rivne Region police started proceedings based on the fact of a murder threat and hooliganism with the use of weapons (Part 1 of Article 129, Part 4 of Article 296 of the CCU). The second incident (in Kyiv) is categorized the same way, but as of January 11, 2021, they are being investigated separately.



■ An object found in Rivne (photo: National Police)

As Vitaliy Shabunin told ZMINA Human Rights Centre, in the first case, both he and his mother were recognized as victims by the police, but in the second case, this had not been done by January 11, even though he had submitted the request.

Vitaliy Shabunin is a co-founder of the Anti-Corruption Action Center NGO, which develops and advocates the legislative basis for counteracting corruption (particularly on the anti-corruption bodies NABU, SAP, SACC, and ASMA, on criminalizing unlawful enrichment, etc.), monitors state procurement, and initiates investigations into abuses.

Throughout 2020, there were also other cases of persecution of Vitaliy Shabunin; in particular, his house was burned on July 23 (see above). In addition, the activist and AntAC, of which he is the head, suffered from legal persecution and attacks in the previous years.

## #legal\_persecution

## #discreditation

- On **December 31, 2020**, the police of **Kamin-Kashyrske**, Volyn Region, opened a case on allegedly knowingly false report of a crime (Part 1 of Article 383 of the CCU) by **Oksana Romaniuk**, the head of the Institute of Mass Information, who told Detector Media in a comment about how the Journalists Against Corruption NGO sells journalistic IDs.<sup>333</sup>

According to this information, the organization offers to issue a journalistic ID to anyone if they pay membership fees, and the recipient undertakes to participate in the organization’s public events and to publish at least one article per month on their website. The Journalists Without Corruption website notes that a list of people would find a journalistic ID useful, including “lawyers,” “entrepreneurs,” “local councilors,” and “car enthusiasts who like to travel.”<sup>334</sup>

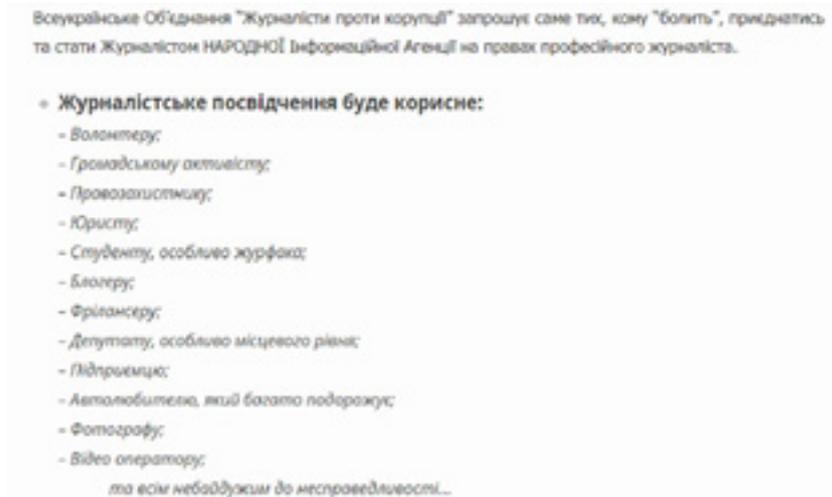
The statement about a crime was submitted to the police by Serhiy Kit, the founder of the aforementioned organization and the editor-in-chief of the eponymous information agency. It also became known that earlier, on December 3, 2020, he filed complaints to the Journalistic Ethics Commission (JEC) and the Independent Media Council and wrote a letter to Detector

<sup>333</sup> Journalists Against Corruption continue to sell journalistic IDs («Журналісти проти корупції» продовжують торгувати посвідченнями журналіста) / Detector Media, December 3, 2020: <https://detector.media/community/article/183050/2020-12-03-zhurnalisty-proty-koruptsii-prodovzhuyut-torguvaty-posvidchennyamy-zhurnalista/>

<sup>334</sup> WHY SHOULD YOU BECOME A JOURNALIST? FLY LIKE A BUTTERFLY – TOO BAD... too bad that you’re still not with us (ЧОМУ ПОТРІБНО СТАТИ ЖУРНАЛІСТОМ? ПОРХАЙ КАК БАБОЧКА – ЖАЛЬ... жаль що ви ще не з нами...) / Journalists Against Corruption, October 1, 2017: <https://per0.org.ua/narodnyj-zhurnalist/9579/?fbclid=IwAR1bSTQODAzMsnTXV5l6XnvdRUBS7b294KMehHS9haNSkjFFuGsz4yq6rE>

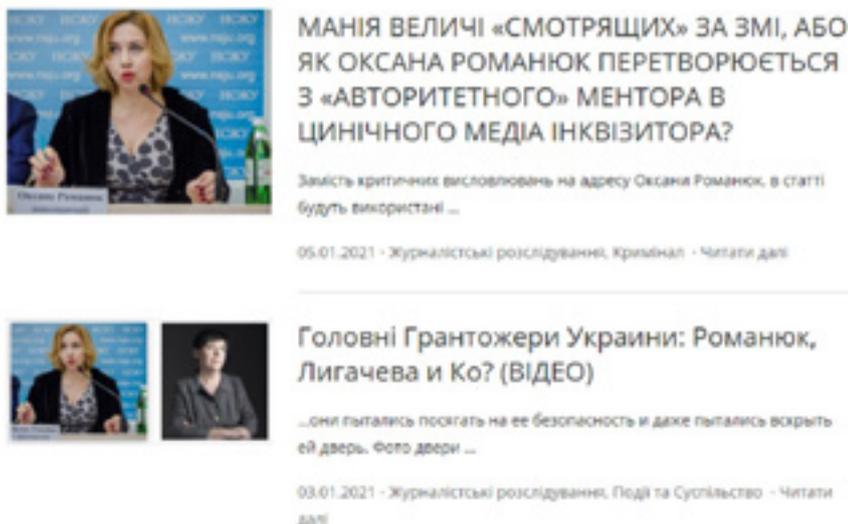
Media in which he denied the accusation<sup>335</sup> (but the offer for car enthusiasts and councilors to receive journalistic IDs was not removed from the website).

On December 29, 2020, JEC deemed Kit's complaint unjustified and found a violation of the Ethics Code of the Ukrainian Journalist in his actions, calling on him to immediately stop giving the status of a journalist for money to people who are not engaged in journalism and to stop the advertising campaign for involving these "journalists."<sup>336</sup>



■ Screenshots from the website of the Journalists Against Corruption organization

Meanwhile, since the beginning of 2021, the website of Journalists Against Corruption started to publish discrediting materials about Oksana Romaniuk, in which she is labelled a "grant-eater" and personally insulted. These are mostly reprints of various discrediting texts and videos from previous years.



■ Screenshots from the website of the Journalists Against Corruption organization

<sup>335</sup> Journalists Without Corruption deny selling journalistic IDs [«Журналісти проти корупції» заперечують торгівлю посвідченнями журналіста] / Detector Media, December 8, 2020: <https://detector.media/community/article/183151/2020-12-08-zhurnalisty-proty-koruptsii-za-perechuyut-torgivlyu-posvidchennyamy-zhurnalista/>

<sup>336</sup> On Serhiy Kit's complaint about the publications on the websites of the Institute of Mass Information and Detector Media / Journalistic Ethics Commission, December 29, 2020: <http://www.cje.org.ua/ua/complaint/shchodo-skargy-sergiya-kota-na-publikaciyi-saytiv-instytut-mason-voyi-informaciyi-ta>

Some of them also mention the media expert Natalia Lihachova, the head of the Detector Media NGO, in a negative light (for example, the second article pictured in the screenshot below is a reprint of a material from 2019 by the YouTube channel Klymenko Time,<sup>337</sup> founded by the former minister of revenue and taxes in president Viktor Yanukovich's cabinet); after the JEC decision was published, the materials also negatively mention members of the Commission. As of 21 January, 2021, the website has published six texts dedicated to discrediting the activist since the beginning of the year.

Meanwhile, the Journalistic Ethics Commission drew attention to the activities of the Journalists Against Corruption NGO back in 2017, speaking<sup>338</sup> about their possible abuse of issuing working IDs if they are issued exclusively to provide certain legal benefits to individuals for money.

Oksana Romaniuk is the executive director of the Institute of Mass Information NGO (IMI) since 2013 and a representative of Reporters Without Borders in Ukraine. In its work, IMI conducts monitoring studies (of which the Freedom of Speech Barometer, which records cases of persecution for journalism, is the best known), analyzes and develops legislative initiatives in the media sphere, guides for journalists, conducts training for them, etc.

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<sup>337</sup> Grant-eaters of Ukraine: dedicated to Romaniuk, Lihacheva and Co. – #60 Та Vy ShoIw / Klymenko time, January 20, 2019: [https://www.youtube.com/watch?v=b\\_RIX4yT5-0&feature=emb\\_logo](https://www.youtube.com/watch?v=b_RIX4yT5-0&feature=emb_logo)

<sup>338</sup> Statement of the Journalistic Ethics Commission on the activities of the Journalists Against Corruption NGO [Заява Комісії з журналістської етики щодо діяльності ВГО «Журналісти проти корупції»] / Journalistic Ethics Commission, December 21, 2017: <http://www.cje.org.ua/ua/comu-plaint/zayava-komisiyi-z-zhurnalistskoyi-etyky-shchodo-diyalnosti-vgo-zhurnalisty-proty-korupciyi>



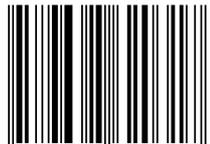




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