



2 лютого 2021 року був знятий з розгляду ВР проєкт закону про внесення змін до Кодексу про адміністративні правопорушення щодо відповідальності за пропаганду гомосексуальності та трансгендеризму (№3917 від 22.07.2020). Авторі — Георгій Мазурашу, Олена Лис, членкині партії політичної партії «Слуга народу».

Він пропонував внести зміни до Кодексу України про адміністративні правопорушення, у якому в статтю 180-2 новий склад адміністративного правопорушення «пропаганда гомосексуалізму або трансгендеризму, що може негативно вплинути на фізичне чи психічне здоров'я громадян» і духовний стан та розвиток людини» із накладенням штрафів в розмірі до трьох неоподатковуваних мінімумів доходів громадян.

у разі ухвалення подібної ініціати́ва стала б суттєвим викликом для жінок, які працюють у секторі неформальної економіки, зокрема тих, які працюють у сфері гонимих доходів громадян.

**Ситуація із законопроектами,  
внесеними на розгляд парламенту  
у 2020 році**

...акож ще в минулому році, 1 вересня 2020 року, було знято з розгляду ВР проєкт закону про внесення змін до Кримінального кодексу України (щодо встановлення кримінальної відповідальності за публічні заклики та / або пропаганду відмови від народження дітей, а також за відданням сім'ї, позашлюбних і протиприродних статевої поведінки).

Автор — Олександр Волошин, член депутатської групи «Свобода».

За життя.

# REPORT ON

# REPORT ON

# Activism 2021: A MONITORING REPORT ON THE PERSECUTION OF ACTIVISTS AND HUMAN RIGHTS DEFENDERS

JANUARY-MARCH 2021

Activism 2021: Monitoring Report on the Persecution of Activists and Human Rights Defenders in the Government-Controlled Territory of Ukraine (January-March 2021) / O. Vynogradova, A. Moskvychova, T. Pechonchyk, L. Yankina. – Kyiv: ZMINA, 2020. – 56 p.

The report was prepared by ZMINA Human Rights Center within the project “Increasing the Role and Protection of Human Rights Defenders in Ukraine” in partnership with the Netherlands Helsinki Committee with the financial support of the European Union.

We are sincerely grateful to Elyzaveta Sokurenko, a journalist for ZMINA, for her help in preparing this monitoring report.

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

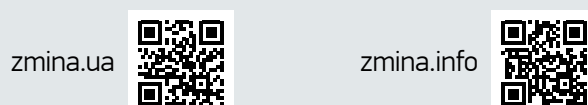


Cover photo: Anastasia Moskvychova, ZMINA; Natalia Onipko, “Zaporuka” charity foundation; Polina Vernygor; Stas Yurchenko, Graty.

ZMINA Human Rights Centre works in the field of freedom of speech, freedom of movement, combating discrimination, prevention of torture and ill-treatment, combating impunity, support for human rights defenders and civil rights activists on the territory of Ukraine, including in occupied Crimea, as well as the protection of the rights of the armed conflict victims. The organization conducts awareness raising campaign, educational programs, monitors and documents the cases of human rights violations, conducts research and analysis, and seeks changes through national and international advocacy.

This publication may contain naturalistic descriptions of incidents or victims of attacks and persecution that may shock, impress, or agitate some readers.

#### **More about ZMINA Human Rights Center and its activities:**



#### **Contacts for comments and suggestions**

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# CONTENTS

<b>INTRODUCTION</b> .....	4
<b>CONDITIONS AND TRENDS</b> .....	5
General situation regarding the persecution of human rights defenders and civic activists in the territory controlled by the Government of Ukraine in the first quarter of 2021.....	5
Threats of legislative restrictions on freedom of association and peaceful assembly.....	7
Illegal response of the police during peaceful rallies on January 19 and February 23, 2021.....	12
Investigation and trial of high-profile cases regarding civic activists.....	14
• Cases of Serhii Sternenko.....	14
• Case of Roman Ratushny.....	17
• The case of Kateryna Handziuk .....	18
• The case of Iryna Nozdrovska .....	19
<b>BRIEF OVERVIEW OF INCIDENTS</b> .....	21

# INTRODUCTION

The team of ZMINA Human Rights Center is pleased to present a monitoring report on the pressure and persecution of activists in the first quarter of 2021, prepared within the project “Increasing the Role and Protection of Human Rights Defenders in Ukraine.” ZMINA is implementing this project in partnership with the Netherlands Helsinki Committee with the financial support of the European Union.

The purpose of this report is to assess the situation regarding threats to freedom of association in Ukraine, cases of persecution and pressure on human rights defenders and civic activists in the territories controlled by the Government of Ukraine during January-March 2021, as well as newly discovered circumstances in cases regarding similar incidents in previous periods.

The general monitoring methodology was based on developments in monitoring and documentation approved by the Coalition for Protecting Civil Society,<sup>1</sup> as well as on the updated methodology of monitoring and analysis used during the preparing the analytical report “The situation of Human Rights Defenders and Civic Activists in Ukraine in 2020”.<sup>2</sup>

Given the urgent need to protect civil society actors, to identify gaps in legislation and law enforcement, the main purpose of this report is to provide complete and up-to-date information on situations of persecution and pressure on human rights defenders and civic activists for the government institutions, media, international missions, partners and the general public.

In the context of decentralization, mobilization of efforts in solidarity struggle with the consequences of the COVID-19 pandemic, socio-economic perturbations, the issue of persecution of activists and human rights defenders, as well as impunity for such persecution becomes increasingly important for promoting and upholding human rights standards. and protection of public interests.

We hope that the information described in the report will be useful for the analysis and conclusions on the security climate for human rights defenders and civic activists during this period.

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<sup>1</sup> Methodology for documenting of the Coalition for Protecting Civil Society / Coalition website, November 20, 2018 <http://cs-coalition.org/en/documents/methodology-of-documentation-of-cases>

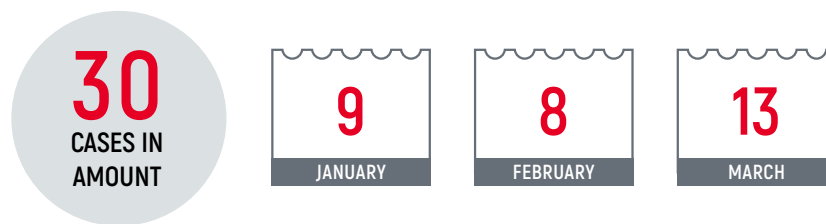
<sup>2</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchyk, L. Yankina; ZMINA Human Rights Center. - Kyiv, 2020. — 144 p. [https://zmina.ua/content/uploads/sites/2/2021/04/stateofhumanrightsdefenders2020\\_reporten\\_final.pdf](https://zmina.ua/content/uploads/sites/2/2021/04/stateofhumanrightsdefenders2020_reporten_final.pdf)

# CONDITIONS AND TRENDS

## GENERAL SITUATION REGARDING THE PERSECUTION OF HUMAN RIGHTS DEFENDERS AND CIVIC ACTIVISTS IN THE TERRITORY CONTROLLED BY THE GOVERNMENT OF UKRAINE IN THE FIRST QUARTER OF 2021

In general during the first three months of 2021, ZMINA Human Rights Center recorded a total of 30 incidents of persecution for civic activities in territory controlled by the Government of Ukraine. At the same time, we note some deterioration of the situation compared to the previous year, when 26 cases were recorded during the same monitoring period.

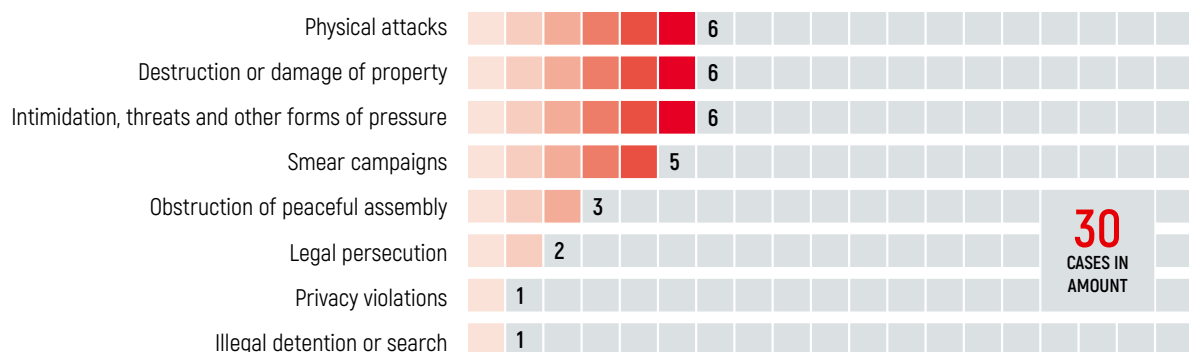
### ■ DISTRIBUTION IN TIME



Among this year's incidents, the most common were physical assaults, destruction or damage to activists' property, and attempted intimidation (6 cases in each category). In addition, 5 cases of discrediting, 3 attempts to obstruct a peaceful assembly, 2 incidents of legal prosecution, 1 case of violation of privacy and 1 case of search without legal grounds were recorded.

It is worth noting that in many cases there were several types of persecution at the same time. For example, when the attack was preceded by threats. This being so, the type of persecution that seemed most relevant to a particular case was taken into account for statistics.

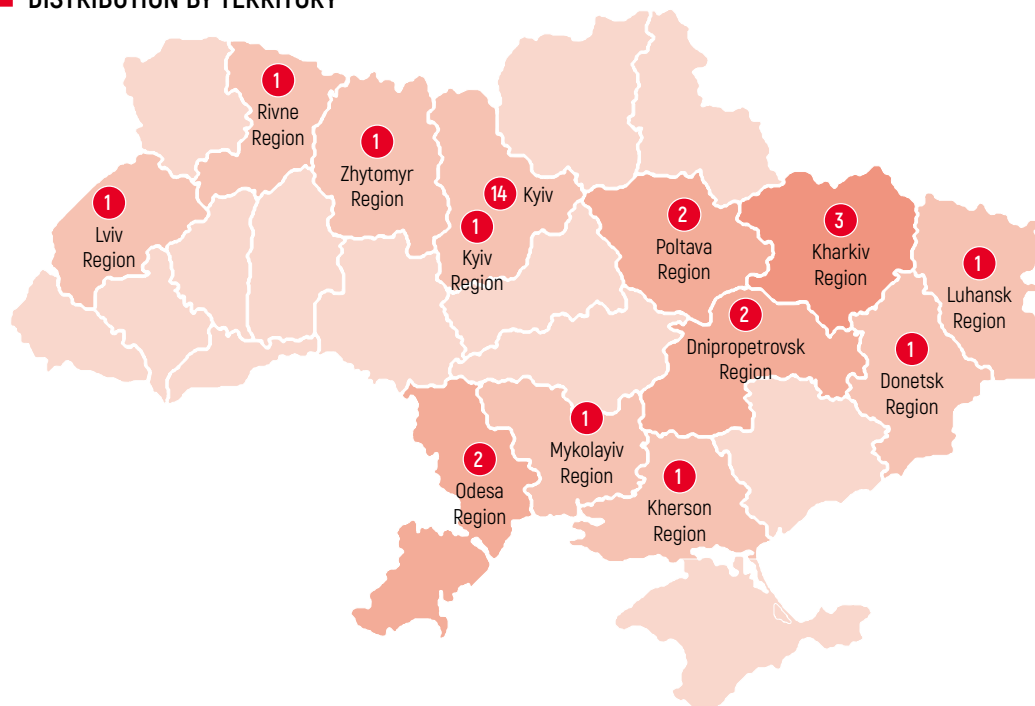
### ■ DISTRIBUTION BY TYPE OF PERSECUTION





The largest number of incidents was recorded in Kyiv (14). Kharkiv region is in second place (3 incidents), Odesa and Poltava regions are in third place (2 incidents in each region). One case of persecution was documented in each of the following regions: Kyiv, Mykolaiv, Lviv, Zhytomyr, Rivne, Kherson, Dnipropetrovsk, Luhansk, and Donetsk.

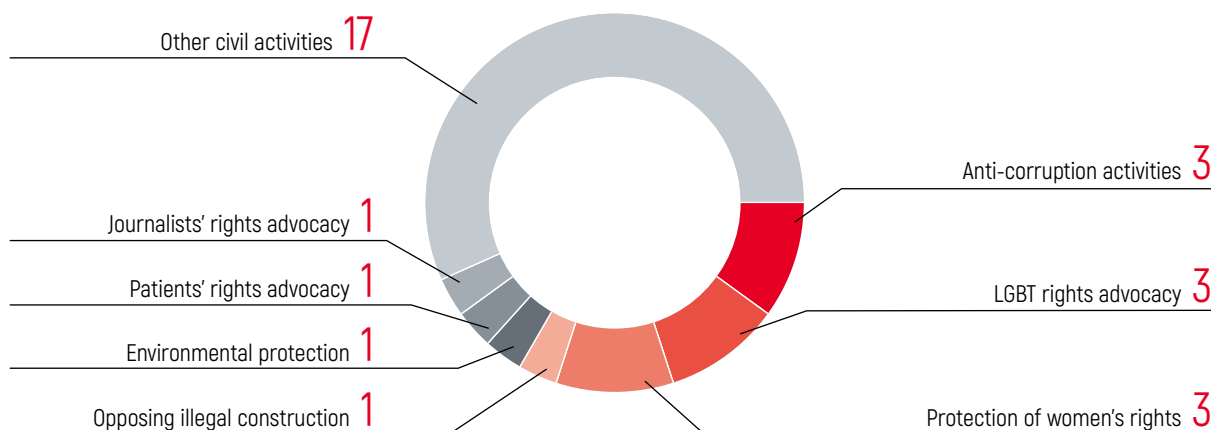
#### ■ DISTRIBUTION BY TERRITORY



This time, it is difficult to identify one activity of activists as the most risky among those that can be unambiguously identified according to the methodology of this study. ZMINA recorded three cases of persecution in each of the following categories: anti-corruption, LGBTQ rights and women's rights.

One incident of the activist persecution was recorded in each of the following categories: opposing illegal construction, protecting the environment, supporting and protecting the rights of patients, and protecting the rights of journalists.

#### ■ THE MOST RISKY AMONG THE TYPES OF CIVIL ACTIVITIES



It is worth noting that some of the cases recorded this year can be considered a continuation of last year's persecution, for which there was no proper response from law enforcement agencies.

The example is the arson incident in Kyiv at the construction site of the Dacha Center for children being treated for cancer (*see the section “Brief overview of incidents”*). In 2020 ZMINA recorded a case of damage to the locks in this center. However, the police report filed by the head of the charity foundation engaged in this construction was registered and treated by the police as a citizen’s appeal.

In addition, a campaign to intimidate the LGBT Association “LIGA” has been going on in Mykolayiv since last year. Its activists have been receiving letters with threats since December 2020. The police have launched relevant proceedings, but there are still no suspects in these cases. Thus, intimidation attempts have not stopped.

Digital threats to civic activists and journalists remain relevant for the first quarter of the year. The Digital Security Lab, which monitors such incidents and provides assistance to victims, recorded 25 separate incidents in the first three months of 2021: 6 in January; 12 in February and 7 in March.

These is about phishing attacks (10 cases, one of which was a large scale one, carried out by Telegram in January); picking up, resetting or reusing the account passwords (7 cases); SMS interception (3), hacking the web-sites (2), blocking content or temporary blocking of accounts in social networks (Telegram), etc.

## THREATS OF LEGISLATIVE RESTRICTIONS ON FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

During 2020, the Verkhovna Rada of Ukraine registered **13 bills** that threaten civil society, violate the Constitution and international human rights obligations of Ukraine, are aimed at disproportionate restriction on freedom of association and peaceful assembly, discriminate against certain categories of activists or support homophobic ideas. In particular, these are the following bills: **№N°3059, 3059-1, 3059-2, 3059-3, 3193-1, 3291, 3326, 3564, 3572, 3916, 3917, 3936 and 4375**, introduced by MPs from three political fractions: **“Servant of the People”, “Opposition Platform - For Life”, All-Ukrainian Union “Batkivshchyna”**, as well as by the **Cabinet of Ministers of Ukraine**.

A number of provisions of these bills discriminate against civil society organizations and activists and pose risks to the uninhabited development of civil society in Ukraine, as they equate the advocacy of civil society organizations with the commercial lobbying, provide for the lustration of public sector actors or the introduction of the concept of “foreign agents”, prohibit public activists from holding protests in the immediate vicinity of courthouses, introduce “polygraph checks” for public activists who want to work in government agencies or enterprises affiliated with the state, provide excessive and unjustified financial reporting for civil society organizations with foreign funding, remove the term “gender” from legislation and prohibit “propaganda of transgenderism and homosexuality”, allow the police to use electric shocks during the administrative detention of participants in peaceful assemblies, etc.

Most of these bills were not designed solely to address various aspects of civil society, but relate to other areas (for example, bills on the specifics of the formation of supervisory boards of state-owned enterprises). However, some provisions of these documents, if adopted, will directly or indirectly affect the activities of civil society organizations and civil rights and freedoms in general. In addition, some of these initiatives have been synchronized with the discrediting campaign against the “sorosyata” (Soros Kids) and anti-Western rhetoric deployed by some political forces.

During 2020, the following changes took place in the timetable of consideration or other actions regarding these draft laws.

## BILLS ON LOBBYING

On March 3, 2021, the Committee on Legal Policy of the Verkhovna Rada of Ukraine declared four bills on lobbying unconstitutional.<sup>3</sup> Three of the four bills directly concerned civil society and equated the advocacy of the civil society organizations with the commercial lobbying, namely:

- Bill on State Registration of Subjects of Lobbying and Lobbying in Ukraine (**№3059** of 11.02.2020). Authors are **Yulia Tymoshenko**, head of the parliamentary faction of the political party “All-Ukrainian Union “Batkivshchyna”; **Serhii Vlasenko**, a member of the parliamentary faction of the political party “All-Ukrainian Union “Batkivshchyna”.
- Bill on Lobbying (**№3059-1** of 28.02.2020). Authors are **Oleksandr Dubinsky** and **Olga Vasylevska-Smaglyuk**, members of the parliamentary faction of the political party “Servant of the People”.
- Bill on Lobbying (**№3059-3** of 03.03.2020). Authors are **Denis Monastyrsky** and **Pavlo Frolov**, members of the parliamentary faction of the political party “Servant of the People”.

The day before, they were also discussed at a Subcommittee on Political Reform and Constitutional Law with the participation of members of the public.

According to the Deputy Chairperson of the Committee, Chairperson of the Subcommittee on Political Reform and Constitutional Law of the Verkhovna Rada Committee on Legal Policy Olga Sovgyria (faction of the political party “Servant of the People”), the main problem is that lobbying in the proposed editions is often confused with related concepts of public participation in the management of public affairs and local affairs.

During the discussion of the documents at the meeting of the Committee on Legal Policy, only one of the authors of the mentioned bills was present, MP Serhii Vlasenko (Batkivshchyna faction). He defended the idea that lobbying in Ukraine is urgently needed now. Vlasenko said that “*activism in Ukraine has become a profession beyond the control of the state*” and strongly disagreed with the fact that his bill is unconstitutional.

Instead, representatives of civil society organizations present at the committee meeting (Reanimation Package of Reforms, Ukrainian Center for Independent Political Research, ZMINA Human Rights Center, Civil Network OPORA, ISAR-Unity) stressed that such regulation would jeopardize the existence of certain democratic institutions in Ukraine and hinder the realization of the constitutional rights of citizens.

Prior to that, on February 23, 2021, a number of civil society organizations called<sup>4</sup> on MPs to reject these bills. In particular, it was stated that the bills contain approaches that threaten to restrict the rights of citizens and civil society organizations to exercise and protect their rights and freedoms, to satisfy their civil, economic, social, cultural and other interests, as well as the right to participate in elaboration of decisions of state authorities and local self-government bodies.

After the discussion, the members of the Verkhovna Rada Committee on Legal Policy by the majority of votes recognized<sup>5</sup> all the documents proposed for consideration as contradicting the

<sup>3</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchuk, L. Yankina; ZMINA Human Rights Center. – Kyiv, 2020. – 144 p. [https://zmina.ua/content/uploads/sites/2/2021/04/stateofhumanrightsdefenders2020\\_reporten\\_final.pdf](https://zmina.ua/content/uploads/sites/2/2021/04/stateofhumanrightsdefenders2020_reporten_final.pdf)

<sup>4</sup> Meeting of the Committee on Legal Policy on March 3, 2021 / YouTube, 03.03.2021 <https://www.youtube.com/watch?v=l7S4eh53kvc>

<sup>5</sup> Statement on Bills on Lobbying in Ukraine / ZMINA, 23.02.2021 <https://zmina.ua/statements/zayava-shhodo-zakonoprojektiv-pro-lobizm-v-ukrayini/>



provisions of the Constitution of Ukraine and recommended that the Speaker return them to the subjects of legislative initiative for revision.

On March 31, 2021, the bill №3059 was submitted to the authors for replacement. On March 17 three alternative bills (№№3059-1, 3059-2, 3059-3) were returned to the subjects of the legislative initiative.

## BILL BANNING “PROPAGANDA OF HOMOSEXUALITY OR TRANSGENDERISM”

On February 2, 2021, the Verkhovna Rada withdrew the bill on amendments to the Code of Administrative Offenses of Ukraine on liability for the promotion of homosexuality and transgenderism (**№3917** of 22.07.2020). Authors are **Heorhii Mazurashu, Olena Lys**, members of the parliamentary faction of the political party “Servant of the People”.

It provided for amendments to the Code of Administrative Offenses of Ukraine, establishing a new administrative offense “Propaganda of homosexuality or transgenderism, which may adversely affect the physical or mental health, moral or spiritual condition and development of a person” by Article 180.2, with fines of up to eight thousand non-taxable minimum incomes.

If adopted, such an initiative would be a significant challenge for human rights organizations in Ukraine, in particular those working to protect the rights of the LGBTQI community and promote gender equality.

## BILL ON CRIMINALIZATION OF “FAMILY DISRUPTION”

Also last year, on September 1, 2020, the Verkhovna Rada withdrew from consideration the bill on amendments to the Criminal Code of Ukraine (on establishing criminal liability for public appeals and / or propaganda of refusal to have children, disruption of the family as an institution, extramarital and unnatural sexual relations and depravity) (**№3316-1** from 24.04.2020). The author is **Oleg Voloshyn**, a member of the parliamentary faction of the political party “Opposition Platform – For Life”.

In fact, the document dubbed the previously registered bill №3316 on criminalization of hate crimes on the grounds of sexual orientation and gender identity (SOGI), submitted by MP Olga Vasylevska-Smaglyuk from the parliamentary faction “Servant of the People”. However, instead of the motive of hatred on the basis of SOGI, O. Voloshyn in his bill proposes to supplement a number of articles of the Criminal Code with the motive of “intolerance to the institution of the family or family values” as well as to make it an aggravating circumstance.

The bill imposed unconstitutional restrictions on the right to freedom of opinion, expression, freedom to seek, receive and impart information, and posed a threat to human rights organizations working on non-discrimination, women’s rights and LGBT rights.

\*\*\*

Thus, of 13 bills registered in 2020 that threaten the freedom of association and peaceful assembly and the activities of civil society in Ukraine, 8 remain before the parliament, namely:

1. Bill on amendments to certain legislative acts on ensuring equal rights and opportunities of citizens for representation in supervisory boards and governing bodies of state unitary enterprises, companies and state banks and fair formation and effective operation of such supervisory boards taking into account the national interests of Ukraine (**№3193-1** of 17.03.2020). The authors are **Andriy Derkach**, not affiliated with any faction; **Oleksandr Dubinsky**, member of the deputy faction of the political party “Servant of the People”.
2. Bill on amendments to Article 6 of the Law of Ukraine “On the Judiciary and the Status of Judges” on the prohibition of rallies near court buildings (**№3291** of 30.03.2020). The author is **Serhii Demchenko**, a member of the parliamentary faction of the political party “Servant of the People”.
3. Bill on amendments to the Law of Ukraine “On Purification of Power” (concerning the prevention of external influence on the interests of the state) (**№3326** of 13.04.2020). The author is **Fedir Khrystenko**, a member of the parliamentary faction of the political party “Opposition Platform – For Life”.
4. Bill on amendments to certain legislative acts of Ukraine (concerning the transparency of activities of public associations with foreign support) (**№3564** of 29.05.2020). The author is **Oleksander Dubinsky**, a member of the parliamentary faction of the political party “Servant of the People”.
5. Bill on amendments to certain laws of Ukraine on prohibition of financing of authorities and their officials from abroad and prohibition of senior officials of the state to have citizenship (nationality) of a foreign state (**№3572** of 02.06.2020). The author is **Vadym Rabinovych**, co-chairman of the parliamentary faction of the political party “Opposition Platform – For Life”.
6. Bill on amendments to certain legislative acts of Ukraine concerning the protection of the family, childhood, maternity and paternity (**№3916** of 22.07.2020). Authors are **Heorhiy Mazurashu**, **Olena Lys**, members of the parliamentary faction of the political party “Servant of the People”.
7. Bill on amendments to the Tax Code of Ukraine to ensure the disclosure of information on the financing of public associations for compliance with international standards in the field of human rights and the rule of law (**№3936** of 27.07.2020). The author is **Oleksander Dubinsky**, a member of the parliamentary faction of the political party “Servant of the People”.
8. Bill on amendments to Article 45 of the Law of Ukraine “On the National Police” (**№4375** of 13.11.2020). The initiator is **Denys Shmygal**, the **Cabinet of Ministers of Ukraine**.

A brief analysis of these bills and their threats to civil society is contained in the report “The situation of human rights defenders and civic activists in Ukraine in 2020.”<sup>6</sup>

Below is also a brief analysis of the bill on amendments to Article 45 of the Law of Ukraine “On the National Police”, which was not included in the previous report.

## BILL ON THE USE OF ELECTRICAL DISCHARGE WEAPONS BY THE POLICE

On November 13, 2020, the Cabinet of Ministers of Ukraine submitted to the Verkhovna Rada the bill **№4375** on amendments to Article 45 of the Law of Ukraine “On the National Police”, developed to legislate the use by the police of electrical discharge devices of contact and contact-remote

<sup>6</sup> See more: Deputies declare unconstitutional bills on lobbying criticized by the public / ZMINA, 04.03.2021 <https://zmina.info/news/komitet-z-pravovoyi-polityky-rady-vyznav-zakonoprojekty-pro-lobizm-takymy-shho-ne-vidpovidayut-konstytuciyi/>

action by expanding the list of grounds that allow a police officer to use special means in the form of electroshock devices during the exercise of powers.

According to the provisions of the bill, electrical discharge devices of contact and contact-remote action can be used by police officers, including for the detention of a person who has committed an administrative or criminal offense and physically counteracts the police officer.

Despite the benefits of expanding the list of special means in the police, which reduces the likelihood of the use of firearms, the introduction of electrical discharge devices and related legislative changes pose a number of risks to the protection of human rights and freedoms in Ukraine, especially in the context of freedom of peaceful assembly.

The bill was opposed<sup>7</sup> by 10 human rights organizations, including ZMINA. They claimed that allowing the use of this special devices during administrative detention is disproportionate and exceeds the authority of the police, and therefore poses unjustified risks of human rights violations. Human rights organizations point out that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) prepared a special report on electrical discharge weapons in 2010. The CPT considers that the use of electrical discharge weapons should be carried out in compliance with the principles of necessity, subsidiarity, proportionality, advance warning (where feasible) and precaution. According to the committee, law enforcement officers should use such devices only when faced with violence or the threat of violence of such a level that they must use force to protect themselves or others. If electrical discharge weapons are used more frequently in cases of resistance during detentions, this may have a negative impact on public attitudes towards law enforcement officers.

On January 12, 2021, the Main Scientific and Expert Department of the Office of Verkhovna Rada of Ukraine provided comments on the submitted bill. The authors of this report agree with these conclusions that, firstly, in accordance with the provisions of Part 1 of Art. 62 of the Constitution of Ukraine, a person is presumed innocent of committing a criminal offense and may not be punished until their guilt is proved legally and established by a court conviction. Thus, the use of the language construction “*a person who committed...*” in the draft version of the bill contradicts the constitutional principle of the presumption of innocence. Secondly, not every administrative or criminal offense may become the basis for the detention of a person by the police. Administrative detention or detention of a person in criminal proceedings is an exceptional precautionary measure, the application of which is strictly regulated by the Code of Ukraine on Administrative Offenses and the Criminal Procedure Code of Ukraine, respectively. Thirdly, because according to paragraph 1 of Part 2 of Art. 262 of the Code of Administrative Offenses violation of the order of organizing and holding of meetings, rallies, street marches and demonstrations belongs to the list of administrative offenses, during which administrative detention may be carried out, it can be assumed that the police will be able to use electrical discharge devices to counter or disperse peaceful assemblies, which is clearly contrary to international standards in the field of ensuring the right to peaceful assembly.

On March 17, 2021, the Committee on Law Enforcement Activities recommended to the Verkhovna Rada of Ukraine to return the bill to the subject of the legislative initiative for completion as a result of consideration in the first reading.

<sup>7</sup> The use of electrical discharge weapons by the police poses risks to the protection of human rights and freedoms / ZMINA, 17.03.2021 <https://zmina.ua/statements/vykorystannya-elektroshokeriv-policiyeyu-nese-ryzyky-dlya-zahystu-prav-i-svobod-pravozahysnyky/>

## ILLEGAL RESPONSE OF THE POLICE DURING PEACEFUL RALLIES ON JANUARY 19 AND FEBRUARY 23, 2021

In the first quarter of 2021, ZMINA recorded illegal and disproportionate response of the police during two peaceful rallies in Kyiv, protest actions against far-right violence on January 19, 2021 in Kyiv and Zhytomyr and actions in support of Odesa civic activist Serhii Sternenko on February 23, 2021 in Kyiv.

### ■ PROTEST ACTIONS AGAINST FAR-RIGHT VIOLENCE ON JANUARY 19

On January 19, 2021, in Kyiv, the police illegally obstructed two peaceful rallies: “No impunity of the far-right” on Kontraktova Square, as well as rallies on the same topic on Mykhailivska Square (it was announced twice, as Anti-Fascist rally and the rally titled “Against far-right terror”). Such events are held annually to commemorate Crimean journalist Anastasia Baburova and Russian human rights activist Stanislav Markelov, who were killed by neo-Nazis on January 19, 2009 in Moscow.

The rally on Kontraktova Square started at about 9 am, but the participants did not even have time to unfurl the banners, as they were detained by the police.<sup>8</sup>

Available video footage and information from victims indicate that the police detained 13 people on Kontraktova Square and took them to the police department (about half of the participants in a peaceful rally against far-right violence who intended to take part in it). At the same time, law enforcement officers used force. Activists who were arguing with the police were beaten on the head (this is stated, in particular, by some participants of the rally, who were taken to the bus to be brought to the police department). Some police officers did not have identification marks on their uniforms (tokens, chevrons, etc.).

In support of their actions, the police claimed that the peaceful assembly violated quarantine rules. However, the participants of the meeting wore medical and similar masks on their faces, and before the detention began, they tried to keep a physical distance of 1.5 meters in accordance with the quarantine rules. In addition, witnesses reported that the police made remarks that the Constitution did not work during the quarantine.

It should be noted that on January 14, a meeting was held between the organizers of the rally “No impunity of the far-right” and the police to ensure the security of the peaceful assembly and its participants. During the conversation, the police did not intend to detain the participants for violating quarantine restrictions, but instead agreed with the organizers on the venue, route and interaction on the spot.

The police also obstructed another peaceful rally against far-right violence which was to take place on the same day on Mykhailivska Square. The activists were not allowed to the venue<sup>9</sup>, as the police and servicemen of the National Guard of Ukraine prevented protesters who gathered near the metro station “Poshtova Square” from climbing the funicular to the announced place of the action on Mykhailivska Square. According to the organizers, even before the event, representatives of the police preventive communication group (dialogue police) warned that the police would detain its participants for violating quarantine rules.

<sup>8</sup> Police detained protesters against far-right violence in Podil / ZMINA, 19.01.2021 <https://zmina.info/news/policziya-zatrymuye-uchasnykiv-akcziyi-na-podilli-proty-ultrapravogo-nasylstva/>

<sup>9</sup> Law enforcement officers did not allow activists to the venue of the second rally against far-right violence / ZMINA, 19.01.2021 <https://zmina.info/news/u-kyievi-ne-provely-shhe-odnu-akcziyu-proty-ultrapravogo-nasylstva-cherez-rekomendacziyu-policziyi/>

However, the organization “Chervoni” (The Red) later claimed that their action still took place on Poshtova Square, as police had warned them of possible detentions on Mykhailivska Square. The detentions on Poshtova Square did not take place. (*See also the detailed description of this situation in the section “Brief overview of incidents”*).

On January 22, twelve human rights organizations (including ZMINA) issued a statement<sup>10</sup> noting that the two incidents indicated selective deliberate pressure on protesters against far-right violence. Since participants in other peaceful rallies held in Kyiv were not detained for the very fact that they were held, and after the introduction of enhanced quarantine measures on January 8, 2021, peaceful rallies continued (such as the rally “Save FOP” (Save private entrepreneurs) on Independence Square).

Human rights organizations are calling to stop the illegal practice of obstructing peaceful assemblies and detaining participants for the mere fact of holding the assemblies, to investigate the illegal response of police officers, and to bring those responsible for the violation of human rights and the law to justice.

The OZON Public Monitoring Group, which also monitored these peaceful assemblies, also stated in the report<sup>11</sup> that police response against protesters might show signs of unlawful obstruction of the organization or holding of meetings, rallies, street marches and demonstrations, and that law enforcement did not have any additional legal grounds, especially with reference to the resolution of the Cabinet of Ministers, to obstruct the holding of the declared peaceful assemblies or to physically stop the action on Kontraktova Square through detentions. Prohibition of peaceful assembly can take place only through a court decision.

## ■ ACTIONS IN SUPPORT OF SERHII STERNENKO ON FEBRUARY 23

On February 23, 2021, after the decision of the Primorsky District Court of Odesa on the imprisonment of Serhii Sternenko, coordinator of the NGO “Nebayduzhi” and former head of the regional branch of the Right Sector (*see the description of Serhii Sternenko’s case below*) was made public, activists announced actions in support of Sternenko in at least 20 cities of Ukraine.

During the rally in Kyiv, according to the police, 24 protesters were detained. Detentions of activists were selective, policemen pulled out of the crowd protesters who did not commit illegal acts. This was preceded by a pushing: the participants of the rally, after a cursory inspection, gathered at the gates of the President’s Office, in front of the cordon of the National Guard, but the activists were not allowed inside. Among those detained was Oleksandr Babenko, a journalist and a trainee at KyivPost, who was filming from the roof of an office building near the President’s Office.

According to OZON observers,<sup>12</sup> the detentions began after one of the members of the National Guard was hit by a lighted flare into a bulletproof vest. According to these data, the protesters threw snowballs, firecrackers and flares at the security forces. It was recorded that the latter sometimes threw these objects back, from time to time. However, they also were hitting the cordon of police and National Guards. According to the National Police of Kyiv, 27 policemen and servicemen of the National Guard received eye burns. Separately, observers stressed that the police did not communicate enough with the protesters, did not explain why they were not allowed to pass, what actions were expected of them, and did not explain the reasons for their detention later.

<sup>10</sup> Human rights activists are demanding that the authorities respond to the disruption of peaceful assemblies by the police on January 19 / ZMINA, 22.01.2021 <https://zmina.ua/statements/pravozahysnyky-vymagayut-vid-vlady-vidreaguvaty-na-zryv-policzijeyu-myrnyh-zahodiv-19-sichnya/>

<sup>11</sup> Actions in memory of Stanislav Markelov and Anastasia Baburova: Report on the results of observation / OZON, 19.01.2021 <http://ozon.monitoring.tilda.ws/19january2021>

<sup>12</sup> Action in support of Serhii Sternenko. Observation report, Kyiv, February 23, 2021. Website: <http://ozon.monitoring.tilda.ws/page17578615.html>



The detainees were taken to the Pechersk Territorial Department of the main Directorate of the National Police in Kyiv, without explaining the reason for detention and their procedural status. They were taken to the assembly hall and later released (some were given summons as witnesses in criminal proceedings, some were not given anything).

The rest of the protesters detained at the rally (8 people, according to an eyewitness, a representative of the ZMINA Human Rights Center, Lyudmila Yankina) were taken to a paddy wagon, held there, recorded, photographed and released.

The police announced the beginning of proceedings under Art. 342 of the Criminal Code of Ukraine (resistance to a law enforcement official). However, as of the end of March, it is unknown that anyone was declared a suspect in these proceedings.

In addition, detentions took place that evening during a similar rally in support of Serhii Sternenko in Zhytomyr. Two protesters, Valery Arushanyan and Serhii Hryhorchuk, who decided to symbolically set fire to the tire, were twisted by police and taken to a car. They were brought to the police department, where a report on an administrative offense under Article 185 of the Code of Administrative Offenses (malicious disobedience to a lawful request of a police officer) was drawn up. The next court hearing on the consideration of the mentioned administrative protocol is scheduled for April 26, 2021. (See also the detailed description of this situation in the section “Brief overview of incidents”).

## INVESTIGATION AND TRIAL OF HIGH-PROFILE CASES REGARDING CIVIC ACTIVISTS

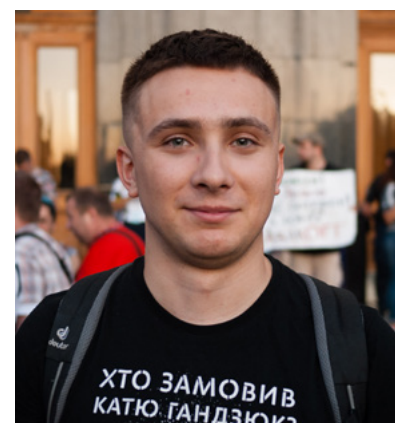
During the first quarter of 2021, ZMINA monitored high-profile criminal cases involving human rights defenders and civic activists. In particular, the investigation and trial of homicides of Kherson activist Kateryna Handziuk and Kyiv human rights activist Iryna Nozdrovska; the criminal case on charges of Odesa activist Serhii Sternenko of the murder of his attacker Ivan Kuznetsov and the abduction of Serhii Shcherbych; and the case on charges of Kyiv activist Roman Ratushnyi of hooliganism near the Office of the President of Ukraine.

### Cases of Serhii Sternenko

#### ■ THE CASE OF THE MURDER OF IVAN KUZNETSOV

In 2018, three attacks were committed in Odesa on Serhii Sternenko, a coordinator of the NGO “Nebayduzhi” and a former head of the regional branch of the organization “Right Sector”, who also protected the Odesa City Garden from illegal construction. On February 7, 2018, the activist was beaten and stabbed. On May 1, 2018, he was hit in the neck with a rubber bullet. During the third attack, on May 25, 2018, Sternenko mortally wounded one of the two attackers, Ivan Kuznetsov.

Regarding the first attack on Sternenko, the police did not identify the person who ordered, the perpetrators and other accomplices, and no one was notified of the suspicion. Concerning the second attack, suspicion was announced only to the previously convicted Abzal Baimukashev (who was detained at the site of the attack by Sternenko himself). Except for the perpetrator, no one was notified of the suspicion. Oleksander



Isaikul and the deceased Ivan Kuznetsov were declared suspects in the third attack on Serhii Sternenko. Their actions are classified as hooliganism committed with the use of a weapon or other object adapted to inflict bodily harm. The case against Kuznetsov was later closed in connection with his death.

However, on June 11, 2020, Sternenko himself was informed about the suspicion of premeditated murder of Kuznetsov and illegal carrying of a cold steel weapon. On June 15, the Shevchenkivsky District Court in Kyiv ordered the activist a measure of restraint in the form of round-the-clock house arrest for 60 days. On August 6, Shevchenkivsky District Court in Kyiv reduced measure of restraint for Sternenko, replacing a round-the-clock house arrest with a night one. At the end of August 2020, the hearing of Sternenko's case was transferred to Odesa, where it was heard by the Primorsky District Court. On September 28, it ordered the activist a measure of restraint in the form of a night house arrest.

In the first quarter of 2021, the Primorsky District Court of Odesa continued to study the evidence in this case. At the court hearing on February 19, video evidence was examined, including an investigative experiment with a witness to the incident, Maryna Suslova. The prosecution also attached to the case a video of the story told by the unknown person to Sternenko's lawyer Vitaliy Kolomiyets,<sup>13</sup> about the probable role of the mayor Gennady Trukhanov and Oleksandr Podobedov. In the video, a man with a changed voice and a hidden face says that the deceased Kuznetsov was his friend and agreed to attack Sternenko because of problems with money and drugs. The wife of the deceased Olesya Kuznetsova denied it. The prosecutor's office stated that the identity of the person on the record was not established, and the stated facts were fake. The defense said<sup>14</sup> that the identity of the "witness" was known to one of Sternenko's lawyers, but the prosecutor's office did not contact them to find out his name.

On January 29, a court lifted the house arrest of activist Serhii Sternenko, handing him over on bail to MP Roman Lozynskyi (the faction of the political party "Voice").

At a hearing on March 5, following the imprisonment of Serhii Sternenko in another case, of Serhii Shcherbych (*see below*), the defense demanded that the activist be released from custody, but the court dismissed the motion and the activist was taken to a pre-trial detention center.

At other hearings in the case (January 5, March 19), the court considered medical examinations. At the next hearing, scheduled for April 2, witnesses for the prosecution are to be questioned.

## ■ THE CASE OF THE ABDUCTION OF SERHII SHCHERBYCH

On February 23, 2021, the Primorsky District Court of Odesa found Serhii Sternenko, a public activist and blogger from Odesa, and Ruslan Demchuk guilty of abduction of Serhii Shcherbych, a deputy of the Kominternivsky District Council of the Odesa Region, in 2015. They were detained in the courtroom and sent to a pre-trial detention center, each sentenced to seven years and three months in prison with confiscation of half of their property.

The verdict concerns an incident that took place on April 24, 2015, when unknown individuals abducted and inflicted bodily injuries on Serhii Shcherbych, as the victim himself claimed, demanding his resignation. In September 2015, Serhii Sternenko and Ruslan Demchuk, who were among the leaders of the Right Sector of Odesa Region at the time, were detained in this case, but were later released, first on bail, then on personal recognizance.

<sup>13</sup> Attack on Sternenko: exclusive testimony of a witness / Youtube ZN.ua <https://www.youtube.com/watch?v=2TjloPzhGQ>

<sup>14</sup> Prosecutors in Sternenko's case were not removed, but they were reprimanded / Radio Svoboda, 19.02.2021 <https://www.radiosvoboda.org/a/news-sternenko-sud-prokurory/31111836.html>

In the case of Shcherbych, Serhii Sternenko was found guilty in full under Part 2 of Art. 146 (“Illegal deprivation of liberty or abduction”), Part 2 of Art. 187 (“Robbery”) and Part 1 of Art. 263 (“Illegal handling of weapons, ammunition or explosives”) of the Criminal Code of Ukraine.

At the same time, on March 25, 17 NGOs, including ZMINA, issued a statement<sup>15</sup> that the persecution of Serhii Sternenko and Ruslan Demchuk in the case of Shcherbych was politically motivated and that the judiciary was not guided by the principles of independence and impartiality. Thus, both defendants were convicted under Part 2 of Art. 187 of the Criminal Code (“Robbery”). The subjective side of this crime is characterized by direct intent and selfish motive, and a mandatory feature of the subjective side of robbery is the purpose for which the attack is committed, ie the seizure of another’s property. The purpose, as can be seen from the case file and the court’s verdict, was different. There is no proper and admissible evidence of robbery in the case, and therefore this article cannot be considered proven. Meanwhile, Sternenko and Demchuk were released from punishment under Part 2 of Art. 146 (“Unlawful deprivation of liberty or abduction”) of the Criminal Code, under which they were convicted, due to the expiration of the statute of limitations for prosecution.

Civil society organizations also drew attention to the disproportionate punishment of Serhii Sternenko and Ruslan Demchuk in the form of seven years and three months in prison with confiscation of half of the property. For comparison, the murderers of a public activist from Kherson, Kateryna Handziuk (*see the description of Kateryna Handziuk’s case below*), who poured a liter of sulfuric acid on her, which led to severe torture and death of the activist, were sentenced to prison terms ranging from three to six years. Shcherbych, according to the prosecutor’s office, received minor injuries that caused a short-term health disorder, and, according to the investigation, he suffered material damage of 330 hryvnias (less than 15 euros as of 2015).

On March 5, Serhii Sternenko filed an appeal against the court’s verdict.

After the sentence of Serhii Sternenko and Ruslan Demchuk was announced, actions of those dissatisfied with the court decision took place in a number of cities on February 23 and 26, as well as on March 20, 2021. During a rally on February 23,<sup>16</sup> which took place spontaneously on the day of the sentencing of Serhii Sternenko, police detained about 20 protesters. According to eyewitnesses, the detentions were selective and concerned protesters who did not commit illegal acts (*for more details, see the section on “Illegal response of the police during peaceful rallies on January 19 and February 23, 2021”*).

The second action “Justice for Sternenko – justice for all!” took place on February 26, 2021,<sup>17</sup> without any incidents and it was the most massive. At least ten thousand people came to the Office of the President of Ukraine to protest against the sentence of activist Serhii Sternenko (ZMINA was among the co-organizers of the action). Afterwards the column went to the Office of the Prosecutor General.

The next, third, action “Can’t you hear? You will see!” took place at the Office of the President of Ukraine in Kyiv on March 20, 2021, on the day of Serhii Sternenko’s birthday. During it, some participants committed hooliganism, spray-painted the walls of the President’s Office, smashed the glass in the door and threw flares inside the building. After the action, the police handed over suspicions of committing a criminal offense to 7 people, including environmental activist Roman Ratushny (*see below the description of Roman Ratushny’s case in the section “Brief overview of incidents”*).

<sup>15</sup> We demand justice for Serhii Sternenko: the statement of civil society organizations / ZMINA, 25.02.2021 <https://zmina.ua/en/statements-en/we-demand-justice-for-serhii-sternenko-the-statement-of-civil-society-organizations/>

<sup>16</sup> In Kyiv, more than a dozen people were detained during rallies in support of Sternenko outside the President’s Office / ZMINA, 23.02.2021 <https://zmina.info/news/u-kyievi-na-akcziyi-pid-op-na-pidtrymku-sternenka-zatrymaly-bilshe-desyatka-lyudej/>

<sup>17</sup> Announcement of the action “Justice for Sternenko – justice for all!” in Facebook <https://www.facebook.com/events/337750624239956>

## Case of Roman Ratushny

On March 29, 2021, the Pechersk District Court of Kyiv ordered a measure of restraint in the form of round-the-clock house arrest for the head of the public initiative “Protect Protasiv Yar” Roman Ratushny, whom police suspect of hooliganism during the rally on March 20 near the President’s Office. He will be under house arrest until May 24.

Roman Ratushny is accused of hooliganism committed by a group of persons with the use of firearms or cold weapons or other objects specially adapted or prepared in advance for inflicting bodily harm (under Part 4 of Article 296 of the Criminal Code of Ukraine). The sanction of the article provides for a sentence of three to seven years in prison.



Roman Ratushny received suspicion because of a protest rally by supporters of Odesa activist Serhii Sternenko, which took place outside the President’s Office on March 20. During the rally, protesters showered the walls of the President’s Office and pavement with paint, as directed fire with the help of sprays on the sign “President of Ukraine” and smashed the glass in the entrance door. Law enforcement officers who worked at the rally did not interfere in the action. In addition to Ratushny, the suspicions were handed over to 6 other people: Vladislav Granetsky-Stafiyshuk (pseudonym Vlad Sord, his membership in public associations is unknown), Serhii Filimonov, Oleksiy Bilkovsky, David Gadzhimuradov (“Honor”), Yevhen Stokanov and Artem Lisovets (“The Unknown Patriot”) (see also the detailed description of the context of Roman Ratushny’s persecution in the section “Short overview of incidents”).

At the same time, no evidence confirming Roman Ratushny’s participation in hooliganism was presented at the court hearing.<sup>18</sup>

Prior to that, Deputy Interior Minister Anton Gerashchenko distributed videos<sup>19</sup> that may give the impression that Roman Ratushny was holding a falsifier (a pyrotechnic device that is not considered socially dangerous and is often used during peaceful assemblies). However, according to Roman Ratushny, this video, which was distributed by the National Police and where Ratushny was allegedly identified, shows another person.

Also on March 26, Roman Ratushny’s lawyer Yevhenia Zakrevska requested recusal of the Judge Kristina Konstantinova at a hearing of the Pechersk District Court of Kyiv regarding the choice of a measure of restraint for Roman Ratushny. The reason is that Ratushny was an active participant in the Euromaidan and the judge, according to the defense, is in a close relationship with another judge of the Pechersk Court who persecuted Maidan activists. Thus, she may be biased. However, the court did not agree with the recusal.

On March 29, 15 civil society organizations, including ZMINA, issued a statement<sup>20</sup> on the unjustified criminal prosecution of Roman Ratushny in connection with the events on Bankova Street in Kyiv on March 20, 2021.

<sup>18</sup> Ratushny was ordered a measure of restraint in the form of round-the-clock house arrest / ZMINA, 29.03.2021 <https://zmina.info/news/ratushnogo-vidpravyly-pid-czilodobovyj-domashnij-aresht/>

<sup>19</sup> Facebook page of Anton Gerashchenko, March 24, 2021 <https://www.facebook.com/anton.gerashchenko.7/posts/3810276822392470>

<sup>20</sup> Public demands to stop pressure and unjustified persecution of activist Roman Ratushny / ZMINA, 29.03.2021 <https://zmina.ua/en/statements-en/statement-on-persecution-of-activist-roman-ratushny-by-law-enforcement-agencies/>

Ratushny himself considers this criminal prosecution to be a “revenge” for his activities to protect the green areas of Kyiv and said that the suspect is the Deputy Head of the Office of the President of Ukraine Andrii Smyrnov, with whom Ratushny had a conflict. In 2019 Smyrnov as a lawyer represented the company which developed the area of Protasiv Yar, and Ratushny, together with a group of local activists, opposed this illegal construction<sup>21</sup> and managed to stop it in court.<sup>22</sup>

### The case of Kateryna Handziuk

Kherson activist **Kateryna Handziuk** was doused with sulfuric acid near her house on July 31, 2018. On November 4 of the same year, she died in hospital from burns to 40% of her body. On June 6, 2019, five perpetrators of the attack, Serhii Torbin, Mykyta Grabchuk, Volodymyr Vasyanovych, Vyacheslav Vyshnevsky and Viktor Gorbunov, were sentenced to the prison term from three to six years.



On February 11, 2019, the Prosecutor General's Office announced the suspicion of organizing the murder of Handziuk to the head of the Kherson Regional Council Vladyslav Manger. After paying the bail, Manger was released. In January 2020, Oleksii Levin, an assistant consultant to a Kherson regional council deputy, was detained in Bulgaria for organizing the attack on Handziuk. On March 16, Levin was extradited from Bulgaria to Ukraine.

On June 19, 2020, the Pechersk District Court of Kyiv arrested Manger without the right to post bail. This precautionary measure is constantly continuing. On July 28, the Prosecutor General's Office filed an indictment with the court against Vladyslav Manger and Oleksii Levin, suspects in the assassination of Handziuk. On August 28, Dniprovsky District Court of Kyiv heard an indictment against Manger and Levin for involvement in the attack on Kateryna Handziuk, which killed her. According to prosecutors, Manger is accused of ordering the crime, and Levin is accused of its direct organization. According to the investigation, the defendants intended to inflict severe bodily injuries on the victim in order to intimidate her. The perpetrators were offered a reward if they pour acid on her or break her arms and leg. According to the investigation, Manger decided to organize an attack on Kateryna Handziuk, in particular because of her obstruction of illegal deforestation and the threat to his political reputation. Handziuk left the political party “Batkivshchyna” after Manger joined it, saying such people were not worthy of political power. Kateryna Handziuk also publicly stated the inadmissibility of arson and deforestation.

On October 1, 2020, one of the persons of interest in the case of the attack on Kateryna Handziuk, Ihor Pavlovsky, fulfilling his part of the agreement with the investigation, testified at a hearing of the Primorsky District Court of Odesa about the involvement of Vladyslav Manger and Oleksii Levin in the crime. On October 16, the court found Ihor Pavlovsky guilty of concealing the crime and sentenced him to two years in prison with a probation period of one year. On November 24, Pavlovsky was released.

<sup>21</sup> The situation of human rights defenders and civic activists in Ukraine in 2019: analytical report / M. Lavrinok, V. Likhachov; ed. T. Pechonchuk; Ukrainian Helsinki Human Rights Union, ZMINA, TruthHounds. – Kyiv, 2020. – p. 88. [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>22</sup> The court invalidated the sublease agreement for the plot in Protasiv Yar / ZMINA, 25.03.2021 <https://zmina.info/news/sud-vyznav-nedijisnym-dogovir-suborendy-dilyanky-korbana-u-protasovomu-yaru/>



In 2021, the case continues to be heard by the Dniprovsky District Court of Kyiv, where the examination of evidence continues. In particular, during the first quarter the court examined the protocols of interrogation and identification of the attackers on Kateryna Handziuk, documents on involvement of victims in the case, medical documents, results of examinations proving the cause of death of the activist, reports of polygraph examination of the perpetrators and organizers of the murder, data on the history of the search on the equipment of the attackers and the organizer and other materials.

Manger and Levin's lawyers also filed a motion to revoke the decision to choose a measure of restraint in the form of detention for their clients, referring to their state of health. However, the Kyiv Court of Appeals left the suspects in the case of Kateryna Handziuk's murder behind bars.

During the first quarter of 2021, the pre-trial detention for the accused was extended several times. The last time, on March 17, 2021, the court extended the arrest of Vladyslav Manger and Oleksii Levin until May 15, 2021. The next hearing in the case, which will continue the examination of evidence, will be held on April 16 and 22.

In addition, on February 9, 2021, the Tsyurupynsky District Court of Kherson Oblast sentenced Serhii Torbin, previously convicted of assaulting activist Kateryna Handziuk, to five years in prison for participating in riots near the Oleshkivsky District Council in 2018. According to the court ruling,<sup>23</sup> in early May 2018, Torbin organized riots outside the Oleshkivsky District Council building, which were accompanied by violence to prevent a vote of no confidence in the chairman of the council, with whom he allegedly maintained friendly relations.

Activists of the initiative "Who ordered Katya Handziuk?" also constantly emphasize that the former head of the Kherson Regional State Administration Andrii Gordeyev and his deputy Yevhen Ryschuk are also involved in the conspiracy to attack Handziuk. However, the Prosecutor General's Office has repeatedly stated that they lack evidence to serve them with suspicion.

## The case of Iryna Nozdrovska

Human rights activist **Iryna Nozdrovska** has been working for several years on the case of the death of her sister Svitlana Sapatynska, who was beaten to death on September 30, 2015 in the village of Demydiv by the nephew of the head of the Vyshhorod District Court Dmytro Rossoshansky. In May 2017, Rossoshansky was sentenced to seven years in prison. Later, in November 2019, he was released from serving his sentence. Nozdrovska sought a just punishment for Rossoshansky.

Her body was found on January 1, 2018 in a pond near the village of Demydiv, Vyshhorod district, Kyiv region. According to forensic reports, the woman died from multiple stab wounds. Yuriy Rossoshansky, 63 years old, the father of convicted Dmytro Rossoshansky, was detained on January 8 on suspicion of her murder.



<sup>23</sup> Torbin, convicted of assaulting Katya Handziuk, was passed another sentence, for paid riots in Oleshki / Court reporter, 15.02.2021 <https://sudreporter.org/torbinu-zasudzhennomu-za-napad-na-katyu-gandyuk-vynesly-shhe-odyn-vyrok-za-proplacheni-zavorushennya-v-oleshkah/>

The National Police stated that Yuriy Rossoshansky confessed to the murder of the human rights activist. However, his defense claims that Rossoshansky was forced to confess to a crime he did not commit, in exchange for a promise to help his son instead.

In the first quarter of 2021, the case of Iryna Nozdrovska's murder was heard in the Shevchenkivsky District Court of Kyiv, which continues to investigate the evidence in the case.

In particular, the court examined video footage taken during the investigation, including a search of farm buildings belonging to the suspect Yuri Rossoshansky.

During the court hearings, the mother of the deceased activist Kateryna Duniak continued to insist that Rossoshansky killed her daughter not himself, but as part of a group of people.

# BRIEF OVERVIEW OF INCIDENTS

JANUARY 2021

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

On January 14, 2021, **Oleksa Koba**, a public activist from **Poltava**, reported<sup>24</sup> attempts to pressure himself as a victim in the so-called “bloody arch” case, when during an anti-construction rally on April 5, 2017, members of a security company attacked Koba and another activist, Dmitry Yudenko, and inflicted them stab wounds.

On June 3, 2017, the Oktyabrsky District Court of Poltava began consideration of the case of Anatoliy Pryadko and Yevhen Usenko, who are accused of inflicting bodily injuries on activists. In October 2020, the court was to hear the last word of the accused, but the hearing was postponed first to December<sup>25</sup>, then to March 2021 and finally to May 2021<sup>26</sup>. In addition to the criminal case, the court will also consider a civil lawsuit from the victims for repairing damages – for 1 million hryvnias.

At that time, according to Koba, the other party tried to negotiate with him (in particular, according to the activist, an unknown man approached him after one of the hearings) so that he would agree to reconciliation, and offered money (500,000 hryvnias), and then started to send money to his parents. The representatives of the accused stated this in court. However, activists affected by the attack said in court that they did not agree to reconciliation and demanded maximum punishment for the attackers.

According to Oleksa Koba, in mid-January 2021, various acquaintances, in particular, sworn brothers (Koba and Yudenko are veterans), began to tell him that some people, who were called representatives of the accused, began to approach them and asked to influence the victims, saying that “not everything is so clear” and that the victims take the money but refuse to forgive the accused in court.

Oleksa Koba is an IT entrepreneur, a participant in the Euromaidan in Poltava and a veteran of the war in Donbas. He joined the protests against the construction of a structure in the center of Poltava, which blocked the passage of people (the “arch” that was originally mentioned) not from the very beginning, but was present at one of them, namely on April 5, 2017. According to local media<sup>27</sup>, the action began peacefully, but at some point, security guards with batons and knives ran out of the building under construction, starting to beat the protesters. They stabbed Oleksa Koba more than ten times and continued to beat him even when he fell.

<sup>24</sup> Oleksa Koba. Personal Facebook page, January 14, 2021: <https://www.facebook.com/true.paddy/posts/1819656698194133>

<sup>25</sup> In Poltava, the trial in the case of the “bloody arch” was postponed to the end of the year / Depo Poltava, October 6, 2020: [https://poltava.depo.ua/ukr/poltava/u-poltavi-sud-u-spravi-krivavoi-arki-perenesli-na-kinets-roku-202010061225690?fbclid=IwAR3Gn-tRqtttGf6NRL\\_H2WRL3T3yPZsTZlq\\_KgUdS1N-T51DkTxbqHiEk0](https://poltava.depo.ua/ukr/poltava/u-poltavi-sud-u-spravi-krivavoi-arki-perenesli-na-kinets-roku-202010061225690?fbclid=IwAR3Gn-tRqtttGf6NRL_H2WRL3T3yPZsTZlq_KgUdS1N-T51DkTxbqHiEk0)

<sup>26</sup> Adamovych N. “Bloody Arch” in Poltava: for three years the court can not pass a sentence on the attackers of activists, the ATO veterans / ZMINA, March 18, 2021 <https://zmina.info/articles/kryvava-arka-u-poltavi-sud-try-roky-ne-mozhe-vynesty-vyrok-napadnykam-na-aktyvistiv>

<sup>27</sup> PEACEFUL ACTION NEAR THE ARCH OF THE NEWSPAPER ROW TURNED INTO A BLOODY SLAUGHTER / Internet edition Poltava region, April 5, 2017 <https://poltava.to/news/42437/>

## #discrediting

On **January 14, 2021**, Roman Likhachev, a lawyer and public activist from Chuguev in the Kharkiv region, announced a new wave of campaign to discredit him, in which the man was linked to drug traffickers.

A video appeared in a number of local telegram<sup>28</sup> and Instagram<sup>29</sup> public pages, calling him a “devil’s advocate” and accusing him of providing legal services to drug traffickers, showing a recording of conversation between Likhachev and a person involved in a criminal case.

Likhachev denies this. According to him, the video is mounted in such a way that there are two different events: the seizure of the goods of one of his clients named G. in 2018 (here a recording of a conversation dated 2018 with his client G. and fragments of a court ruling in this case were used) and a criminal case in December 2020 against another person, B., represented by another lawyer.

And the conversation itself, according to Likhachev, did not concern drug trafficking, but ordinary trade in the market: the court ruling refers to a search of the market, as a result of which regular food poppy seeds were confiscated and later returned to the owner because no banned substances were found.

At the same time, as Likhachev notes, the recording of the conversation in the video is most likely part of the covert investigative actions carried out either against him or his then-client, and it is questionable who “leaked” these materials to the authors of the video with the purpose to discredit him.

The video in question is a continuation of publications in December 2020 that Roman Likhachev represents the interests of the drug mafia, as described in a previous monitoring report by ZMINA Human Rights Center.<sup>30</sup> The victim connects this campaign against himself with the fact that in February 2021 the law enforcement agencies had to decide whether to continue the investigation of threats against the activist and whether to continue to provide him state protection due to the threat case (on the night of August 26, 2019 unknown delivered a wreath and an ax to the house where the Chuhuiv Human Rights Group is located, as well as a coffin to the human rights activist’s apartment<sup>31</sup>). According to Likhachev, it is difficult to say who is the author of the video, but placing it in public pages cost these people money.

Another version voiced by Likhachev is that someone does not like his activities in the public patrol (the video shows Likhachev several times in a vest with the symbols of the patrol), which carries out various actions against drug trafficking, including painting graffiti with the names of telegram channels selling drugs.



Роман Лихачов разом з Maryna Hovorukhina та ще 67...  
13 год · 🌐

ДАВЛЕНИЕ НА МЕНЯ КАК ПРАВОЗАЩИТНИКА ПРОДОЛЖАЕТСЯ. СМОТРИТЕ НОВЫЙ СЕРИАЛ «АДВОКАТ ДЬЯВОЛА» СО МНОЙ В ГЛАВНОЙ РОЛИ

Сегодня множество телеграмм каналов и социальных сетей заполнил видеоролик «Адвокат дьявола» со мной и якобы наркобароном в главной роли, причем за размещение этого видеоролика платят немалые деньги в разных пабликах (прямо целая информационная кампания развернута с целью дискредитации меня как адвоката). Мне очень приятно, что столько внимания и столько денег потрачено, чтоб я слушался в своей адвокатской деятельности господ правоохранителей, недодепутатов и олигархов, но я их вынужден их расстроить: я выбрал свой путь защищать права людей и готов идти до конца.

<sup>28</sup> Kharkiv Live. Telegram channel, January 14, 2021: <https://t.me/livekharkov/14398>

<sup>29</sup> Kharkovkriminal. Instagram blog, January 14, 2021: [https://www.instagram.com/tv/CKCMos7BeyA/?utm\\_source=ig\\_web\\_copy\\_link&fbclid=IwAR3H9qc5LvPM50aBHFSxo7\\_VrUThU0IhoeMyMhQLscnB5mXyShbi1ECxoA](https://www.instagram.com/tv/CKCMos7BeyA/?utm_source=ig_web_copy_link&fbclid=IwAR3H9qc5LvPM50aBHFSxo7_VrUThU0IhoeMyMhQLscnB5mXyShbi1ECxoA)

<sup>30</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchik, L. Yankina; ZMINA Human Rights Center. – Kyiv, 2020. – p. 131

<sup>31</sup> The human rights activist stated about threats: unknown people brought wreaths, a coffin and an ax at the door / Ukrainska Pravda, August 26, 2019: <https://www.pravda.com.ua/news/2019/08/26/7224487/>

Likhachev did not turn to the police on the fact of the described above.

Roman Lykhachev is a lawyer and public activist, the founder of the Chuhuiv Human Rights Group. Previously (until 2018) he was also the director of the NGO “Network of Anti-Corruption Centers”.

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

- On **January 19, 2021** the **Mykolaiv** public organization “**LGBT Association `LIGA`**” reported continued pressure on it by unknown individuals through sending threats.<sup>32</sup>

On January 18, the organization received an e-mail with the headline «You will always look back” which contained threats of physical violence against members of the organization and their relatives. Namely the following: “We will catch you one by one. On the evening streets, in the courtyards and porches. We will burn your houses, slash your relatives and friends.”

The authors of the e-mail also mention last year’s incident (on December 28, 2020, activists received a letter about the alleged mining of their office, described in the monitoring report of ZMINA Human Rights Center for 2020)<sup>33</sup> and note it “being a warning”, ie actually admit their involvement in the previous attacks on LIGA.

The e-mail is accompanied by a video of massacres of unknown teenagers (children are beaten in the face, a boy’s hair is set on fire, etc.) and burning of a rainbow flag.

The last of the mentioned video fragments is from the action of the pseudo-artistic association “White blood cells” near the Kyiv-Mohyla Academy, taken from the same angle as the one posted on the telegram channel “Conservator journal” issued by the right-wing radical organization “Tradition and Order”.<sup>34</sup>

The police of the Mykolaiv Region (inquiry sector) investigates proceedings upon receipt of the e-mail according to part 1 of Article 129 of the Criminal Code of Ukraine (threat of murder). The mentioned incident in 2020 with false mining of the organization’s office is also being investigated separately under part 1 of Article 259 of the Criminal Code of Ukraine (knowingly false report of a threat to public safety, destruction or damage to property).

The Association of Gay, Lesbian and Bisexual “LIGA” was founded in Mykolayiv as a club of interests and an art association back in 1993, later developing its human rights and education activities. The main center is located in Mykolayiv, but the organization also has offices in Kherson, Odesa and Kyiv.

In 2020, it was subjected to systematic pressure from the right-wing radical organization “Tradition and Order”: representatives of the far right damaged the locks in the central office and the office of the Odesa branch of the “LIGA”, cover walls with homophobic posters and more.<sup>35</sup>

<sup>32</sup> LGBT Association LIGA. Facebook page, January 19, 2021: <https://www.facebook.com/Association.LiGA/photos/a.317730514917584/3900499686640631/>

<sup>33</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchuk, L. Yankina; ZMINA Human Rights Center. -Kyiv, 2020. – p. 137

<sup>34</sup> Conservator journal. Telegram channel, December 14, 2020: <https://t.me/conservatorjournal/1257>

<sup>35</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchuk, L. Yankina; ZMINA Human Rights Center. -Kyiv, 2020. – p. 102



## #obstruction\_of\_peaceful\_assembly

- On **January 19, 2021**, in **Kyiv**, the police obstructed a peaceful rally against impunity for violence by the far right, which takes place every year on the day of the death in Moscow of activist Stanislav Markelov and journalist Anastasia Baburova. **13 protesters** were detained, including one minor. During the detention, the police used force: detainees had their hands twisted, some were carried to the bus.



■ Detention on Kontraktova Square in Kyiv (Photo: Anastasia Moskvychova, ZMINA)

The security forces motivated their actions by violating paragraph 2, item 7 of Cabinet of Ministers Resolution 1236 (activities of religious buildings and premises equipped for prayer purposes, which do not provide the opportunity to limit the number of visitors by one person per 5 square meters of building or premises; holding religious events in the open air, during which the distance of 1.5 meters between those present is not ensured) or did not indicate in the protocol which point of the resolution they are guided by.

All the detainees were transported to the Podil Police Department in Kyiv (or just taken, one of the victims, Vladyslav, says he was simply pulled out of the rally and taken to the regional department). As the spokeswoman of this regional department Anna Strashok told ZMINA Human Rights Center, they were charged with an administrative offense under Art. 44-3 of the Code of Ukraine on Administrative Offenses (violation of quarantine rules).

As for the detention, she says 11 persons were detained and two more were invited. According to Strashok, the police announced to the protesters that the rally was forbidden, but because they refused to disperse, the mentioned measures were taken against them.

One of the victims, Matvii Mysyak (a minor), told ZMINA Human Rights Center that a policeman hit him in the face inside the bus, but not severely, so there were no traces left.

On January 20, 2021, the OZON Observation Group published its conclusions on the events in Podil,<sup>36</sup> condemning the response of the police and pointing to their illegality (only a court can prohibit peaceful assemblies), selectivity (simultaneously with this action there were other, in particular, protests of entrepreneurs on Independence Square, which was not dispersed by the police) and potential harm to further communication with the public.

Later, the mentioned protocols were considered by the Podilsky District Court of Kyiv and closed due to the absence of an administrative offense.

The action against impunity of the far right on Kontraktova Square was organized by the public organization “Social Movement” (left-wing activists). They explained the choice of the location by the fact that a large number of attacks by right-wing radicals have been recorded in Podil recently.

According to the organizers, while preparing the action, they communicated with the police about security issues for the participants, and the latter did not tell them anything about the ban on assemblies, to which it later appealed.

A number of human rights organizations issued a statement condemning the police’s disruption of the peaceful assembly.<sup>37</sup>

<sup>36</sup> Ozon / Ozone – public observation. Facebook page, January 20, 2021: <https://www.facebook.com/OZON.monitoring/posts/2727837327469738>

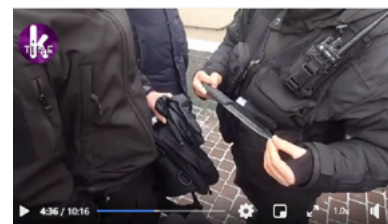
<sup>37</sup> Human rights activists demand that authorities respond to police disruption of peaceful events of January 19 / ZMINA, January 22, 2021 <https://zmina.ua/statements/pravozahysnyky-vymagayut-vid-vlady-vidreaguvaty-na-zryv-policiyeyu-myrnyh-zahodiv-19-sichnya/>

The head of the Social Movement, Vitaliy Dudin, filed a complaint with the State Bureau of Investigation regarding illegal response by the police. On February 24, the bureau began proceedings under Part 2 of Art. 365 of the Criminal Code Ukraine (excess of power by a law enforcement officer).

Also on this day, another action was planned, announced by the “January 19 Committee” and the organization “Chervoni” (“The Red”, the head is Vladimir Chemerys) on Mykhailivska Square at eleven o’clock in the morning, but it did not take place. According to Chemerys, this happened due to obstruction by the police, who met the participants on Poshtova Square near the funicular and said that they would draw up reports on administrative offenses if they went up to Mykhailivska Square (the police said instead that the participants decided to stay near funicular).<sup>38</sup>

At the same time, the right-wing radical organization “Tradition and Order” planned to hold a contr-action on Mykhailivska Square. It also did not take place, although supporters of the group still gathered on the square in separate groups and then moved around the city.<sup>39</sup>

Meanwhile, according to the National Police, at the request of ZMINA Human Rights Center, on January 19, proceedings were initiated on the illegal handling of weapons. The Facebook group “Chervoni” published a video in which, among other things, you can see that men who allegedly intended to oppose Chemerys’ actions were found on the Poshtova Square with a knife and a crowbar.<sup>40</sup>



Ірина Лютікова разом з Русланом Коцабою і Володимиром Чермерисом.  
19 січня

■ Screenshot from the Klymenko time video, shared by Volodymyr Chemerys

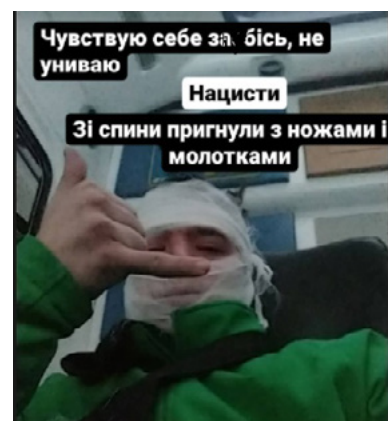
Rallies devoted to January 19 events are taking place in various countries to commemorate Russian activist Stanislav Markelov and journalist Anastasia Baburova, who were killed by Russian neo-Nazis in Moscow, and other victims of far-right violence. For several years in a row, ZMINA has been recording attacks on the participants of such actions in Kyiv by the far right and illegal response of the police against them.<sup>41</sup>

## #physical\_attack

- In the evening of **January 19, 2021**, near the main post office building in **Lviv**, several unknown people in balaclavas attacked a minor left-wing environmental activist **Anton Hrybnytsky** (name changed at the request of the victim): at first they applied a gas spray to him, and when he began to run away, they caught up him and began to beat him.

According to the victim, he was hit several times with a hammer on the head and got several stab wounds to the leg.

The police arrived on the scene, Hrybnytsky was taken to the hospital, where, in addition to the police, a man called himself an “SBU officer” arrived, who, according to the victim and witnesses (witnesses of the attack and also Hrybnytsky’s acquaintances



■ This photo was published by Anton Hrybnytsky after the attack

<sup>38</sup> Law enforcement officers did not allow activists to the venue of the second action against far-right violence / ZMINA, January 19, 2021: <https://zmina.info/news/u-kyievi-ne-provely-shhe-odnu-akcziyu-proti-ultrapravogo-nasyistva-cherez-rekomendacziyi-policziyi/>

<sup>39</sup> Khodakovsky. Telegram channel, January 19, 2021: <https://t.me/BKhodakovsky/1422>

<sup>40</sup> Red. Facebook group, January 19, 2021: <https://www.facebook.com/groups/chervoni/permalink/3399093896861972/>

<sup>41</sup> How participants in the commemoration were illegally detained by the police and then “hunted” by the far right – testimony / ZMINA, January 22, 2018: [https://zmina.info/news/jiak\\_uchasnikiv\\_akciji\\_pamijati\\_nezakonno\\_zatrimala\\_policija\\_a\\_potim\\_vpolovuvali\\_ultrapravi\\_svicennija-2/](https://zmina.info/news/jiak_uchasnikiv_akciji_pamijati_nezakonno_zatrimala_policija_a_potim_vpolovuvali_ultrapravi_svicennija-2/)

who came to the hospital) said that there is some investigation into alleged extremism by Anton Hrybnytsky. The boy was given first aid and taken to the Halychyna Regional Police Department of Lviv. (Police confirmed to ZMINA center the arrival of such a person as a victim, but said they could not establish his identity because the guy constantly called himself by different names). Then Hrybnytsky's guardian arrived (it was established that the victim was 15 years old) and the boy was released.

After the incident, information about the attack appeared in the telegram channel “stalkerua” (the probable administrator of which is Oleksiy Svyntarenko from the right-wing radical organization “National Resistance”). The post used a photo from Hrybnytsky's stories and stated without proof that the latter himself attacked a group of right-wing radicals.<sup>42</sup>

On January 26, 2021, the police of the Lviv region began proceedings under Part 2 of Art. 296 of the Criminal Code of Ukraine (group hooliganism) after the activist's relatives filed a crime report.

On March 30, 2021, Lviv human rights activist Iryna Yuzyk, who witnessed the attack and came to the hospital to provide assistance to the victim, reported that on her complaint the police identified police officers and a “SBU officer” (who also turned out to be a police officer). These turned to be a lieutenant of the patrol police Pavlo Kravets and operative officer of the criminal police department of the Lviv district police department Serhii Stabryn.<sup>43</sup> According to Yuzyk, they were reprimanded.

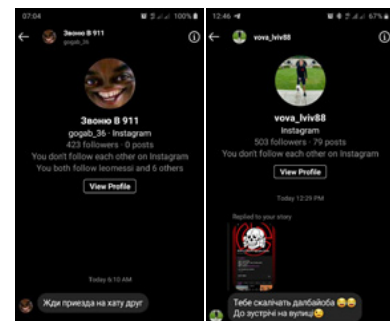
Anton Hrybnytsky is an activist of the anarchist organization “Black Flag” and the organization “Environmental Platform”. He is interested in environmental issues, participates in actions on climate change, against the killing and eating of animals, etc.

During 2020, he was twice attacked by right-wing radicals, in summer and autumn. In addition, ZMINA documented an attempt to harass on social media his girlfriend, who is also an environmental activist and blogger.

The circumstances of the attack on January 19, 2021 may indicate its planned nature. According to representatives of the “Black Flag”, the attacks on Anton Hrybnytsky are probably due to his activities against right-wing radicals: the guy covers with paint graffiti with their symbols, writes posts on social networks with criticism, and others.

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

- On **January 21, 2021**, the far-right telegram channel “Konctabir.Informblok” posted photos and contact details of **Odesa** public activist **Valentyn Tyrnavsky**,<sup>44</sup> concluding that he “should be put in a cage.” After Tyrnavsky complained about this channel to the social network administration and called on others to do the same, another post appeared on the “Konctabir.Informblok”, unprovenly accusing him of drug trafficking, getting underage girls drunk, and killing animals.<sup>45</sup>



■ Screenshots of messages with threats to Valentyn Tyrnavsky

<sup>42</sup> Stalkerua. Telegram channel, January 19, 2021: [https://t.me/ua\\_stalker/704](https://t.me/ua_stalker/704)

<sup>43</sup> Iryna Yuzyk. Personal Facebook page, March 30, 2021: <https://www.facebook.com/iryna.yuzyk/posts/2126359000840226>

<sup>44</sup> Konctabir.Informblok. Telegram channel, January 21, 2021: [https://t.me/Auschwitz\\_Birkenau/847](https://t.me/Auschwitz_Birkenau/847)

<sup>45</sup> Konctabir.Informblok. Telegram channel, January 23, 2021: [https://t.me/Auschwitz\\_Birkenau/879?fbclid=IwAR2IzasUo0JiDH4IH4Yt3gsQEF0UQ\\_Mh3mpctb5Y-G0Yu\\_gMgpR5Kf2ksVFA](https://t.me/Auschwitz_Birkenau/879?fbclid=IwAR2IzasUo0JiDH4IH4Yt3gsQEF0UQ_Mh3mpctb5Y-G0Yu_gMgpR5Kf2ksVFA)

After that, people unknown to Tyrnavsky began to send him threats of physical violence. In particular, they wrote to him “you will be maimed”, “wait for us to come to your house” and so on.

In March 2021, the “Konstabir.Informblok” telegram channel again published posts about Tyrnavsky<sup>46</sup> (because he had called on his social networks to complain about the channel), but the activist himself said that he had not received any more threats since. According to him, however, he sees that his stories are viewed by people from the far-right community, and blocks them.

Valentyn Tyrnavsky is an activist from Odesa, he used to be a member of the LGBT Association “League”, but as he says, since the beginning of quarantine in 2020 he has almost stopped any public activity (unless he publishes something online).

Prior to that, he took part in actions in support of LGBT people, encouraged people to get tested for HIV and took part in the Equality March in Kyiv and Odesa. It was after the Odesa Pride in 2019 that he began to be persecuted (he then appeared in the image of Jesus, which provoked a stormy reaction from the right). They came to Valentyn Tyrnavsky’s house and intimidated him through social networks. Then the lawyer of the public advice center of the Ukrainian Helsinki Human Rights Union (UHHRU) in Odesa, Yulia Lisova, through the court forced the police to open a criminal case on his complaint. According to the UHHRU, as of the end of January, the case is still being investigated without much progress.<sup>47</sup>

According to the victim, he has been following the “Konstabir” telegram channel for some time now, as it publishes the personal data of LGBT activists (in particular, those who took part in the events of Odesa Pride), after which they may be attacked by its subscribers. Tyrnavsky tried to warn his acquaintances about such publications. When there were too many publications, he published a post calling to complain about this group.

This telegram channel also publishes articles on Holocaust denial, anti-Semitic posts (including criticism of the Right Sector for not being anti-Semites), racist articles about black people, and posts approving<sup>48</sup> the beating of Anton Hrybnytsky on January 19, 2021 in Lviv (in particular, it states that he was “warned”), posts approving domestic and gender-based violence, and calls to burn down the office of ZMINA Human Rights Center.<sup>49</sup>

## #legal\_persecution

- On **January 26, 2021**, the **Kamin-Kashyrsky** police in Volyn began proceedings on the complaint of the editor-in-chief of the “Journalists Against Corruption” news agency Serhii Kot against the chairman of the Commission on Journalistic Ethics **Andriy Kulikov**<sup>50</sup> under Articles 171 (obstruction of professional activity of journalists), Art. 206 (counteraction to lawful economic activity) and 355 (coercion to fulfilment or non-fulfillment of civil obligations) of the Criminal Code of Ukraine.

The reason for such actions was that the Commission on Journalistic Ethics made a statement on the inadmissibility of trafficking of press cards, in particular, by the IA “Journalists Against Corruption”,

<sup>46</sup> Konstabir.Informblok. Telegram channel, March 8, 2021: [https://t.me/Auschwitz\\_Birkenau/1088](https://t.me/Auschwitz_Birkenau/1088)

<sup>47</sup> Ukrainian Helsinki Human Rights Union. Facebook page of the organization, January 27, 2021: <https://www.facebook.com/Ugspil/posts/3692496847464911>

<sup>48</sup> Konstabir.Informblok. Telegram channel, January 20, 2021: [https://t.me/Auschwitz\\_Birkenau/816](https://t.me/Auschwitz_Birkenau/816)

<sup>49</sup> Konstabir.Informblok. Telegram channel, December 11, 2020: [https://t.me/Auschwitz\\_Birkenau/603](https://t.me/Auschwitz_Birkenau/603)

<sup>50</sup> A case was opened against Commission on Journalistic Ethics on the statement of the chairman of “Journalists against Corruption”. Andriy Kulikov is not surprised / Detector Media, February 5, 2021: <https://detector.media/community/article/184627/2021-02-05-proty-kzhe-vidkryly-spravu-za-zayavoyu-golovy-zhurnalistiv-proty-koruptsii-andriy-kulykov-ne-zdyvovany/>

and called on the police to investigate its activities<sup>51</sup> after the above mentioned news agency appealed to the commission with a complaint against the executive director of the Institute of Mass Media (IMI), Oksana Romaniuk, who also criticized them for trafficking of press cards.

It is said, in particular, that the website of the organization “Journalists Against Corruption” posted a message (which was also placed on Facebook advertising), in which it is proposed to issue a membership card to anyone for the payment of membership fees, and this person then undertakes to participate in public events of the organization and publish on its website at least one article per month. It was also said that having a press card would be useful for a list of people who include “lawyers”, “entrepreneurs”, “local deputies” and “car enthusiast who like to travel”.

Всеукраїнське Об'єднання “Журналісти проти корупції” запрошує саме тих, кому “болить”, приєднатись та стати Журналістом НАРОДНОЇ Інформаційної Агенції на правах професійного журналіста.

◦ Журналістське посвідчення буде корисне:

- Волонтеру;
- Громадському активісту;
- Правозахиснику;
- Юристу;
- Студенту, особливо журфака;
- Блогеру;
- Фрілансеру;
- Депутату, особливо місцевого рівня;
- Підприємцю;
- Автолюбителю, який багато подорожує;
- Фотографу;
- Відео оператору;

та всім небайдужим до несправедливості...

■ Screenshot of the publication on the website of IA “Journalists against Corruption”

Earlier, the director of the Institute of Mass Media, Oksana Romanyuk, criticized this practice in a comment to “Media Detector”, and in response, Serhii Kot filed a police report about it, accusing it of knowingly false reporting of the crime. On December 31, 2020, the Kamin-Kashirsky police launched a corresponding investigation. ZMINA considers this investigation to be evidence of unjustified legal prosecution.<sup>52</sup>

In addition to the police, Serhii Kot also appealed to the Commission on Journalistic Ethics to condemn Oksana Romaniuk’s statement, and when the commission did not support him, he filed a police report about the crime concerning the Commission on Journalistic Ethics as well. At the same time, after the statements of Oksana Romaniuk or the conclusion of Commission on Journalistic Ethics about IA “Journalists against Corruption”, the proceedings did not begin and selling of press cards continued.

On February 25, 2021, in response to a request from ZMINA Human Rights Center, the Main Directorate of the National Police announced that the proceedings against the Commission on Journalistic Ethics and Romaniuk had been merged with three other proceedings (at the time of publication of the report it is not known what exactly they relate to) and on January 28 submitted for investigation to the investigative department of the Shevchenkivskyi Police Department of Kyiv, and then on February 10 was returned back to the Kamen-Kashyrsky police. At the time of publication of the report it is unknown whether the police were conducting any investigative actions or in any way contacting representatives of the Commission on Journalistic Ethics or Institute of Mass Media.

The Commission on Journalistic Ethics is an all-Ukrainian public organization, a body of self-regulatory work of journalists and editorial offices, which considers complaints of violations

<sup>51</sup> Statement of the Commission on Journalistic Ethics on illegal issuance of press cards and abuse of the status of journalist / Commission on Journalistic Ethics, January 27, 2021 <http://www.cje.org.ua/ua/news/zayava-komisiyi-z-zhurnalistykoyi-etyky-shchodo-nezakonnoyi-vydachi-pres-kart-i-zlovzhyvannya>

<sup>52</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchuk, L. Yankina; ZMINA Human Rights Center. -Kyiv, 2020. – p. 139



of professional ethical standards in the media, as well as is a platform for discussing conflict resolution based on the Code of Ethics of Ukrainian Journalists, statute and regulations of the NGO “Commission on Journalistic Ethics”.

## #destruction\_and\_damage\_to\_property

- On the night of **January 27, 2021**, unknown people smashed the side window and damaged the automobile cabin of journalist and public activist from **Dnipro Ivan Krasikov**. According to the victim, the attackers did not take anything from there, so the attempted robbery was ruled out.

According to Krasikov, he came to his mother, recalls that he heard the alarm go off for about 6-7 o'clock, and when he went out in the morning, he saw a broken window on the driver's side and called the police (as later wrote in the Dnipropetrovsk region police, they registered his police report as an appeal of citizens). According to the victim, he was being watched.



■ Photo from Ivan Krasikov's Facebook page

Krasikov himself has two versions of the probable motives for damaging his property: the conflict he had in a local hospital with other activists, or his criticism of local authorities in Dnipro or people from Dnipro in the central government.

In favor of the second version, the activist cites the example of a number of discrediting publications about him in the winter of 2020, that he allegedly crashed into an ambulance. Krasikov later admitted in court that the information was untrue.<sup>53</sup>

Also in 2020, a number of posts were published on social networks that Krasikov had died (in one case it was allegedly about the discovery of the activist's body,<sup>54</sup> in another it was the publication about the discovery of the body of activists Ivan Krasikov and Mykola Kozhushko was illustrated by an article with the photo of the remains of several unidentified people taken in the middle plan, so that significant traces of decay could be seen in detail, although the material itself did not say that it was about him<sup>55</sup>); some contributors even offered to bring those who wanted to say goodbye to Krasikov to the funeral.<sup>56</sup>

Ivan Krasikov is the head of the NGO “Non-Governmental Media Advocacy Group” (formerly known as the Dnipropetrovsk Regional Public Organization “Independent Association of Journalists”). He is the author of a number of journalistic materials on human rights issues, carries out investigative journalism.



■ An example of a publication that an activist sees as a threat

<sup>53</sup> Kirov District Court of Dnipropetrovsk. Decision of November 27, 2020 / Opendatabot: <https://opendatabot.ua/court/93442430-ae36cdf9642adff05e3d2859ccc0f3b7>

<sup>54</sup> Masha Skvortsova. Personal Facebook page, August 9, 2020: [https://m.facebook.com/story.php?story\\_fbid=173115324268369&id=100047097063031](https://m.facebook.com/story.php?story_fbid=173115324268369&id=100047097063031)

<sup>55</sup> Masha Skvortsova. Personal Facebook page, August 8, 2020: [https://m.facebook.com/story.php?story\\_fbid=172813370965231&id=100047097063031](https://m.facebook.com/story.php?story_fbid=172813370965231&id=100047097063031)

<sup>56</sup> How “denationalized” media can “bury” you for budget money / Business censor / Column, October 27, 2020: [https://biz.censor.net/columns/3227148/kak\\_razgosudarstvennye\\_smi\\_mogut\\_pohoronit\\_vas\\_za\\_byudjetnye\\_dengi](https://biz.censor.net/columns/3227148/kak_razgosudarstvennye_smi_mogut_pohoronit_vas_za_byudjetnye_dengi)

He previously collaborated with the NGO “100% of Life” (previously, Network of People Living with HIV) in individual projects in Dnipro, monitored the purchase of drugs and medical equipment by local authorities, analysis of palliative care in Dnipro (in particular, there are publications about 2017 –2018). In 2020, the media also mentioned him as a political scientist.

## #destruction\_and\_damage\_to\_property

On **January 27, 2021**, at about half past two in the morning, unknown individuals set fire to the car of the former village head of **Kotsyubynske**, public activist **Olga Matyushyna**. According to her, firefighters were called by passers-by.

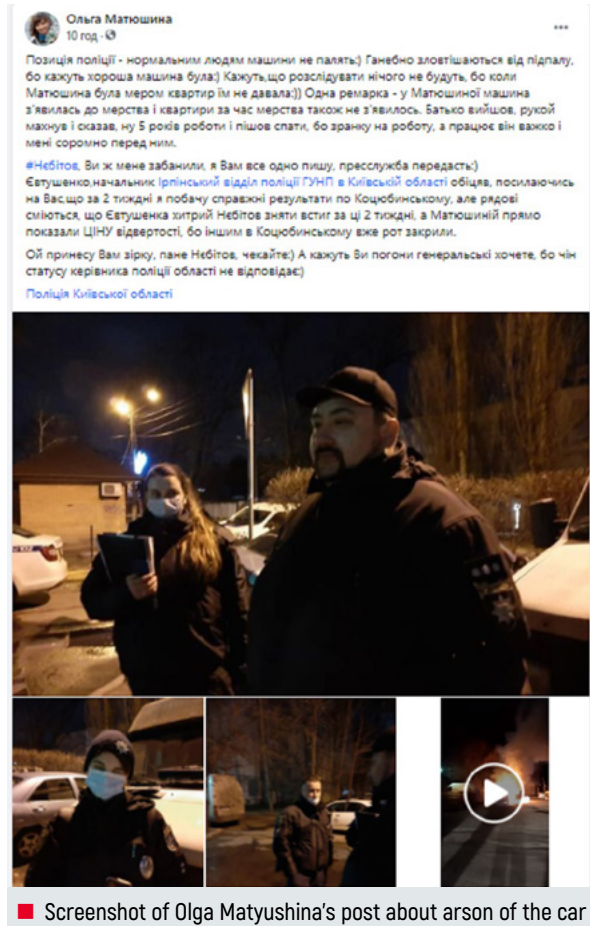
The activist considers what happened to be revenge for her previous public activities and an attempt to suppress the activity of other people through the demonstrative “punishment” of someone more or less famous in the village and the region.

According to Matyushyna, in December she resigned as a deputy of the village council of Kotsyubynsky and was engaged in private life, child and education (at the time of the incident she was graduating from the Institute of International Relations of Taras Shevchenko National University of Kyiv). From time to time she wrote on her Facebook page about political and social life in Kotsyubynske or reposted materials, but she has not been active offline lately.

The Kyiv Region Police announced the commencement of criminal proceedings under Part 2 of Article 194 of the Criminal Code of Ukraine (intentional destruction or damage to property).<sup>57</sup>

On February 16, 2021, the police announced the suspicion of arson to a 35-year-old previously convicted resident of Kyiv.<sup>58</sup> He was remanded in custody for two months, with the term expiring in April (herewith no new trial has been scheduled as of April 8). According to the victim, this man is the organizer of the crime, and the probable perpetrator is also known to her, but he has not been notified of suspicion.

Olga Matyushyna is a public activist from the village of Kotsyubynske in the Kyiv region, a former head of the village (elected in 2015). She opposed the construction on the territory of the Bilychansky Forest, located near Kotsyubynske and thanks to the efforts of activists included in the Holosiivskyi



■ Screenshot of Olga Matyushyna's post about arson of the car

<sup>57</sup> The police of Kyiv region opened a criminal case on the fact of a car fire in the village of Kotsyubynske / Main Directorate of the National Police in Kyiv region, January 27, 2021: <https://kv.npu.gov.ua/news/Informaciya/za-faktom-zagoryannya-avtomobilya-v-selishhi-koczubynske-policiya-kijivshhni-vidkrila-kriminalne-provazhennya/>

<sup>58</sup> Kyiv Region Police identified an perpetrator involved in the organization and implementation of a car fire in the village of Kotsyubynske and announced him the suspicion / Main Directorate of the National Police in Kyiv Region, February 16, 2021: <https://kv.npu.gov.ua/news/Informaciya/policejski-kijivshhni-vstanovili-zlovnisnika-prichetnogo-do-organizaczi-ta-zdijsnennya-pidpalu-avto-u-selishhi-koczubynske-ta-povidomili-jomu-pro-pidozru/>

National Nature Park since 2014, and promoted the annexation of the village to Kyiv<sup>59</sup> (in July 2020, the Verkhovna Rada refused to do so). As a result, some local deputies accused her of allegedly wanting to open access to the Bilychansky Forest to metropolitan developers, and discrediting materials about her appeared on the website “Pravda Irpenia”,<sup>60</sup> where, as ZMINA reported, in 2020 there was also a discrediting campaign against the main editor of the website “Rukh Chesno” Irina Fedoriv.<sup>61</sup>

In 2016, unidentified persons attacked Olga Matyushyna.<sup>62</sup>

## FEBRUARY 2021

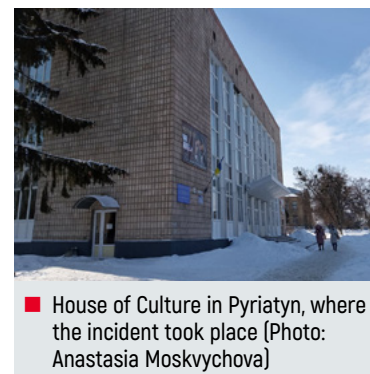
### #physical\_attack

- On **February 2, 2021**, a local blogger, **Vadym Kyrpychenko**, was attacked at the pub “Zhyve Pyvo” in **Pyriatyn**, Poltava Oblast. He came to the establishment with a friend, and while they were making orders, a man from the company who was already sitting there began to bother them.

According to the victim, it was Oleksandr Bugayov, one of the witnesses in the case of an administrative offense against Kyrpychenko. Kyrpychenko was accused of petty hooliganism and malicious disobedience to a lawful request of a police officer on December 23, 2020, when he tried to attend a City Council session with a plastic wreath, thus protesting against the illegal, in his opinion, distribution of budget funds. As it turned out during the review of the administrative protocol, Bugayov took part in a rally against the tariff increase near the city administration, where the session took place, went into the lobby and, seeing Kyrpychenko with a wreath, was indignant and decided not to let him into the session hall.

According to Kyrpychenko, Bugayov saw him at the pub and started shouting something insulting about him, his appearance and his activities, in particular, that Kyrpychenko allegedly criticized the mayor. After that, one of the men from this company approached and hit Kyrpychenko in the face (this was recorded on video).<sup>63</sup> According to Kyrpychenko, the whole company was drunk. The activist called the police. When police arrived, he went outside with a police officer to file a police report, and when he returned, he saw that his friend had his nose smashed (probably by the same assailant who attacked Kyrpychenko), however the latter refused to provide explanations or file a police report.

On **February 10, 2021**, Vadym Kyrpychenko was attacked again. According to the victim, an unknown person called him by phone and arranged a meeting near the House of Culture in Pyriatyn, and when Kyrpychenko went out to him, it turned out that it was Oleksandr Bugayov. According to Vadym Kyrpychenko, the man first shouted at him, then knocked him down and hit him several times. The activist called the police and filed a police report about the crime, but when the police left, the attacker returned with several other people, went up



■ House of Culture in Pyriatyn, where the incident took place [Photo: Anastasia Moskvychova]

<sup>59</sup> #Women's Affairs: Olga Matyushyna – about the “coups” in Kotsyubynske, the accession to Kyiv and the laws of physics / Radio Svoboda, September 10, 2020: <https://www.radiosvoboda.org/a/news-zhinocha-sptava-olha-matiushyna/30829480.html>

<sup>60</sup> “Activists” of Kotsyubynske keep silent about the fact of cutting down the Bilychansky forest / Pravda Irpenia, November 29, 2018: <https://irpin.news/kocjubynski-aktivisti-zamovchuyut-fakt-virubki-bilichanskogo-lisu/>

<sup>61</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchik, L. Yankina; ZMINA Human Rights Center. -Kyiv, 2020. – p. 53

<sup>62</sup> Unknown people attacked the activist and the village head of Kotsyubynsky. The activist was severely beaten / ZMINA, November 2, 2016: [https://zmina.info/news/nevidomi\\_napali\\_na\\_aktivistku\\_ta\\_selishhnu\\_golovu\\_kocjubinskogo\\_aktivistku\\_silno\\_pobili-2/](https://zmina.info/news/nevidomi_napali_na_aktivistku_ta_selishhnu_golovu_kocjubinskogo_aktivistku_silno_pobili-2/)

<sup>63</sup> OrangeTV. YouTube channel, February 4, 2021: <https://www.youtube.com/watch?v=iZlfuJamBol>

to his office and beat him again, after which someone in the building, who saw the situation, called the police again.<sup>64</sup>

Hours before the incident, the Facebook group “Apelsin” (Orange) published a post about the local news of Pyriatyn and the region, moderated by the activist, with a photo of three men, one of whom clenched his fist, signed “Hello Kyrpychenko.” The activist sees this as a threat before the attack.

Later, in court regarding the administrative protocol, which took place on February 18, Oleksandr Bugayov stated that he was also threatened and attacked on February 15. In response to a request from ZMINA Human Rights Center, the Poltava Region Police informed that they had registered a police report from Bugayov on February 18, but had not entered this information into the Unified register of pre-trial investigations (as of March 1).

Vadym Kyrpychenko is a journalist from Pyriatyn, the founder of the local media outlet “Apelsin” (Orange). Several times the Institute of Mass Media recorded cases of obstruction of his journalistic activity and threats to him.

On December 23, 2020, he was detained while trying to hold an action at a session of the Pyriatyn City Council. A report was drawn up against him under the article on malicious disobedience to a lawful request of a police officer. This incident was included in the monitoring report of ZMINA Center for Human Rights for 2020 as having signs of unjustified legal prosecution.<sup>65</sup>

## #destruction\_or\_damage\_to\_property

- On **February 4, 2021**, at about 2 am in **Odesa**, unknown people smashed windows and damaged the exterior of a car belonging to the wife of the local businessman **Dmytro Yegorenko**, which was parked near their house.

According to the victim, he heard that the alarm went off, and after he looked out into the street, he saw 3-4 people fleeing. Yegorenko called the police and filed a police report, but later found that it was registered as a citizen's appeal and handed over to the community police officer. Therefore, on February 9, he repeatedly filed a police report.

Dmytro Yegorenko connects the incident with his public activity against the sale of cigarettes without excise stamps.<sup>66</sup> According to him, on November 11, 2020, he video recorded the fact of such a trade in the Slobidsky market in Odesa and called the police. However, when law enforcement officers arrived, it turned out that the saleswoman had collected the goods and walked away. He later called the police several more times or filed police reports. According to Yegorenko, every time the police came on call, they did not find vendors there, but if for some reason the patrol crew did not come, they continued to trade (so he suspects leaks of information from the police).

On December 22, 2020, Dmytro Yegorenko again filmed a woman selling such cigarettes, and when he left the market, he was overtaken by two people, who threw a hood from his jacket over his head and punched him several times in the back of the head. Yegorenko resisted and tried

<sup>64</sup> Pyriatyn activist Vadym Kyrpychenko stated about beatings and threats / ZMINA, February 10, 2021: <https://zmina.info/news/pyriatynskyj-aktyvist-vadym-kyrpychenko-zayavyv-pro-pobyttia-i-pogrozy/>

<sup>65</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchuk, L. Yankina; ZMINA Human Rights Center. - Kyiv, 2020. – p. 136

<sup>66</sup> Alone against the system. How cigarette dealers together with the police destroy a person's life in Odesa / Evgeny Plinsky. YouTube channel: <https://www.youtube.com/watch?v=3fM0oW8Oy7o>

to take a picture of one of the attackers, but they fled. According to the victim, he filed a police report and a proceeding was opened under Article 125 of the Criminal Code of Ukraine (intentional infliction of minor injuries). Further, the case was closed, after which the activist appealed it in court (there is a decision of the Suvorov district court of Odesa dated February 1, 2021, which revoked the decision to close the proceeding).

On **February 1**, the day of the second hearing in the case, unknown individuals cut the tires of his wife's car (later the car was smashed).

The next day, on **February 2**, an unknown person called him by phone and said: "Don't worry. We will come to you for the village of Kotovsky". As Yegorenko explained, there is a pub "Open beer" (Ilichanka, Odesa region). This business is registered to his friend, but he himself is also involved. On the same day, "public activists" came there, made a test purchase and checked the documents, but, according to Yegorenko, no violations were found.

Odesa police (inquiry sector) is investigating two criminal proceedings where Yegorenko is a victim: under Part 1 of Article 296 of the Criminal Code of Ukraine (hooliganism) on the fact of damage to the car of Yegorenko's wife, as well as under Part 1 of Article 125 of the Criminal Code (intentional minor bodily injury) of December 23, 2020 on the fact of the attack on him.

On March 5, 2020, the Suvorov District Court of Odesa granted Dmytro Yegorenko's request for state protection.

Dmytro Yegorenko is an entrepreneur from Odesa. He does not belong to public organizations or initiatives. According to Yegorenko, he conducts all this activity simply as a citizen who noticed the offense.<sup>67</sup> After the publicity by activists, media also took interest in the problem of cigarette trade without excise stamps, but journalists were also attacked by such "entrepreneurs".<sup>68</sup>

## #destruction\_or\_damage\_to\_property

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

- On the night of **February 5, 2021**, between 1 and 2 p.m., unknown individuals threw a grenade at a house in the village of **Sorokivka** in the Kharkiv region, owned by the family activists Mikhaylo Zubkov and Natalia Shybayeva, who oppose the construction of sand quarries nearby. The couple ran outside when they heard the explosion and saw that two of their cars were on fire, the fire spread to the garage.

According to Natalia Shybayeva, it is probable that they tried to throw the explosive device into a window on the second floor, but did not hit it. Mikhaylo Zubkov considers the incident an attempt on their lives.

Police, who arrived at the scene, found the fuse and hull fragments of the RGD-5 grenade, which, according to them, exploded on the roof of the house.



■ The photo posted on Facebook by the activist Oleh Ivanychenko after the arson

<sup>67</sup> Attack and damaged car: how a resident of Odesa fights against an illegal point of sale of cigarettes / Ukrainian Helsinki Human Rights Union, February 10, 2021: <https://helsinki.org.ua/articles/napad-ta-ponivechene-avto-iak-odesyt-boretsia-proti-nelehalnoi-tochky-prodazhu-tsyharok/?fbclid=IwAR2zfSWOa5oC7xW93qSCOhLJo6Xh0p7xB8Q7OzvK4M9EYnJCKf6irwCJcl0>

<sup>68</sup> Odesa journalists were attacked during the filming of a story about the sale of excise-free cigarettes / Graty, February 11, 2021: <https://graty.me/news/na-odeskikh-zhurnalistov-napali-vo-vremya-semki-syuzheta-o-torgovle-bezakcziznymi-sigaretami/>



The police initiated proceedings under Part 2 of Article 194 (intentional destruction or damage to property) of the Criminal Code of Ukraine. After conducting investigative response, law enforcement officers also decided to open criminal proceedings under Part 2 of Art. 15, part 2 of Art. 115 of the CCU (attempted premeditated murder).<sup>69</sup>

Mykhailo Zubkov and Natalia Shibayeva are active participants in the action “No to sand trucks” organized by residents of Vilkhivka and Sorokivka villages in the Kharkiv region with a demand to build a bypass road so that heavy machinery going to sand quarries does not pass through villages (this is the only road to the city). For a long time, residents appealed to local and central authorities with such demands, and at the end of January they began to protest, which eventually resulted in the closure of the road (it was blocked for four days). The catalyst for the protest was the news that, in addition to the current quarry of Kharkivnerudprom LLC, it is planned to open another one belonging to Krynytsia Corporation.<sup>70</sup>

According to Serhii Minchenko, a representative of the initiative group of Vilkhivka community residents, the arson incident was preceded by threats to protesters. According to him, on the second day after the road was blocked, a white Skoda approached the protesters with, as they understood, representatives of the Kharkivnerudprom quarry (this was later denied by the enterprise representatives), and one of them in an obscene manner threatened to burn the activists' cars and demonstratively started taking photos of their car license plates (protesters, including Zubkov and Minchenko, then took the man away).

## #discrediting

- On **February 15, 2021**, several publications of the column, first published in Lenta UA under the headline “A log in the eye: why “sorosyata” tolerate corruption in their sponsee” about anti-corruption activist **Vitaly Shabunin** were recorded.<sup>71</sup>

The informational reason in this case was Vitaly Shabunin's statement: “...for the first 40 days of this year, the State Bureau of Investigation reported almost 20 crimes committed by Avakov's eagles”. The author of the material, Ivan Serhiienko, calls this remark a “throw-in” because, according to him, it is mainly about those cases that the police themselves reported to the State Bureau of Investigation.

Because of this, the author accuses Vitaliy Shabunin (whom he calls “one of the main “sorosyats” in Ukraine”) of manipulating information and, in order to make another argument in support of this idea, says there are no public investigations and statements by the Anti-Corruption Center against Artem Sytnyk, the head of the National Anti-Corruption Bureau of Ukraine (NABU), criticizing the latter, and also says that Shabunin allegedly does not appear in court in the case under

ПОЛИТИКА ★ СКАНДАЛ

**ШАБУНИН  
ПРОМАХНУЛСЯ:  
ПОЧЕМУ БОРЕЦ С  
КОРРУПЦИЕЙ  
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ВАНДАЛОВ ПОД  
ОФИСОМ  
ПРЕЗИДЕНТА**

09:25 22 мар. 634 Читайте на: УКР РУС



■ Screenshot of one of the mentioned publications

<sup>69</sup> Police initiated two criminal proceedings on the fact of incident in the village of Sorokivka in Kharkivshchyna (UPDATED) / Police of Kharkiv region, February 5, 2021: <https://hk.npu.gov.ua/news/vbivstva/policziya-vidkrila-dva-kriminalnix-provazhennya-za-faktom-podiji-u-seli-sorokivka-na-xarkivshhini-onovleno/>

<sup>70</sup> Zubkov Mikhail. Facebook page, February 2, 2021: <https://www.facebook.com/photo?fbid=10219287063750762&set=pcb.850456672464138>

<sup>71</sup> “A log in the eye: why “sorosyata” tolerate corruption in their sponsee” / Lenta UA, February 15, 2020: [https://lenta.ua/brevno-v-glazu-pochemu-sorosyata-terpyat-korrupciyu-u-svoego-podshefnogo-86496/?fbclid=IwAR10\\_HU2RKLauJqnSOzJGwqZApXLAamerwV-3aeeETilM6W4t8mC0rRHS2g/](https://lenta.ua/brevno-v-glazu-pochemu-sorosyata-terpyat-korrupciyu-u-svoego-podshefnogo-86496/?fbclid=IwAR10_HU2RKLauJqnSOzJGwqZApXLAamerwV-3aeeETilM6W4t8mC0rRHS2g/)



the article of the Criminal Code of Ukraine on the threat or violence against journalist Vsevolod Filimonenko (in 2018, Shabunin hit Filimonenko in the face, and the latter used a gas spray against him<sup>72</sup>).

The material was reprinted at least twice, by the media outlet “Bagnet” under the headline “Shabunin went on the path of manipulation for the sake of scandal”<sup>73</sup> and in the media outlet “Rupor” under the headline “Shabunin and Avakov’s eagles”: how a fighter against corruption ended up in a loud scandal.”<sup>74</sup>

Signs of a “scandal” in which the activist “ended up”, however, are not mentioned in any of the publications. In two of them, among public tags there are the names of Vitaliy Shabunin and Artem Sytnyk, as well as abbreviations of NABU and (in one case, the first publication) of the Ministry of Internal Affairs. Therefore, these texts should be seen by the reader, who will search for information by these keywords.z

The mentioned material appears on the same day when Vitaliy Shabunin announced on his Facebook page that the Cabinet of Ministers had considered a bill on NABU at an extraordinary meeting, to which one of the amendments added a norm according to which the current head of the institution Artem Sytnyk should be fired.<sup>75</sup>

At the same time, the phrase of Vitaliy Shabunin in question was taken from the activist’s video blog posted on the website of TV channel “24” on February 11.<sup>76</sup> There, Shabunin quotes news from the State Bureau of Investigation website about their investigations into abuses by other law enforcement officials, and concludes that he believes in the necessity of the resignation of the current Interior Minister Arsen Avakov, during whose tenure it all took place.

The informational reason for creating this blog was the information posted on the State Bureau of Investigation website about the torture of a man in Cherkasy on February 7, 2021. Thus, the policemen are suspected of beating the victim with a chair and a hose from a fire extinguisher, causing him significant damage, including knocked out front teeth.<sup>77</sup> However, Shabunin also mentions previous cases, including the beating and rape of a woman in Kagarlyk who was summoned to the police station as a witness.

Later, on March 22, Lenta UA published another article about Vitaly Shabunin with the title “Shabunin missed: why a corruption fighter supported vandals under the President’s Office”<sup>78</sup> by the same author, Ivan Sergienko. The next day the article was also again reprinted to “Rupor” under the headline “Force attacks on power and opposition games by Shabunin: why the anti-corruption activist supported the protesters under the President’s Office.”<sup>79</sup>

<sup>72</sup> The trial of Shabunin: about what witnesses from Filimonenko told / Radio Svoboda, May 3, 2018: <https://www.radiosvoboda.org/a/29207137.html>

<sup>73</sup> Shabunin went on the path of manipulation for the sake of scandal / Bagnet, February 15, 2021: [http://www.bagnet.org/news/society/1303648/shabunin-radi-skandala-poshel-po-puti-manipulyatsii?fbclid=IwAR2yOKEu6uBea9bHe-Kds6JEgUfcN1wB6q8\\_EGS0aO53ss0AI89nrcH2mnY](http://www.bagnet.org/news/society/1303648/shabunin-radi-skandala-poshel-po-puti-manipulyatsii?fbclid=IwAR2yOKEu6uBea9bHe-Kds6JEgUfcN1wB6q8_EGS0aO53ss0AI89nrcH2mnY)

<sup>74</sup> Shabunin and Avakov’s eagles”: how a fighter against corruption ended up in a loud scandal / Rupor, February 15, 2021: [https://www.rupor.info/news/169737/shabunin-i-orly-avakova-kak-borets-s-korrupsiy-zagremel-v-gromkiy-skandal/?fbclid=IwAR10\\_HU2RKLauJqnSOzJGwqZApXLAamerwV-3aeeETiIM6W4t8mC0rRHS2g](https://www.rupor.info/news/169737/shabunin-i-orly-avakova-kak-borets-s-korrupsiy-zagremel-v-gromkiy-skandal/?fbclid=IwAR10_HU2RKLauJqnSOzJGwqZApXLAamerwV-3aeeETiIM6W4t8mC0rRHS2g)

<sup>75</sup> Vitaliy Shabunin. Personal Facebook page, February 15, 2021: <https://www.facebook.com/vitaliy.shabunin/posts/10158038974659537>

<sup>76</sup> Covered drug dealers and beat with batons to death: the ugly deeds of the Avakov’s “eagles” / 24 news, February 11, 2021: [https://novyny.24tv.ua/skandalni-vchinki-orliv-arsena-avakova-ukrayina-novini\\_n1540184](https://novyny.24tv.ua/skandalni-vchinki-orliv-arsena-avakova-ukrayina-novini_n1540184)

<sup>77</sup> Beating with an iron chair and a hose from a fire extinguisher – two Cherkasy policemen suspected of torture (VIDEO) / State Bureau of Investigation, February 8, 2021: <https://dbr.gov.ua/news/pobittya-zaliznim-stilcem-ta-shlangom-vid-vognegasnika-dvoh-cherkaskih-policejskih-pidozryuyut-u-katuvanni>

<sup>78</sup> SHABUNIN MISSED: WHY A CORRUPTION FIGHTER SUPPORTED VANDALS UNDER THE PRESIDENT’S OFFICE / Lenta UA, March 22, 2021: <https://lenta.ua/shabunin-promahnulya-pochemu-borets-s-korrupsiy-podderzhal-vandalov-pod-ofisom-prezidenta-91451/>

<sup>79</sup> Force attacks on power and opposition games by Shabunin: why the anti-corruption activist supported the protesters under the President’s Office / Rupor, March 23, 2021: <https://www.rupor.info/news/171486/silovye-ataki-na-vlast-i-igry-v-oppozitsiyu-so-storony-shabunina-pochemu-antikorrupsioner-podderzhal-protestuyushchih-pod-op>

The text cannot be unambiguously described as a fake, as it consists of evaluative judgments and speculations as to why Shabunin posted on his private Facebook page an announcement of a March 20 rally in support of Serhii Sternenko, and then did not comment on its outcome. It is known that Shabunin was never announced among the organizers of this action, so it is unclear why he should comment on it. In general, the material looks as if it was written just to mention the name of Vitaliy Shabunin in a negative way. Background to the article mentions the case relating to the statement by non-partisan MP Andriy Derkach<sup>80</sup> about the alleged embezzlement of American aid. However, this was formulated in the way as if the media investigated and established the crime and Shabunin's involvement (evidence mentioned in the materials is not stated in the text and the court also at the time of publication did not make any decisions, ie the facts have not been established).

All this allows ZMINA Human Rights Center to make assumptions about the launch of a discrediting campaign against Vitaliy Shabunin, in continuation of the campaign recorded by the center's researchers in 2020.<sup>81</sup>

Vitaliy Shabunin is a co-founder of the Anti-Corruption Action Center, a non-governmental organization that develops and advocates for anti-corruption legislative framework (including in relation to the following anti-corruption institutions as National Anti-Corruption Bureau of Ukraine, Specialized Anti-Corruption Prosecutor's Office, Supreme Anti-Corruption Court of Ukraine and Asset Search and Management Agency, criminalization of illicit enrichment, etc.), public procurement monitoring and initiates an investigation into abuse.

## # physical\_attack

- On **February 16, 2021**, in the premises of the **Rubizhne** City Council in the **Luhansk** region, public activist Olga Felenko was attacked by the mayor Serhii Khortiv. According to the woman, he hit her in the stomach, and then snatched the phone from her hands and threw it against the wall. This conflict was partially recorded on video.<sup>82</sup>

According to Felenko, for several years she and other activists have been seeking the transfer of the land plot on which the market is located in Rubizhne to communal ownership, and the mayor, according to the activist, lobbied for the lease of the entire plot to a local businessman.

According to the victim, on the day of the incident, she once again came to the City Council to clarify some issues related to the land plot occupied by the market (after all it was transferred to communal ownership, and now it is managed by the utility company), and met there other activists who came on other issues (including the closure of schools<sup>83</sup>).

They decided to go up to the mayor's office together. They were told that Khortiv was not there, so they hoped to meet with his deputy, but when Felenko looked into the office, she found that he was sitting there. She first went out and then came in again to arrange a meeting with all of them, but according to the activist, the mayor was aggressive and attacked her.

As Channel 5 journalists found out<sup>84</sup>, several other activists from Rubizhne had previously reported violence by Serhii Khortiv.

<sup>80</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchuk, L. Yankina; ZMINA Human Rights Center. – Kyiv, 2020. – p. 57

<sup>81</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchuk, L. Yankina; ZMINA Human Rights Center. – Kyiv, 2020. – p. 72

<sup>82</sup> Fine Rubizhne. Facebook group, February 16, 2021: <https://www.facebook.com/groups/374580119589298/permalink/1337019843345316/>

<sup>83</sup> Closure of schools in the Luhansk region on the conscience of Shakhov and his naked field" / 6451.com.ua. Lisichansk city website, February 26, 2021: <https://www.6451.com.ua/news/3033171/zakrytie-skol-v-luganskoj-oblasti-na-sovesti-sahova-i-ego-gologo-pola>

<sup>84</sup> IN RUBIZHNE THE MAYOR-HOOLIGAN SYSTEMATICALLY RUNS WITH FISTS ON ACTIVISTS – DETAILS / Channel 5, February 19, 2021: <https://www.5.ua/regiony/u-rubizhnomu-miskyi-holova-deboshyr-systematichno-kydaietsia-z-kulakamy-na-aktyvistiv-podrobytsi-237276.html>

Olga Felenko expresses fears of continued pressure on her. According to her, in 2018 the store belonging to her was set on fire (it is also located in the market mentioned at the beginning), and on the night of February 26, 2021, two more trade pavilions in the same market were on fire.<sup>85</sup> The media report<sup>86</sup> that at least one of them belongs to a local deputy from “Nash Krai” (where Khortiv also belongs). However, this deputy (Oleksandr Kovalenko), according to Felenko, did not support the initiative to transfer the market to private ownership.

Olga Felenko also says that in August 2020 she received verbal threats. According to her, she was approached on the street by two strangers in medical masks and threatened her with reprisals if she did not stop writing posts about Khortiv.

Serhii Khortiv himself has not yet officially commented on the situation.

Luhansk police have launched proceedings under part 1 of Article 125 of the Criminal Code of Ukraine (intentional infliction of light bodily injuries) on the fact of the attack on Olga Felenko. As of March 5, 2021, the investigation is ongoing. No one has been notified of the suspicion.

Also, upon the request of ZMINA Human Rights Center, it was reported that the proceeding under Part 1 of Art. 129 of the Criminal Code of Ukraine (threat of murder) is under investigation following the fact of threats received by Felenko in August 2020.

At the same time, according to the police, the investigation into the fire in the Matryoshka store owned by Olga Felenko, which began on December 31, 2018, was closed as of March 5, 2021 due to the expiration of the pre-trial investigation. No one has been notified of the suspicion in the mentioned proceedings.

Olga Felenko is the head of the NGO “Future of Ukraine in Rubizhne”, founded in March 2015, a volunteer, an entrepreneur. In 2017, she headed the Public Council under the Rubizhne City Executive Committee. She administers local Facebook communities “Fine Rubizhne”, “Rubizhne. Sins of the mayor”.

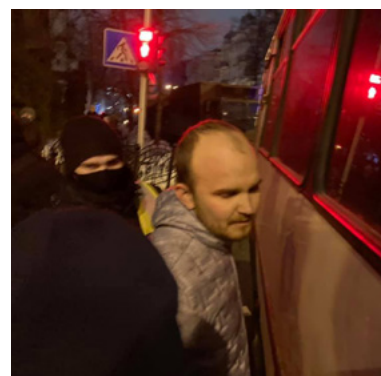
## #obstruction\_of\_peaceful\_assembly

## #illegal\_detention\_or\_search

- In the evening of **February 23, 2021**, **24 protesters** were detained during the rally in support of Serhii Sternenko outside the President’s Office in **Kyiv**.

The police announced the beginning of proceedings under Art. 342 (resistance to a law enforcement official) of the Criminal Code of Ukraine,<sup>87</sup> but as of the end of March it is unknown that anyone was declared a suspect within it.

Some of the detainees were taken to the Pechersk Regional Police Department, brought to the assembly hall and later released (some were given summons as witnesses in criminal proceedings, some were not given anything).



■ Detention of Ivan Basyuk  
(Photo: Tetyana Bezruk)

<sup>85</sup> In Luhansk region, police are investigating the fact of ignition of trade pavilions / Official site of the National Police of Luhansk region, February 26, 2021: <https://lg.npu.gov.ua/news/Informaciya/na-luganshchini-policzejski-rozsliduyut-fakt-zajmannya-torgivelnix-paviljoniv/>

<sup>86</sup> Fear and hatred in Rubizhne: trade pavilions continue to burn in the central market / 6451.com.ua. Site of the city of Lisichansk, February 26, 2021: <https://www.6451.com.ua/news/3034406/strah-i-nenavist-v-rubezhnom-na-centralnom-rynke-prodolzaut-goret-torgovye-pavilyony>

<sup>87</sup> Criminal proceedings have been instituted over the clashes on Bankova Street in Kyiv / Kyiv Police Department, February 23, 2021: <https://kyiv.npu.gov.ua/news/publicna-bezpeka-ta-poryadok/za-faktom-sutichok-na-vuliczi-bankovij-u-kijevi-rozpochato-kriminalne-provadjzhennya/>

The rest of the protesters detained (according to an eyewitness, a representative of ZMINA Human Rights Center Lyudmila Yankina, these were about 8 people) were taken to a paddy wagon, held there, recorded, photographed and released.

According to Kyiv police, the protesters used flares and gas sprays, resulting in eye burns to 27 officers of the police and the National Guard.<sup>88</sup>

According to OZON group observers,<sup>89</sup> the detentions began after one of the representatives of the National Guard was hit by a lighted flare into a bulletproof vest. According to these data, the protesters threw snowballs, firecrackers and flares at the security forces, and it was recorded that the latter sometimes threw these objects back, from time to time, however, also hitting the cordon of police and National Guards. Separately, observers stressed that the police did not communicate enough with the protesters, did not explain why they were not allowed to pass, what actions were expected of them, and did not explain the reasons for their detention later.

The detention of the activists was quite severe, it was preceded by a pushing (journalists of the media outlet “Graty” filmed people in civilian clothes with injuries, but those in the video refuse to comment).<sup>90</sup>

According to one of the detainees, **Ivan Basyuk**, he did not commit any illegal acts, but was simply in the crowd when he was attacked from behind by special services, his arms were twisted and he was taken to a paddy wagon without explaining anything. Basyuk says people were snatched from the crowd at random. According to the activist, he had not seen or participated in clashes or quarrels with security officers before his detention. There were 12 people in the paddy wagon with Basyuk, some of whom, as he saw, had their outer clothing torn off. However he himself was not beaten.<sup>91</sup> Basyuk says that he and other protesters were brought to the Pechersk regional police department, held in the assembly hall and released without incriminating anything.

Another detainee, **Maksym Kryvtsov**, said he was standing right in front of the border between the police and the National Guard when one of the National Guardsmen complained that he had been beaten several times with a stick. According to Kryvtsov, he sympathized with him, then they continued to talk, it was about politics, and at some point the National Guard officer began to beat him. According to the activist, he was snatched from the crowd and, kicking, led “down the corridor” from the security forces to a paddy wagon. Kryvtsov says the blows were weak, rather so that to disorient than to hurt. He stopped in front of the paddy wagon and said that he could not go there because after the war he had panic attacks indoors, but he was pushed inside a cell with another guy, but then transferred to another, where it was more spacious. He was taken to the Pechersk regional department, first kept together with everyone else in the assembly hall, and then they said that someone recognized him and took him to the investigator.

According to Kryvtsov, the investigator told him that he allegedly hit a policewoman during the protests, but when he contacted her, she objected, saying that it was not him. Maxim Kryvtsov says that he did see two policemen, a man and a woman, with bruises on their faces, and even talked to them, but he knows nothing about the circumstances of their injuries.

Then, according to the activist, the police recorded his passport data, mobile IMEI number, as well as photographed him from different angles (took 5-6 photos, asked to wear a jacket), gave

<sup>88</sup> 27 law enforcement officers were injured while maintaining law and order on Bankova Street / Kyiv Police, February 23, 2021: <https://kyiv.npu.gov.ua/news/Informacziya/pid-chas-zabezpechennya-pravoporyadku-na-vuliczi-bankovij-postrazhdalo-27-pravooxoronciv/>

<sup>89</sup> Action in support of Serhii Sternenko. Observation report, Kyiv, February 23, 2021. Website: <http://ozon.monitoring.tilda.ws/page17578615.html>

<sup>90</sup> Graty. Facebook page of the publication, February 23, 2021: <https://www.facebook.com/graty.me/posts/464894371540053>

<sup>91</sup> More than a dozen people were detained in Kyiv for protests in support of Sternenko / ZMINA, February 23, 2021: <https://zmina.info/news/u-kyievi-na-akciji-pid-op-na-pidtrymku-sternenka-zatrymaly-bilshe-desyatka-lyudej/>

three summonses as a witness in a criminal case for three days and released. All this time, his lawyer Mykola Orekhovsky was not allowed into the regional department. As of February 24, from possible injuries he had a bump on his head, which hurts, but in general he assesses his condition satisfactorily.

**Oleksandr Babenko**, a journalist and trainee at KyivPost, who was filming from the roof of an administrative building near the President's Office, was also detained during the rally. Babenko said that nobody explained why he was detained and where he was being taken. According to the journalist, his passport data was recorded in the paddy wagon (Babenko had a student ticket with him), he was photographed and the photo was sent to a chat room. He also said that the police "scanned the protesters' phones to establish their IP" (probably also wrote down the IMEI code), but he turned off the phone himself, and this was not done to him. No administrative report was drawn up against him.

Rallies in support of Serhii Sternenko took place on February 23, 2021 in various Ukrainian cities and abroad in response to the verdict of the Primorsky District Court of Odesa, according to which Serhii Sternenko and Ruslan Demchuk (both in 2015 were among the leaders of the "Right Sector" of Odesa) were found guilty of the abduction in 2015 of Serhii Shcherbych, a deputy of the Kominternivsk district council of the Odesa region. They were sentenced to seven years and three months in prison with confiscation of half of their property. An appeal in this case is currently being considered.

In addition, it is known about the detentions during rallies in support of Serhii Sternenko in Zhytomyr (see below), as well as the detention of the right-wing activist Ihor Bay near the Odesa Primorsky District Court. As his colleague Demyan Ganul informed ZMINA, a report on an administrative offense was also drawn up against Bay.

## #obstruction\_of\_peaceful\_assembly

- On **February 23, 2021**, in **Zhytomyr**, during the rally in support of Serhii Sternenko and for the resignation of Prosecutor General Iryna Venediktova, the police detained two participants, **Valery Arushanyan** and **Serhii Hryhorchuk**.

The eyewitness Oleksandr Shvetsov posted a video of the scene on his Facebook page.<sup>92</sup>

According to Valery Arushanyan, the rally was peaceful, but when the participants decided to symbolically set fire to the tire, the police, without explaining anything, twisted two above mentioned activists and took them to the car, then brought them to the department and drew up a report on an administrative offense under Article 185 Code of Ukraine on Administrative Offenses (malicious disobedience to a lawful request of a police officer).

He says that neither he nor Hryhorchuk were injured in the process.

In their turn, police said they were establishing the circumstances of the incident, and that law enforcement officers remarked to the protesters, and then tried to seize the tire, but the protesters prevented them.<sup>93</sup>

Regarding the consideration of the mentioned administrative protocol, one court session took place, the next one is scheduled for April 26, 2021.

<sup>92</sup> Oleksandr Shvetsov. Personal Facebook page, February 23, 2021: <https://www.facebook.com/oleksandr.shvetsov/videos/3962215827175995/>

<sup>93</sup> In Zhytomyr, police establish the circumstances of the incident during a mass event / Main Directorate of the National Police in Zhytomyr region, February 23, 2021: <https://zt.npu.gov.ua/news/policziya-informuje/u-zhitomiri-policzejski-vstanovlyuyut-obstavini-incidentu-pid-chas-masovogo-zaxodu/>

On February 26, Arushanyan and Hryhorchuk filed a complaint of police abuse, but later found out that proceedings on their complaint had not been initiated, and was instead registered as a citizen's appeal. On March 26, Valery Arushanyan received a letter from the police that his appeal had been considered, and the facts set out there "were not confirmed."

Rallies in support of Serhii Sternenko took place on February 23, 2021 in various Ukrainian cities and abroad in response to the verdict of the Primorsky District Court of Odesa, according to which Serhii Sternenko and Ruslan Demchuk (both in 2015 were among the leaders of the "Right Sector" of Odesa) were found guilty of the abduction in 2015 of Serhii Shcherbych, a deputy of the Kominternivsk district council of the Odesa region. They were sentenced to seven years and three months in prison with confiscation of half of their property. An appeal in this case is currently being considered.

## #privacy\_violation

- On **February 26, 2021**, at about 11 a.m. in **Kyiv**, the police came to the office of the DEJURE Foundation think tank, looking for a public activist, lawyer **Roman Maselko**. The police started to read him a protocol on an administrative offense under the article on conflict of interest (Article 172-7 of the Code of Administrative Offenses), but did not finish. A video broadcast conducted by activists on Facebook<sup>94</sup> showed that at some point a police officer who was reading it was approached by his colleague and told him to wrap it up, and they both left.

On January 28, 2021, according to the data published that day,<sup>95</sup> judge Tetyana Skochok addressed the police with a corresponding statement. It turned out that she considered the complaint against the refusal of the Pechersk court to respond to Roman Maselko's information request and rejected the complaint. And whereas later, in December 2020, the Public Integrity Council declared her dishonesty, the judge linked it to Maselko's participation in the council (who should have resigned and not participated in the consideration of the case of this judge) and saw this as revenge on his part.

Roman Maselko himself says that he did not even notice who made the decision on his request at that time. As for the content of the complaint, he notes that there can be no conflict of interest, because then the request should have been his private interest, and it was not. The request concerned how Judge Ruslan Kozlov three times in a row became chairman of the Pechersk court in Kyiv, despite the direct prohibition of the law to do so more than twice in a row.

Separately, representatives of the DEJURE Foundation point out that it remains unclear how the police established Roman Maselko's whereabouts. Yes, on the one hand, he really is a member of the center's board. At the same time, he could be at other addresses of the organizations he belongs to. And the police, when they were told that Maselko was not in the office (he says he came at eight in the morning and did not leave the office, so they could not see him), said that they knew for sure that he was present. On the broadcast, they explain their confidence by "operational luck." Roman Maselko himself expresses suspicion that he was under secret investigative actions (tracked the mobile phone number or watched him), but the use of operational tools (external surveillance, tracking of mobile phones) in administrative proceedings is illegal.<sup>96</sup>

<sup>94</sup> Dejure Foundation. Facebook page, February 26, 2021: [https://www.facebook.com/watch/live/?v=1397288477274851&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=1397288477274851&ref=watch_permalink)

<sup>95</sup> Why were the police looking for Roman Maselko? / Dejure, February 26, 2021: <https://dejure.foundation/news/chomu-politsia-shukala-romana-maselka>

<sup>96</sup> We demand to punish law enforcement officers for illegal surveillance of public activists / ZMINA, March 4, 2021: <https://zmina.ua/statements/vymagayemo-pokaraty-pravoohoronziv-za-nezakonne-stezhennya-za-gromadskymy-aktyvistamy/>



Anti-corruption activist Serhii Mytkalyk expressed the opinion that the purpose of drawing up the said protocol was to include Roman Maselko in the register of corrupt officials, as had been done earlier with Vitaliy Shabunin and Artem Sytnyk.<sup>97</sup>

In addition to the general reputational damage, as Roman Maselko explains, such a step could create obstacles for the activist's further participation in competitions for participation in supervisory boards or for positions for which he could theoretically apply in future.

Maselko filed a complaint with the State Bureau of Investigation about possible illegal surveillance of him by the police. However, the latter did not start the proceedings, so he appealed against inaction in the Pechersk court of Kyiv. On March 30, it became known that the Pechersk court had ordered the State Bureau of Investigation to initiate proceedings on the activist's application.<sup>98</sup>

Roman Maselko is a lawyer, Avtormaidan activist, a member of the board of the DE JURE Foundation, and a member of the Public Integrity Council. He advocates for judicial reform.

The DEJURE Foundation was founded in 2016 to promote the rule of law and the reform of the judiciary in Ukraine.

## MARCH 2021

### #discrediting

- On **March 7, 2021**, an announcement appeared on the Facebook page of the Ukrainian LGBT Soldiers and our Allies community about the intention to create an LGBT-friendly squad in the Armed Forces of Ukraine by recruiting it from the LGBT community and their allies. They were asked to contact community members and receive more precise instructions on the procedure (the name of the unit was not named).<sup>99</sup>

As the founder of the initiative, **Viktor Pylypenko**, explained to ZMINA Human Rights Center, it was an informal agreement with the leadership of a specific unit that had no prejudices against the LGBT military. Some media outlets reported on the initiative, and TV channel 24<sup>100</sup> took a comment from Bohdan Senyk, a spokesman for the General Staff of the Armed Forces of Ukraine, who said that the General Staff of the Armed Forces had not initiated anything and pointed to alleged LGBT ties with Moscow. The alleged proof is that the organization's website is hosted on a server physically located in Russia. The article also quoted a post by Serhii Medvedko (a representative of the Union of Veterans of the War with Russia, formerly a member of the far-right C14) that "the statement about the creation of LGBT units in the Armed Forces is being forced by people from Moscow."

Following these statements, the LGBT Soldiers explained that the reason for this situation was that their site was made with the help of the Russian site designer Tilda, and said that they had transferred the site to a Ukrainian server. As of March 9, the LGBT Soldiers website is actually hosted on a Ukrainian server (IP 185.68.16.12). At the same time, according to the resource

<sup>97</sup> Sergey Mytkalyk. Personal Facebook page, February 26, 2021: <https://www.facebook.com/smitkalik/posts/4013313622041856>

<sup>98</sup> The court ordered the State Bureau of Investigation to investigate the illegal surveillance of Roman Maselko / Dejure, March 30, 2021: <https://dejure.foundation/tpost/vo25xm1ja1-sud-zobovnyazav-dbr-rozsliduvati-fakt-neza>

<sup>99</sup> Ukrainian LGBT Soldiers and our Allies. Facebook page of the initiative, March 7, 2021: <https://www.facebook.com/LGBTmilitary/posts/443849960368802>

<sup>100</sup> Disperse betrayal and discredit the Armed Forces: the General Staff denied the creation of "LGBT units" / 24 News, March 7, 2021: [https://novyny.24tv.ua/lgbt-pidrozdili-zsu-rizka-reaktsiya-novini-rosiyi-i-ukrayini\\_n1562168](https://novyny.24tv.ua/lgbt-pidrozdili-zsu-rizka-reaktsiya-novini-rosiyi-i-ukrayini_n1562168)

RiskiQ, which allows to view the DNS record history, until March 7, the site was at the IP address 185.165.123.36 (Russia).

It is worth noting that sites using Russian servers are more about the vulnerability of information (because Russian security forces can, for example, gain physical access to the servers) than about the affiliation of site owners with Russia. As it turned out, many Ukrainian organizations make websites with the help of Tilda. This company has servers in Russia, Switzerland and Kazakhstan (for example, the websites of the NGO “FULCRUM” and “National LGBT Conference” are on a server in Switzerland).

Meanwhile, the story of the LGBT unit and the Russian server continued. It was used by members of the Right Veterans Coalition to mobilize supporters to vote for their candidates for a public council at the Ministry of Veterans Affairs: *“At the same time, our ideological enemies, who in the war were less than fingers on the hand, are actively getting involved into the veteran environment. They create non-existent LGBT battalions, write “veterans for cannabis” and other nuts. We must ruin this feast of life.”*<sup>101</sup>

At the same time, the harassment of LGBT Veterans<sup>102</sup> and Viktor Pylypenko himself<sup>103</sup> started in the marginalized far-right Telegram public pages (there are unproven insulting messages about him and his personal life, but no threats have been recorded).

The Union of the LGBT military, veterans and volunteers was established in 2018 after Anton Shebetko’s exhibition “We Were Here”. During the exhibition, one of the military, Viktor Pylypenko, made the first coming out as a veteran participant in hostilities. Currently, the Union has many more open and closed LGBT military. In 2018, the Union marched in a separate column on the Equality March.

In 2019, two members of the Union, Viktor Pylypenko and Vasyl Davydenko, were physically attacked.<sup>104</sup>

## #physical\_attack

- On **March 8, 2021**, after the end of the Women’s March in Podil in **Kyiv**, a number of attacks were committed on the participants of the march. As of now, three separate episodes are known.

One of the victims, journalist **Polina Vernygor**, says that after the march on Poshtova Square she with friends (there were only six of them) decided to go further to Kontraktova Square, trying to bypass right-wing radicals so as not to run into those of them who might be nearby. According to Vernygor, the activists had folded posters, but when they met the film crew, the latter asked activists to unfold them to take picture. When the journalists left, the activists were attacked by a group of young men in balaclavas. According to Vernygor, when they still were recording the comment, she saw one of them, but did not pay attention. And when



■ Attack on Polina Vernygor. The photo was provided by the victim

<sup>101</sup> Andriy Tarasenko. Facebook page, March 9, 2021: [https://www.facebook.com/permalink.php?story\\_fbid=3750101888439097&id=100003179677216](https://www.facebook.com/permalink.php?story_fbid=3750101888439097&id=100003179677216)

<sup>102</sup> LGBT guideline. Telegram channel, March 7, 2021: <https://t.me/stopthefaggots/227>

<sup>103</sup> Who announced the LGBT squad in the army? / J K. Telegram channel, March 7, 2021: <https://telegra.ph/Hto-ogolosiv-pro-LGBT-vzvod-v-arm%D1%96i-03-07?fbclid=IwAR1guNEpXDwkrNw9aperIL3M8DqZF8EPf2SBPE0veHG8ybnEx7PybLAWxU>

<sup>104</sup> “Then he wrote that I must repent”: how homophobic attacks in Ukraine are investigated / Radio Svoboda, October 15, 2019: <https://www.radiosvoboda.org/a/yak-rozslidujutsia-homofobni-napady-v-ukraini/30218028.html>

it all started, she did not understand at first that they were trying to surround them: a few guys went forward, and then a few more came up behind, began to grab her hands, shouting insults and trying to take away the posters. According to the victim, her friend's poster was taken away, and when they started taking the poster from her, she started shouting and calling for help. The attackers saw passers-by approaching them and fled.

Another victim, **Vira Kovalenko**, said she was walking with her boyfriend and two friends after the march past the Kontraktova Ploshcha metro station when they were attacked by a group of young men trying to take away posters they had with them. The attackers pushed the girls, and one of them tried to kick Vira Kovalenko's boyfriend in the face, but he dodged. The victim had a gas spray with her, but she did not use it because, according to her, there were too many attackers, more than a dozen.

According to the activist **Anna Datsyuk**, who was in Vira Kovalenko's company, the attackers were sitting in a group at the Kontraktova Ploshcha metro station exit. Datsyuk suggests that they were waiting for the participants of the march and then, taking away the posters, returned there. The victim also says that she recognized her poster in the photo, which was later published by right-wing radicals, reporting what they had done. According to Datsyuk, she could not put up her poster after the march because it was laminated.

In addition, an eyewitness to another incident, **Maria Gubernik**, told ZMINA Human Rights Center that when she and her partner, sister and another friend were walking home after the march, a stranger ran up to them near the ferris wheel at the Kontraktova Square and snatched a poster from hands of her sister and fled towards the Poshtova Square. Partner of Gubernik ran after him, but could not catch up. When all this was happening, according to the activist, there were several other young men nearby, who shouted something at them and probably filmed them on video, but did not come close. According to Gubernik, the attacker was very tall (according to the activist, more than two meters tall).

The National Resistance claimed responsibility for the incident. This organization is headed by Oleksiy Svinarenko, who is allegedly involved in the administration of the telegram channel "Volier", about which human rights activists issued an open statement in 2020 through the channel's disclosure of personal data of individual activists and calls for violence).<sup>105</sup> They published a post about it on their telegram channel,<sup>106</sup> but hid people's faces in the photo.

On March 8, Polina Vernygor filed a police report about the attack on her, but no proceedings were instituted. The activist then challenged the police's inaction in court. On March 18 it became known about the beginning of proceedings under part 2 of Art. 296 of the Criminal Code of Ukraine (hooliganism committed by a group of persons).<sup>107</sup>

It is known that on March 8 in Kyiv the annual Women's march which, according to organizers, gathered more than 4 thousand people. The procession started on Mykhailivska Square, then the participants went to the Poshtova Square via Independence Square and Khreschatyk, after which they parted. The action took place relatively peacefully, except for two episodes.

According to **Olena Shevchenko**, co-organizer of the Women's March, before the rally, police did not allow to unfold a banner promoting ratification of the Istanbul Convention against Domestic

<sup>105</sup> Statement on the inadmissibility of pressure on human rights defenders by far-right organizations / ZMINA, March 3, 2020: <https://zmina.ua/statements/zayava-pro-neprypustymist-tysku-na-pravozahysnykiv-z-boku-ultrapravyyh-organizacij/>

<sup>106</sup> National resistance. Telegram channel, March 8, 2021: [https://t.me/national\\_resistance\\_ua/143?fbclid=IwAR0P5N\\_T\\_JvEs3QwhVMqErORDKgZMYxld5AEXeA\\_HSVy1iJAGf-ITVegYo](https://t.me/national_resistance_ua/143?fbclid=IwAR0P5N_T_JvEs3QwhVMqErORDKgZMYxld5AEXeA_HSVy1iJAGf-ITVegYo)

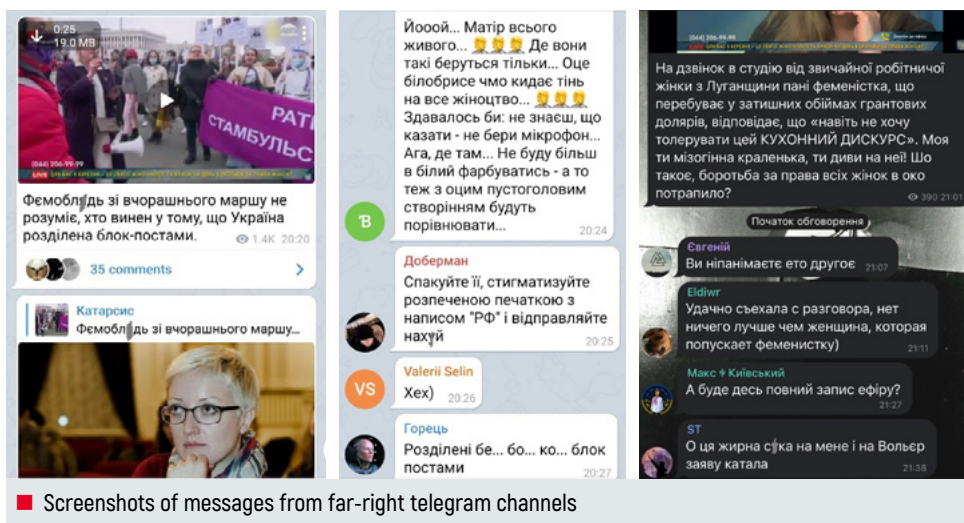
<sup>107</sup> Kyiv police opened proceedings against the participant of the Women's March / ZMINA, March 18, 2021: <https://zmina.info/news/kyivivska-policiya-vidkryla-provazhennya-shhodo-napadu-na-uchasnyczyu-marshu-zhinok/>

Violence near the monument to Princess Olga. When the feminists left, the far-right Tradition and Order group took this place.<sup>108</sup>

Also after the march, it was reported that several young men tried to block the entrance to the subway for human rights activists, but the police prevented provocations.

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

- On **March 9, 2021**, in **Kyiv** after participating in the broadcasting of Magnolia TV channel titled “A nationalist argues with a feminist about LGBT people, perversions, the role of women, patriarchy, feminism, abortion,” public activists **Nina Potarska** and **Lyudmila Yankina** were harassed on social media by far far-right activists.



The corresponding telegram channels, in particular, “Tradition and Order”, “Khodakovsky” and “Catharsis”, published excerpts from the broadcasting, which were accompanied by derogatory comments about the appearance and activities of both speakers. In the case of Potarska there were also calls for violence (*“Pack her, stigmatize her with a hot seal with the inscription ‘RF’ and let her fuck off”, “No, it would be good to send her to slavery somewhere on the farm, to pigs and to make her work on the land hard. If she wants to do men’s work, let her try”*).

In addition, some commentators have published a gif animation under the posts about both victims, where a conditional male character hits a female character in the face, as well as one depicting a scene of a black girl hanging against the background of the American Confederate flag.

Nina Potarska also says that from time to time she receives reminders in personal messages that she is being watched (when the right sees her somewhere in the city, it happens), and threats.

The activists did not contact the police.

The talk show “Open Text” with host Oleksandr Vasyliyev was criticized by media experts for substituting a balance of opinions by providing a platform for manipulation, dissemination of false information and hate speech.<sup>109</sup>

<sup>108</sup> In Kyiv, the police did not allow the participants of the Women’s March to unfurl a banner for the Istanbul Convention near the monument to Princess Olga / ZMINA, March 9, 2021: <https://zmina.info/news/u-kyievi-politsiya-ne-dala-uchasnykiv-marshu-zhinkam-rozrobyty-baner-dlya-stambul%ca%b9s%ca%b9koyi-konventsii-bilya-pam%ca%bayatnyka-knyaziv-ol%ca%b9zi/>

<sup>109</sup> Balance of thoughts or meeting of the victim with the abuser: Yankina is harassed after the broadcast / Povaha, March 11, 2021: <https://povaha.org.ua/balans-dumok-chy-zustrich-poterpihoji-z-ab-yuzerom-yankinu-tskuyut-pislya-efiru/>

Lyudmyla Yankina is a coordinator of projects for the protection of public activists and human rights activists at ZMINA Human Rights Center, a feminist, and a participant in the Women's March on March 8 in Kyiv.

Nina Potarska is a social researcher, a coordinator of the Women's International League for Peace and Freedom (WILPF) in Ukraine, a feminist, a co-organizer of the Women's March on March 8 in Kyiv, a left-wing activist.

## #discrediting

- On **March 9, 2021**, Inna Usachova (Inka Ukrainka), a representative of the Kherson Self-Defense Initiative, wrote in the self-titled Facebook group that she had filed a police report about the alleged distribution of pornography **by Maryna Usmanova**, the director of the Kherson feminist LGBT-inclusive organization **"Insha"**.<sup>110</sup>

The reason for this, according to the applicant, was the photographs depicting Usmanova. According to ZMINA Human Rights Center, Maryna Usmanova took part in the project of the photographer Stanislav Ostrous "When Dan was born, mom was told 'You have a girl'...", where she really starred nude with another person and wrote the text. It is not about sex at all, but tells the story of a man who makes a transgender transition and feels lonely and rejected by both men and women. Now these photos are posted on the artist's website in the "Projects" section.<sup>111</sup>

Earlier, on March 6, Inna Usachova called the police to the lecture about Rosa Luxemburg, dedicated to the 150th anniversary of the said figure, and accused Marina Usmanova of violating the law on decommunization.<sup>112</sup> According to Usmanova, the police took an explanation from her, but she does not know whether proceedings have been opened on this police report.

According to the Kherson police, following the request of ZMINA Human Rights Center, the police did not initiate proceedings on these complaints.

The charity organization "Insha" was founded in Kherson in 2014. He organizes various cultural and educational events, as well as peaceful assemblies, including feminist and to protect and support the LGBTQI community (in particular, devoted to May 17, the Day Against Transphobia and Homophobia).

## #physical\_attack

- On **March 16, 2021**, on the 54th day of blocking the road in protest of heavy traffic through the villages of **Sorokivka** and **Vilkhivka** in Kharkiv region, the participants of the blockade were attacked.<sup>113</sup>

According to an eyewitness, a local activist **Natalia Shybayeva**, at about 11 a.m. a car approached protesters who were walking along the crosswalk. Two young men got out of the car and started pushing the protesters, including herself.

<sup>110</sup> Self-defense of Kherson. Facebook group, March 9, 2021: <https://www.facebook.com/groups/138497833285450/permalink/1069499896851901/>

<sup>111</sup> When Dan was born, mom was told «you have a girl» / Stanislav Ostrous, web-site of the photographer: <https://ostrous.com/when-dan-was-born-mom-was-told-you-have-a-girl/>

<sup>112</sup> Self-defense of Kherson. Facebook group, March 6, 2021: <https://www.facebook.com/groups/138497833285450/permalink/1067904470344777/>

<sup>113</sup> Everything about everyone Olkhovskaya OTG. Facebook group, March 16, 2021: <https://www.facebook.com/groups/773477573495382/permalink/876174043225734/>



One of the activists, a thirty-nine year old **Pavlo**, stood up for his mother, who also took part in the action, and was first hit in the face and then knocked to the ground and kicked.

Shybayeva says the attackers were armed with knives, but did not use them, only threatened. While the pushing continued, one of the activists tried to take a picture of the car in which the attackers arrived, and it drove away. The attackers themselves fled when the participants of the blockade started shouting that they had called the police.

According to Natalia Shybayeva, two elderly protesters felt ill, one of them fell down. When an ambulance arrived, it turned out that their blood pressure had risen sharply. The ambulance took the injured Pavlo. According to Shybayeva, he had a leg and head injury.

Kharkiv Region Police said they had recorded the incident.<sup>114</sup> It is unknown whether proceedings have been initiated.

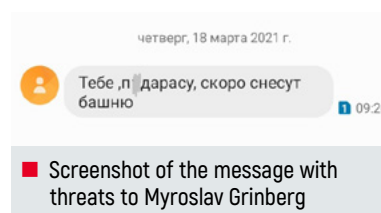
The victim refuses to contact human rights activists and journalists.

The “No to sand trucks» campaign has been going on in Sorokivka since January this year. During this time, the participants were threatened, and on February 5, unknown individuals threw a grenade at the house of Natalia Shybayeva and her husband Mykhailo Zubkov.

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

### #discrediting

- On **March 17, 2021**, a researcher and public activist **Myroslav Grinberg** began receiving threats of physical violence over the phone and messengers, as well as insulting messages about his nationality, after the publication of his article on the symbols of the far right.



■ Screenshot of the message with threats to Myroslav Grinberg

According to Grinberg, he received a phone call and the interlocutor asked how Grinberg “*feels when helping Muscovites*.” There were also several calls from unknown phones, but they hung up without saying a word. The activist was forced to block his phone for calls from unknown numbers.

In addition, the Facebook page “Avangard Cultural Union” published a post<sup>115</sup> in which, without providing any evidence, the opinion is expressed that Grinberg is a pedophile. According to the activist, the authors of the post are trying to harm his educational activities, because he works with children.

The attack on Myroslav Grinberg began after he published “Symbols of Hate” on the Reporting radicalism website.<sup>116</sup> In addition to the swastika, separate runes and some other symbols of Nazi Germany, the logos of modern Azov regiments, paramilitary associations “National Squads”, the group “Tradition and Order” and others were also mentioned.

The post of the page “Avangard Cultural Union” explicitly states that the reason for the post is the authorship of the mentioned article about symbols.

<sup>114</sup> Police establish the circumstances of the incident that took place in the village of Vilkhivka, Kharkiv district / Police Department in Kharkiv region, March 16, 2021: <https://hk.npu.gov.ua/news/tilesni-ushkodzhennya/policziya-vstanovlyuje-obstavini-podiji-yaka-stalasya-v-seli-vilxivka-xarkivskogo-rajonu/>

<sup>115</sup> Avangarde cultural union. Facebook page, March 17, 2021: [https://www.facebook.com/permalink.php?story\\_fbid=267216051556613&id=100779498200270](https://www.facebook.com/permalink.php?story_fbid=267216051556613&id=100779498200270)

<sup>116</sup> Symbols of Hate / Reporting radicalism, initiative website: <https://reportingradicalism.org/ua/symvoly-nenavysti>



Myroslav Grinberg is a psychologist, a co-founder and a chairman of the Kyiv educational center “Space of Tolerance”, a methodologist and an educator of children’s camps “Sources of Tolerance” (2002-2016), “European Camp” (2015-2016), “Sources of Tolerance-Caucasus” 2012), “Building bridges, not walls” (since 2014). He taught the course “Tolerance and Non-Discrimination” for the National Police of Ukraine.

## #destruction\_or\_damage\_to\_property

- On **March 17, 2021**, at about half past one in the morning, two unknown individuals poured incendiary mixture and set fire to the fence of a house in **Slovyansk**, Donetsk region, where public activist and blogger **Artem Sotsenko** lives.

The incident was recorded on video from surveillance cameras installed on the house.<sup>117</sup> Video shows two men (one in a black jacket, the other in a white jacket, faces closed) setting fire to the fence and then throwing something into the house, herewith one of them got gloves or a jacket sleeve on fire due to carelessness. After that, the attackers fled.

There are no victims in the house, the building itself also survived. But, according to Sotsenko, the noise woke up and frightened his children. That same night, the activist and his colleagues drove around the city, hoping to find the attackers on unique characteristics, but did not find them. Sotsenko suggests that the arsonists are not local, since the way they behaved and where they fled probably indicates that they were poorly oriented in the area.

The victim connects the incident with his public activities, because, as he claims, he has no domestic conflicts with anyone. According to Sotsenko, on the eve of the incident he had a conflict with two patrol police officers from Kramatorsk and Slovyansk (they issue orders with large fines to drivers, and activists challenge them as illegal). There was a verbal altercation, but the victim expressed doubts that this could lead to arson.

Sotsenko filed a police report on the day of the incident. On March 17 he was told that proceedings had begun, but the report was not issued as of the evening of March 18 due to the information about the mining of the police station that day. Meanwhile, on March 18, on the website the police reported that began proceedings under Art. 194 of the Criminal Code of Ukraine (intentional destruction or damage to property).<sup>118</sup>

Artem Sotsenko is an activist of the Slavyansk-Kramatorsk Public Control initiative and a journalist. He mainly monitors the activities of the local police and publishes on a YouTube blog (there are materials about fines for violating traffic rules, which activists consider illegal, stories about construction, about the course of certain court hearings, there is a story about the applicant’s non-admission to the court due to quarantine).

Slovyansk-Kramatorsk Public Control operates as a community of like-minded people, not registered as a non-governmental organization. Feedback and appeals from citizens are received through the telegram channel, videos are published on the YouTube channel.

<sup>117</sup> KDS. YouTube channel, March 17, 2021: <https://www.youtube.com/watch?v=3vAQEYhlyslJ>

<sup>118</sup> Police of Slovyansk identify persons who set fire to the fence near the house of a journalist / Donetsk Police Department, March 18, 2021: <https://dn.npu.gov.ua/news/Informacziya/slovyanski-policejski-vstanovlyuyut-osib-yaki-pidpalili-parkan-bilya-budinku-zhurnalista/>

## #illegal\_detention\_or\_search

- On **March 19, 2021**, at about 7 a.m. in Kyiv, representatives of the Department of Internal Security of the National Police searched the home of left-wing activist **Serhii Ruban** and his wife, blogger **Iryna Lvova**.

According to Ruban, they were not shown the court ruling on such an investigative action, referring to Article 233 of the Criminal Procedure Code of Ukraine (which actually regulates the admissibility of breaking into a house to save people or pursue a criminal). After a search that lasted until 15:00, law enforcement officers drew up a report. Equipment (mobile phones, etc.), some items owned by the activist's relatives, as well as a collection of Ruban's stickers with anarchist symbols were confiscated.

Both were handed summonses for interrogation as witnesses in the case of an allegedly false report about the mining of the Pechersk regional police department of Kyiv, which was received the day before the described events (ZMINA did not find information about this incident in open sources).

However, during the interrogation of Serhii Ruban and Iryna Lvova, they asked about the reported mining only in briefly (according to Ruban, he was asked where he was at that time, and he answered that he was at work), and instead asked about his friend Oleksiy Bolenkov (Max Bilorus), who is not involved in this case and with whom the police have not yet contacted. According to Ruban, the police insisted on talking to him and his wife alone (without a lawyer), and when they refused, they were handed another summons for questioning as witnesses, but in another case on other days (this interrogation did not happen at all).

Because of all these events, activists see their involvement in a number of proceedings as pressure through their public activities and intend to appeal to the State Bureau of Investigation, and Bolenkov, as a citizen of Belarus, is concerned that he may be deported back to the country from which he left because of pressure on him due to his activism and political beliefs.

Max Bilorus, a Belarusian anarchist and anti-fascist, who moved to Ukraine during the Maidan events and took part in protests (particularly when students occupied the Ministry of Education). He says that for some time he had something to do with Revdia, but because of ideological contradictions he stopped communicating with them. He heads the LaRevolte cooperative,<sup>119</sup> which is positioned as an experiment in creating an ethical clothing brand.

He says that he took part in a rally near the Turkish embassy, some of whose participants later claimed to be under surveillance by the police and hacking of telegram accounts;<sup>120</sup> actions of KyivPride (together with Ruban) near the Cabinet of Ministers against police arbitrariness,<sup>121</sup> where they were accidentally detained together with young men who came to disrupt the action (as they were told by the police, because of their suspicious appearance, but then they were not charged, only recorded and released).

Serhii Ruban is an anarchist and anti-fascist (says he participates in rallies but does not consider himself a very active figure), is also related to LaRevolte.

Iryna Lvova positions herself as a blogger who promotes feminism and body positivity.

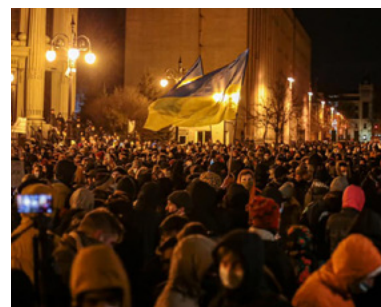
<sup>119</sup> La Révolte. Telegram channel, June 7, 2019: <https://telegra.ph/Krushii---Sozidaj-06-07?fbclid=IwAR3kIHwUfy0s1VR6Thc7X6Ao226p7mp-ustugqIBFaNVf2yuambyu8AM>

<sup>120</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchik, L. Yankina; ZMINA Human Rights Center. - Kyiv, 2020. – p. 75

<sup>121</sup> Young men with knives who wanted to disrupt the action of human rights activists against police arbitrariness were detained / ZMINA, June 5, 2020: <https://zmina.info/news/molodykiv-z-nozhamy-yaki-hotily-zirvaty-akcziyu-pravozahysnykiv-proti-policejskogo-svavillya-zatrymaly/>

## #legal\_persecution

- On the evening of **March 20, 2021**, in Kyiv, near the Office of the President of Ukraine, an action “Can’t you hear? You will see!” took place, the organizers and participants of which demanded the release of public activist Serhii Sternenko and the reform of the judicial system. After the action, seven people were declared suspected of group hooliganism and property damage, and four more were charged with an administrative offense. Human rights activists, meanwhile, have reason to believe that the persecution of at least some of them, including **Roman Ratushny**, an activist for the Protect Protasiv Yar initiative, is excessive and calls into question the adequacy of the evidence base.



■ Action “Can’t you hear? You will see!” on Bankova (Photo: Stas Yurchenko, Graty)

According to the OZON public observation group, 700-900 people took part in the action.<sup>122</sup> In general, human rights activists in the report assess the meeting as peaceful. This was stated by the organizers in the announcement, at the beginning of the rally and in comments to journalists, however there was stated that among the protesters was a group of people who lit flares and firecrackers, showered the walls of the President’s Office and pavement with paint, painted walls and some windows of the building with graffiti, set fire to the door to the building, smashed a glass on it and threw flare inside, as well as directed fire with the help of sprays on the sign “President of Ukraine”.

In addition, some photos and videos from the scene show signs of fire on the upper floors of the building, where flares were also thrown.<sup>123</sup> Someone painted a swastika on the wall of the President’s Office. As established by OZON observers and later confirmed by the National Police, this happened after the official end of the rally, between nine and half past nine in the evening.



■ View of the facade of the President’s Office after the action (Photo: Stas Yurchenko, Graty)

On March 30, during an extraordinary sitting of the Verkhovna Rada, at which deputies condemned the above mentioned events,<sup>124</sup> the National Police Chief Ihor Klymenko announced that the suspicions had been handed over to seven people. According to ZMINA, these are Vladislav Granetsky-Stafiychuk (pseudonym Vlad Sord, his membership in public associations is unknown), Serhii Filimonov (“Honor”), Oleksiy Bilkovsky (“Honor”), Yevhen Stokan (“Unknown Patriot”), David Gadzhimuradov (“Honor”), Roman Ratushny (“Protect Protasiv Yar”) and Artem Lisovets (“Unknown Patriot”).

They are charged under Part 4 of Art. 296 of the Criminal Code of Ukraine (Hooliganism committed with the use of firearms or cold steel or other object, specially adapted or prepared in advance for infliction of bodily harm) and Part 2. Art. 194 (Damage to property by arson, explosion or other generally dangerous means, which either caused property damage on a particularly large scale, or caused death or other serious consequences), some are charged under both articles, some under one of the two.

<sup>122</sup> Events on March 20, 2021 near the Office of the President. Report on the results of public monitoring by OZON monitors: [http://ozon-monitoring.org.ua/sternenko20032021?fbclid=IwAR3WjauCx\\_M6hlUdwsYLPvjSvV2z9ngaPCaRFB8o0DEvk6qNXzN4BV\\_KHEK](http://ozon-monitoring.org.ua/sternenko20032021?fbclid=IwAR3WjauCx_M6hlUdwsYLPvjSvV2z9ngaPCaRFB8o0DEvk6qNXzN4BV_KHEK)

<sup>123</sup> Oleksandra Matviychuk. Personal Facebook page, March 20, 2021: <https://www.facebook.com/oleksandra.matviychuk/posts/10157942317462304>

<sup>124</sup> Draft Resolution on condemnation of the events that took place on March 20, 2021 near the Office of the President of Ukraine / Verkhovna Rada, March 22, 2021: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=71501](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=71501)

All were ordered a preventive measure in the form of round-the-clock house arrest.

At the same time, there is currently no understanding of what, from the point of view of law enforcement agencies, is the difference between the actions of those who were notified of suspicion of criminal proceedings, and those who were charged with administrative offenses.

It should be noted that no reports of bodily injuries to anyone, in particular law enforcement officials, were made during the March 20 rally.

On March 29, ZMINA, along with 14 other human rights organizations, issued a statement in support of Roman Ratushny, an activist of “Protect Protasiv Yar”, who is charged under both articles, based on police testimony and screenshots of a video taken in the dark, which makes it objectively difficult to distinguish anything and to recognize anyone.<sup>125</sup>

Ratushny himself confirms that he took part in the rally, but denies his involvement in the actions incriminated to him. Among other things, the activist notes that one of the police witnesses described seeing a man in a black jacket with a hood, while he stated that he was in a dark jacket without a hood (in the video from the broadcast of the “Resistance to Surrender” made at the Pechersk regional department, where one of the detainees, Vladislav Granetsky-Stafiychuk, was brought, you can see a man who looks like Roman Ratushny in a green jacket without a hood. The latter confirms that he is in the video).<sup>126</sup>

Action “Can’t you hear? You will see!” took place under the walls of the President’s Office for the birthday of Serhii Sternenko, who was under arrest in a pre-trial detention center at the time of the action. We recall that on February 23, the Primorsky district court found Sergey Sternenko and Ruslan Demchuk guilty in case of abduction in 2015 of the deputy of the Kominternivsk regional council of the Odesa region Sergey Shcherbych. They were sentenced to seven years and three months in prison with confiscation of half of their property. At the time of the publication of this monitoring report, the appeal against this sentence is being considered.

After Sternenko’s sentence was announced, rallies of those dissatisfied with the persecution of the activist took place in a number of cities, in particular in Kyiv (the above mentioned rally at the the OP is already the third) and Odesa. Protesters, among other things, demand the completion of judicial reform in Ukraine, as they assume that the sentence is politically motivated.

Roman Ratushny heads the public initiative “Protect Protasiv Yar”, which protested against the construction of three high-rise buildings by Daytona Group in the park area of Kyiv and managed to stop construction work. At the end of September 2019, Ratushny stated that he was forced to hide because of threats, did not use a mobile phone and did not live at home because he had information that the house was being watched. According to the activist, a month earlier he was verbally threatened by Deputy Head of the President’s Office Andrii Smyrnov. Also and in comments to a Facebook post, user Gennady Korban wrote to Roman Ratushny a proposal to “go to the front line with his friend Rudyk” (it is about the disappearance in 2014 of the then head of the State Land Agency Serhii Rudyk, who later accused Gennady Korban of this).

Korban, in his turn, denied in a comment to “Rukh Chesno” that it was his account. As for Andrii Smyrnov, he said in a comment to Radio Svoboda that he had talked to Ratushny as a lawyer of the developer and aimed at resolving the conflict.<sup>127</sup>

<sup>125</sup> Public demands to stop the pressure and unjustified persecution of the activist Roman Ratushny / ZMINA, March 29, 2021: <https://zmina.ua/statements/gromadskist-vymagaye-prypnyty-tysk-i-nevmotyovane-peresliduvannya-aktyvista-romana-ratushnogo/>

<sup>126</sup> Resistance to surrender. Facebook page, recording of the broadcast: [https://www.facebook.com/watch/live/?v=1090524084775669&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=1090524084775669&ref=watch_permalink)

<sup>127</sup> The Deputy Head of the President’s Office commented on the audio recording of the conversation with the activist, due to which he is hiding / Radio Svoboda, December 4, 2019: <https://www.radiosvoboda.org/a/news-smynov-ratushnyi-zabudova-protasiv-yar/30307249.html>

At the same time, there are still hearings in the courthouses of various instances concerning Protasiv Yar, in which Roman Ratushny participates as an applicant.<sup>128</sup>

The lawsuit against him and, in particular, his house arrest make it impossible to participate in other hearings, which significantly hinders the activist in his activities to protect the green zone.

## #physical\_attack

- Late in the evening of **March 20, 2021**, the National Police and the National Guard pushed back protesters gathered near the Pechersk District Department of Kyiv in support of Vladyslav Hrenetsky-Stafiyshuk (pseudonym Vlad Sord) detained at Bankova Street and beat some of them. No one was detained and no reports were drawn up.

The video posted on the Self-Defense telegram channel<sup>129</sup> shows that when the National Guard column (in yellow) arrived, the protesters started shouting “Hey, come on, get out of here”, and the police (in black) started push back the protesters. Then a moment appears in the video, where it is seen that people in dark uniforms (the inscription on the back reflects light, so it is probably the police) kick the lying man.

**Kyrylo Negaturov** from Odesa confirmed that it was him on video, and reported that he was knocked to the ground and beaten. However, he was not detained and the report was not drawn up. According to Negaturov, the protesters began to gather at the entrance when they were told that a lawyer was not allowed inside to the detainee. Protesters themselves did not try to break in, but “just stood.” According to Negaturov, there were at least two other victims besides him to whom gas sprays were used (these people did not contact ZMINA Human Rights Center).

Returning to Odesa, Negaturov went to the doctor to record the beatings (bruises on his back and legs) and plans to file a report of the incident with the State Bureau of Investigation.

Activists began gathering near the Pechersk Regional Department on March 20, when they learned of the detention of Vladyslav Hranetsky-Stafiyshuk (a writer and publisher known by the pseudonym Vlad Sord, a participant in hostilities under the call sign “Snake”), whom the police reported suspicion of hooliganism because of the broken glass in the door of the President’s Office.

## #discrediting

- On **March 21, 2021**, a number of publications and telegram channels reported that **Roman Ratushny**, a representative of the “Protect Protasiv Yar” initiative, allegedly painted a swastika on the wall of the President’s Office during the rally in support of Serhii Sternenko on March 20. Evidence (video or photo of how he was doing it) is not given. “Strana.UA” is indicated as the source, but the material published there<sup>130</sup> does not write about the swastika, so this emphasis is done in the reprint on purpose.

<sup>128</sup> The court invalidated the sublease agreement for the plot in Protasiv Yar / ZMINA, March 25, 2021: <https://zmina.info/news/sud-vyznav-nedijnsnym-dogovir-suborendy-dilyanky-korbana-u-protasovomu-yaru/>

<sup>129</sup> Self-defense. Telegram channel, March 21, 2021: [https://t.me/selfdefense\\_sternenko/76](https://t.me/selfdefense_sternenko/76)

<sup>130</sup> Son of Perun and ex-candidate for People’s Deputies from the “Voice”. It became known who coordinated the pogrom of the Office of the President / Country UA, March 21, 2021: <https://strana.ua/news/323906-filimonov-kravchenko-ratushnyj-vihovskij-radikaly-atakavavshie-ofis-prezidenta-20-marta-.html>

Probably, they refer to the anonymous telegram channel “Sheptun”,<sup>131</sup> which accuses Ratushny without any evidence, but also allegedly refers to “Strana.UA”.

In all the mentioned materials, Ratushny is called the organizer of the action together with Mykola Vyhovsky (Rukh Chesno), Nazariy Kravchenko (Proof of Evidence, Honor) and Serhii Filimonov (Honor).<sup>132</sup> In one of the materials<sup>133</sup> he is also called the Kyiv mayor’s adviser, which does not correspond to reality.

According to the OZON observation group, the inscription appeared between 21:00 and 21:38, after the organizers announced the end of the action. The head of the Center for Civil Liberties, Oleksandra Matviychuk, made a statement about the provocation<sup>134</sup> (although, given that the protesters were still there at the time, it could have been someone’s private initiative).

Later, on March 29, Vesti published an article entitled “The media associate Ratushny and Filimonov with neo-Nazis from the Russian Federation”.<sup>135</sup> where, This article, without citing a source which allegedly established such a connection, unprovenly states that the activities of Roman Ratushny and Serhii Filimonov are financed by the leader of the far-right group “Wotanyugend”, Oleksiy Levkin.

The text refers to the Bellingcat investigation,<sup>136</sup> which points to Levkin’s connection to the Azov Regiment, in which Filimonov served. However, his name is not mentioned in this regard. Moreover, the name of Roman Ratushny, who has nothing to do with the Azov Regiment, the army or right-wing movements, is in no way mentioned.

On March 30, without reference to Vesti, the text was almost literally republished by “Bagnet”<sup>137</sup> under the headline “*Russian neo-Nazis from Wotanyugend finance Ratushny and Filimonov.*” There is a link to the web-site from-ua.com, but this link does not open.

On March 31, this text was republished again, on the telegram channel “Ukraine Now”<sup>138</sup> with reference to “Bagnet”.

Roman Ratushny heads the public initiative “Protect Protasiv Yar”, which protested against the construction of three high-rise buildings by Daytona Group in the park area of Kyiv and managed to stop construction work. In 2020, he ran for the Kyiv City Council from the Udar party, but did not pass. As of 2021, he continues his public activities in defense of the green zone, as well as as a citizen participates in protests of various directions.

<sup>131</sup> Sheptun. Telegram channel, March 22, 2021: <https://t.me/sheptoon/10453>

<sup>132</sup> It became known who painted the swastika on the walls of the President’s Office (Photo) / Dnieper Panorama, March 22, 2021: [https://dnpr.com.ua/post/stalo-izvestno-kto-narisoval-svastiku-na-stenakh-ofisa-prezidenta-foto?fbclid=IwAR2Lm8frNtTTGIJ3\\_ZXH-RLXizCH6qgYI3RiP4AW306MHHnn94qwANqLE8w](https://dnpr.com.ua/post/stalo-izvestno-kto-narisoval-svastiku-na-stenakh-ofisa-prezidenta-foto?fbclid=IwAR2Lm8frNtTTGIJ3_ZXH-RLXizCH6qgYI3RiP4AW306MHHnn94qwANqLE8w)

<sup>133</sup> The pogrom of Zelensky’s office: the swastika on the walls of the OP was painted by Klitschko’s adviser Roman Ratushny / Dnipro The main thing, March 22, 2021: <https://glavnoe.dp.ua/articles/pohrom-ofysa-zelenskoho-svastyku-na-stenakh-op-rysoval-sovetnyk-klychko-roman-ratushnyi/>

<sup>134</sup> Oleksandra Matviychuk. Personal Facebook page, March 22, 2021: <https://www.facebook.com/oleksandra.matviychuk/posts/10157945117727304>

<sup>135</sup> The media associate Ratushny and Filimonov with neo-Nazis from the Russian Federation / Vesti, March 29, 2021: <https://vesti.ua/strana/smi-svyazyvayut-ratushnogo-i-filimonova-s-neonatsistami-iz-rf>

<sup>136</sup> A “tough” group of the Russian neo-Nazis settled in Ukraine / Bellingcat, October 14, 2019: <https://ru.bellingcat.com/novosti/ukraine/2019/10/14/hardcore-russian-nazis-in-kyiv/>

<sup>137</sup> RUSSIAN NEO-NAZIS FROM WOTANYUGEND FINANCING RATUSHNY AND FILIMONOV / Bagnet, March 30, 2021: <http://www.bagnet.org/news/accidents/1306839/rossiyskie-neonatsisty-iz-organizatsii-votanyugend-finansiruyut-ratushnogo-i-filimonova>

<sup>138</sup> Ukraine now. Telegram channel, March 31, 2021: [https://t.me/u\\_now/10861?fbclid=IwAR3UgM2Ee1HuZWBq4ITPHFk0o9V05WQNG\\_yBEHL9Y3VR4AsCxJPZ8uJFnk](https://t.me/u_now/10861?fbclid=IwAR3UgM2Ee1HuZWBq4ITPHFk0o9V05WQNG_yBEHL9Y3VR4AsCxJPZ8uJFnk)



## #destruction\_or\_damage\_to\_property

- On **March 28, 2021**, a fire broke out in **Kyiv** at the construction site of the “Dacha” Cancer Center, where patients could stay with their parents during rehabilitation. The walls and front doors of the building were damaged, and the windows cracked due to the high temperature.

As **Natalia Onipko**, the head of the Zaporuka charity foundation, which started the center, informed ZMINA, the fire started at half past twelve at night. One of the builders found a flame in front of the building and woke up the others (only three people were in the building at the time of the incident).

At first they tried to extinguish it on their own, but it turned out that the electricity went out and the pump did not work. Then they saw that a neighbor was watching them through the fence and eventually called the fire department.



■ Photo provided by Natalia Onipko

According to Onipko, materials used during the construction had to smolder in case of ignition, but not burn as intensely as it happened. Thus, the fire inspector unofficially told her that it was probably arson.

The Kyiv police began proceedings on March 30 under Article 2, Article 194 of the Criminal Code of Ukraine (intentional damage to property). As of the time of publication of the monitoring, no one has been declared a suspect.

According to Natalia Onipko, she herself cannot point to anyone in particular, but suggests that the arson may be related to their conflict with neighbors. They openly told her that they did not want to see children with cancer nearby.

In July 2020, one of the neighbors cut off a lock on the construction site gate with a angle grinder. At that time, activists reported to the police the damage to property, but the latter registered the report as a citizen's appeal.<sup>139</sup>

Zaporuka Charitable Foundation was founded in 2008 and works in Kyiv and Lviv, helping children with cancer. “Dach” is a home for cancer patients and their families, where they live for free and rest from exhausting treatment. Previously, the foundation rented a building for this purpose, but in 2018 began raising funds to purchase a plot and build a center that can accommodate 15 such families at a time.

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

- On **March 29, 2021**, at about 9-10 am in Rivne, unknown people called by phone to the parents of public activist **Maryna Khromykh**. First a woman who tried to give the impression that she was Maryna Khromykh cried and asked for help. After that a man, who called himself a doctor, said that Maryna is in intensive care with broken legs, and 8,000 dollars are urgently needed for her treatment.

The parents said that they did not have such funds, and then the man offered them to make a statement to the alleged “chief physician of the Medexpert clinic Borshchov Oleg Mikhailovich”

<sup>139</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchyk, L. Yankina; ZMINA Human Rights Center. -Kyiv, 2020. – p. 96

(clinics with such names are in Kyiv and Dnipro, but there is no public information about such a doctor, so it may be a fictional character). For some reason it had to be filed to the prosecutor's office of the city of Rivne. They began to make this "statement" together, and in the process of writing the "letterhead" of the document, the perpetrator said that the address of parents should be indicated. The parents said that they would fill it out themselves, but the man insisted, and when he was refused again, he hung up.

The call in question came to a landline phone, and then these people asked to call them back on their cell phones, which the parents did. As Maryna Khromykh explains, she had the impression that the perpetrators knew that her parents had gone to Rivne, because most of the time they were in another city and did not inform anyone but her about the plans for the trip. She can't say if the perpetrators called her name (parents don't remember), but the perpetrators understood exactly that the people they were talking to had a daughter.

According to the activist, in this way someone unknown is trying to put pressure on her, to show that her relatives can be reached. According to Khromykh, as one of the founders and active participants of the initiative "Who ordered Katya Handziuk?" and a representative of the UHHRU, she has repeatedly received threats and various "warnings", especially on the eve of the protests, but lately she received nothing. Thus, she suggests that those who threatened her decided to change tactics.

Maryna Khromykh draws attention to the fact that the perpetrator did not try to persuade his parents to find money or transfer a smaller amount of money, but wanted to hear from them information about their whereabouts.

Maryna Khromykh is the communication and advocacy manager of the Ukrainian Helsinki Human Rights Union, co-founder of the initiative "Who ordered Katya Handziuk?" She is actively involved in the campaign for a fair trial for Serhii Sternenko.





## Ситуація із законопроектами, внесеними на розгляд парламенту у 2020 році

Упродовж 2020 року у Верховній Раді України було зареєстровано 13 законопроектів, що є загрозою для громадянського суспільства, порушують Конституцію й міжнародні зобов'язання України у сфері прав людини, спрямовані на непропорційне обмеження свободи асоціації і мирних зібрань, дискримінацію окремих категорій активістів чи підтримку гомофобних ідей. Зокрема, йдеться про наступні законопроекти: №№3059, 3059-1, 3059-2, 3059-3, 3193-1, 3291, 3326, 3564, 3572, 3916, 3917, 3936 і 4375, внесені народними депутатами від трьох політичних фракцій: «Слуга народу», «Опозиційна платформа – За життя», ВО «Батьківщина», а також Кабінетом Міністрів України.

Низка положень цих законопроектів є дискримінаційними стосовно громадських організацій та активістів і несуть ризики для вільного розвитку громадянського суспільства в Україні, оскільки прирівнюють адвокаційну діяльність ОГС до комерційного лобізму, передбачають люстрацію вихідців із громадського сектору або введення поняття «іноземних агентів», забороняють громадським активістам проводити акції протесту в безпосередній близькості до судів, заповоджують «перевірки на поліграфі» для громадських активістів, які бажають працювати в державних органах чи на підприємствах, афілійованих із державою, перед-

бачають надмірну й невинуватну фінансову звітність для громадських організацій з іноземним фінансуванням, вилучають термін «гендер» із законодавства й забороняють «пропаганду трансгендеризму й гомосексуалізму», надають можливість поліції застосовувати електрощокери під час адміністративного затримання учасників мирних зібрань тощо.

## Законопроект про заборону «пропаганди гомосексуалізму чи трансгендеризму»

2 лютого 2021 року був знятий з розгляду ВР проєкт закону про внесення змін до Кодексу України про адміністративні правопорушення щодо пропаганди гомосексуалізму та трансгендеризму (№3917 від 22.07.2020). Автори — Георгій Мазураш, Олена Лис, члени депутатської фракції політичної партії «Слуга народу».

Він пропонував внести зміни до Кодексу України про адміністративні правопорушення, установивши статтю 180.2 новий склад адміністративного правопорушення «Пропаганда гомосексуалізму або трансгендеризму, що може негативно вплинути на фізичне чи психічне здоров'я, моральний чи духовний стан та розвиток людини» із накладенням штрафу у розмірі до восьми тисяч неоподатковуваних мінімумів доходів громадян.

У разі ухвалення подібна ініціатива стала б суттєвим викликом для роботи правозахисних організацій в Україні, зокрема тих, які працюють над захистом прав ЛГБТК-спільноти та утвердженням гендерної рівності.

## ЗАКОНОПРОЄКТ ПРО КРИМІНАЛІЗАЦІЮ «РУЙНУВАННЯ СІМ'Ї»

Також ще в минулому році, 1 вересня 2020 року, було знято з розгляду ВР проєкт закону про внесення змін до Кримінального кодексу України (щодо встановлення кримінальної відповідальності за публічні заклики та / або пропаганду відмови від традиційної сім'ї) (№316-1 від 24.04.2020). Автор — Олег Волошин, член депутатської фракції політичної партії «Опозиційна платформа – За життя».

Фактично документ копіював зареєстрований у грудні 2019 року проєкт закону №331-6 щодо криміналізації злочинів ненависті за ознакою сексуальної орієнтації чи гендерної ідентичності (СОГІ), що є несприятливим для громадянського суспільства. Цей законопроект уніфікував законодавство, який передбачав кримінальну відповідальність за публічні заклики та / або пропаганду відмови від традиційної сім'ї у сфері сексуальної орієнтації чи гендерної ідентичності. Цей законопроект уніфікував законодавство, який передбачав кримінальну відповідальність за публічні заклики та / або пропаганду відмови від традиційної сім'ї у сфері сексуальної орієнтації чи гендерної ідентичності.

Цей законопроект уніфікував законодавство, який передбачав кримінальну відповідальність за публічні заклики та / або пропаганду відмови від традиційної сім'ї у сфері сексуальної орієнтації чи гендерної ідентичності.

# Activism 2021:

## A MONITORING REPORT ON THE PERSECUTION OF ACTIVISTS AND HUMAN RIGHTS DEFENDERS

JANUARY-MARCH 2021