

# ЗАКОН УКРАЇНИ Про державну реєстрацію суб'єктів лобіювання та здійснення лобіювання в Україні

## СТАТТЯ 1. ВИЗНАЧЕННЯ ОСНОВНИХ ТЕРМІНІВ

1. У цьому Законі терміни вживаються в такому значенні:
- 1) договір про надання послуг з лобіювання – письмова угода, що вчиняється між суб'єктом лобіювання (виконавцем) і клієнтом (замовником) послуг з лобіювання з метою здійснення лобістського впливу на охоплені особи від імені клієнта;
  - 2) замовник послуг з лобіювання (клієнт) – фізична або юридична особа (їх об'єднання), іноземець, іноземна юридична особа (їх об'єднання), іноземна держава (їх об'єднання), яка наймає за грошову винагороду іншу юридичну чи фізичну особу відповідно до умов укладеного договору про надання послуг з лобіювання та від її імені, буде займатися лобістською діяльністю;
  - 3) лобіювання (лобістська діяльність) – діяльність фізичної або юридичної особи, яка з моменту державної реєстрації відповідно до умов укладеного договору про надання послуг з лобіювання, спрямована на виконання умов договору, а також підготовка, планування, координація, дослідження, інша допоміжна робота, які в момент їх здійснення виконуються на виконання умов договору про надання послуг з лобіювання;
  - 4) об'єкт лобіювання (охоплені особи) – особи, визначені у цьому Законі, на яких суб'єкт лобіювання з метою впливу на виконання умов договору про надання послуг з лобіювання має право здійснювати законний інформаційний вплив в порядку, визначеному цим Законом;
  - 5) предмет лобіювання – усне чи письмове повідомлення охопленої особи, адресоване від імені та в інтересах клієнта з метою впливу на виконання умов договору про надання послуг з лобіювання з метою вжиття заходів, прийняття рішень, в межах своїх повноважень на користь клієнта охопленою особою;
  - 6) суб'єкт лобіювання – будь-яка фізична або юридична особа, а також особа, що здійснює лобіювання від імені такої особи та яка відповідає вимогам, визначеним цим Законом, зареєстрована у встановленому законодавством порядку і інформація про яку відповідала вимогам, визначеним цим Законом, зареєстрована у встановленому законодавством порядку і інформація про яку відповідала вимогам, визначеним цим Законом.



## ЗАКОН УКРАЇНИ Про внесення змін до Закону України «Про очищення влади» (щодо недопущення зовнішнього впливу на інтереси держави)

9. Заборона, передбачена частиною третьою статті 1 цього Закону, застосовується до осіб, які займають чи впродовж останніх 10 років перед днем призначення (обрання) на посаду, щодо якої здійснюються заходи з очищення влади (люстрації), займали посаду керівника, входили до складу органу управління або були членами громадського об'єднання, іншого невідприємницького товариства, яке безпосередньо або через будь-яких третіх осіб отримувало кошти, майно, послуги від іноземних держав, органів влади чи посадових осіб іноземних держав, міжнародних неурядових організацій чи неурядових організацій іноземних держав або від іноземних юридичних осіб, іноземних громадян, осіб без громадянства чи уповноважених ними осіб, або з будь-якого іншого джерела фінансування, розташованого за межами України.

Зазначена заборона поширюється також на осіб, які систематично (більше трьох разів на рік) у період останніх 10 років перед днем призначення (обрання) на посаду, щодо якої здійснюються заходи з очищення влади (люстрації), виконували роботи, надавали послуги чи будь-яким іншим чином залучалися до діяльності відповідного громадського об'єднання, іншого невідприємницького товариства, якщо вони знали або повинні були і могли знати, що оплата їх робіт, послуг чи іншої участі здійснюється за рахунок коштів чи майна, яке відповідає зазначеним у цій частині статті ознакам щодо його отримання з джерела фінансування, розташованого за межами України.

У зв'язку з цим частини дев'яту, десяту вважати відповідно частинами десятою, одинадцятою.

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

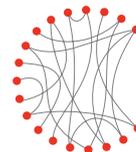
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Activism 2021: A Monitoring Report on Persecution of Activists and Human Rights Defenders in the Government-Controlled Territory of Ukraine (April–June 2021) / O. Vynohradova, A. Moskvychova, T. Pechonchyk, L. Yankina. – Kyiv: ZMINA, 2021. – 44 p.

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

We are sincerely grateful to Yelyzaveta Sokurenko, a journalist for the ZMINA publication, for her help with 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.

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

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

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

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**Contacts for comments and suggestions**

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

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# INTRODUCTION

The team of ZMINA Human Rights Centre is glad to present the monitoring report on the pressure on and persecution of activists in the second quarter of 2021, prepared as a part of the Increasing the Role and Protection of Human Rights Defenders in Ukraine project. The project is implemented by ZMINA in partnership with the Netherlands Helsinki Committee and with financial support by the European Union.

The purpose of this report is to assess the situation with the threats to the freedom of assembly and association in Ukraine, cases of persecution of and pressure on civil activists in the government-controlled territories of Ukraine that took place in April-June 2021, and the newly discovered circumstances in the cases related to similar incidents in the previous periods.

The general methodology of the monitoring is based on the developments in monitoring and documentation adopted by the Coalition for Protecting Civil Society,<sup>1</sup> as well as on the updated methodology for monitoring and analysis used in composing the analytical report on *The Situation of Human Rights Defenders and Civil Activists in Ukraine in 2020*.<sup>2</sup>

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

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

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

<sup>1</sup> Documenting Methodology of the Coalition for Protecting Civil Society / The Coalition's website, November 20, 2018: <http://cs-coalition.org/ua/dokumenty/metodolohiia-dokumentuvannia>

<sup>2</sup> The Situation of Human Rights Defenders and Civil Activists in Ukraine in 2020: Analytical Report / O. Vynohradova, A. Moskvychova, T. Pechonchuk, L. Yankina; ZMINA Human Rights Centre. – Kyiv, 2020. – 144 p.: <https://zmina.ua/publication/stanovyshhe-pravozahysnykiv-ta-gromadskyyh-aktyvistiv-v-ukrayini-u-2019-roczy-analitychna-dopovid/>

# SITUATION AND TRENDS: April–June 2021

## THE SITUATION WITH THE PERSECUTION OF HUMAN RIGHTS DEFENDERS AND CIVIL ACTIVISTS IN THE GOVERNMENT-CONTROLLED TERRITORY OF UKRAINE IN THE SECOND QUARTER OF 2021

In the second quarter of 2021, ZMINA recorded 21 new cases of persecution for civil activism in the government-controlled territory of Ukraine: 6 in April, 9 in May and another 6 in June.

### ■ DISTRIBUTION IN TIME



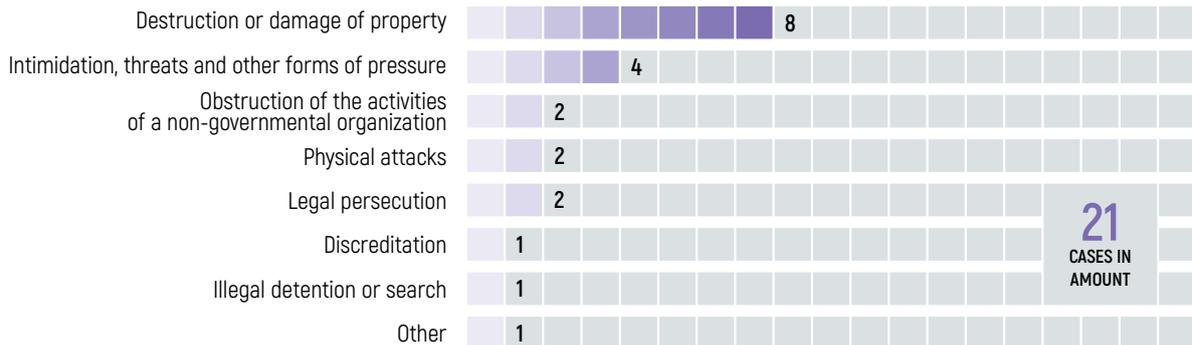
This time, two regions demonstrate the highest number of incidents simultaneously: the city of Kyiv (6) and Odesa Region (5). The second place belongs to Luhansk Region (3), with all the recorded cases happening in the city of Rubizhne. In addition, Kyiv Region, Mykolayiv Region, Cherkasy Region, Lviv Region, Ternopil Region, Kharkiv Region and Dnipropetrovsk Region had one case of persecution each.

### ■ DISTRIBUTION BY TERRITORY



The highest number of incidents involved destruction or damage of the property of activists or non-governmental organizations (9), and in some of the cases there was a series of attacks. In addition, four incidents involved attempts to intimidate civil activists. Two cases included physical attacks, another two concerned obstruction of the activities of non-governmental organizations by attempting to disrupt events or physically preventing individual members of organizations from conducting their work. In addition, two incidents had signs of unlawful legal persecution, one had signs of illegal detention, and one had features of discreditation.

#### ■ DISTRIBUTION BY TYPE OF PERSECUTION

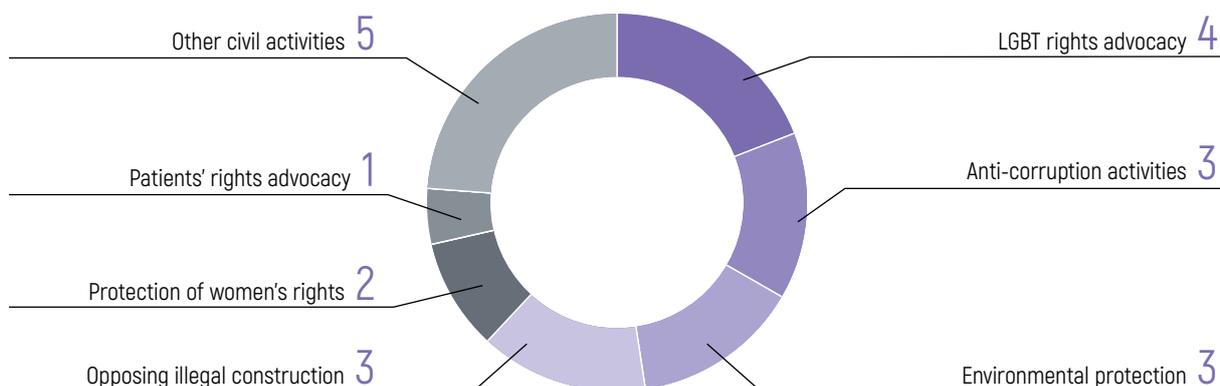


In addition, ZMINA recorded an attempt by the Security Service of Ukraine to deport the civil activist Aleksey Bolenkov, a citizen of Belarus who has lived in Kyiv for several years (*see the Description of Incidents chapter*). The SSU considers him to be a threat to national security due to his anarchist views (while anarchism is not a banned ideology in Ukraine) and his participation in peaceful gatherings, particularly against police abuses and violence. Bolenkov has tried to challenge the SSU's decision in court, but to no avail, so the case is currently undergoing the appeal proceedings.

Some cases several types of persecution at the same time. In these cases, we focused on the most relevant one, in our opinion, for the sake of convenience of our calculations.

In the second quarter of 2021, LGBT activists were the most likely to face repression and persecution (4), while the second place among the most risky kinds of civil activism which can be identified unambiguously belonged to three types of activities simultaneously: opposing corruption (3), opposing illegal construction (3) and environmental protection (3). Two other cases concerned women's rights advocacy, and another one involved defending the rights of patients.

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



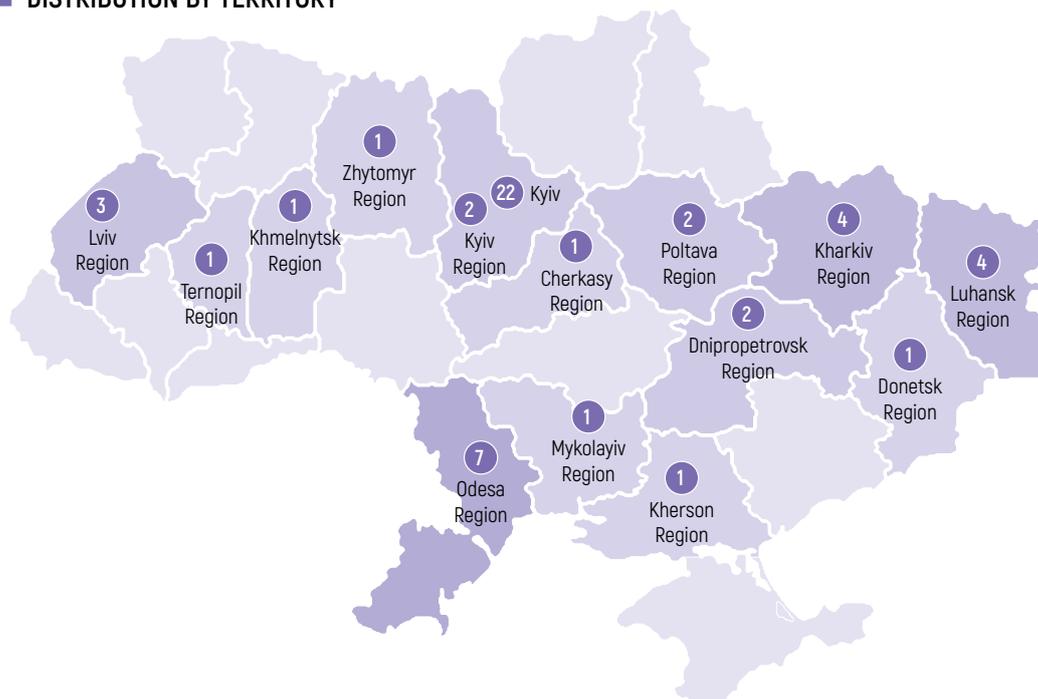
In april 2021, the Digital Security Lab NGO also recorded 9 cases of attacks on civil activists and journalists on the internet. In particular, these included 4 mass phishing attacks, 1 password reset, 2 cases of blocking Facebook accounts, and 1 successful hacking of a Microsoft account. In addition, in April, there was an SMS spam incident with threats and attempts to hack the accounts of the Ukrainian journalist and media coach Olena Dub after doxxing (the publication of her personal information) on a Russian Telegram channel. In May, the Digital Security Lab recorded a targeted attack on a non-governmental organization which received emails with viruses. Two other attacks of this kind were recorded in June. In addition, according to the organization's information, in June, there was a mass phishing attack and a major DDoS attack of the website of the *Chetverta Vlada (Fourth Power)* media, a Facebook account hacking, and a website hacking (6 incidents in total).

## THE SITUATION WITH THE PERSECUTION OF HUMAN RIGHTS DEFENDERS AND CIVIL ACTIVISTS IN THE GOVERNMENT-CONTROLLED TERRITORY OF UKRAINE IN THE FIRST HALF OF 2021

In total, ZMINA recorded 53 incidents or persecution for civil activism in the government-controlled territory of Ukraine in the first six months of 2021. This number is slightly higher than in the same period last year (50 incidents were recorded in the first half of 2020), which means that we can speak about a minor increase in the level of aggression against human rights defenders and anti-corruption activists in Ukraine.

In general, cases of persecution were recorded in 14 regions. The highest number of them took place in Kyiv (22), the second place belongs to Odesa Region (7), the third belongs to Luhansk and Kharkiv Regions (3 each).

### ■ DISTRIBUTION BY TERRITORY



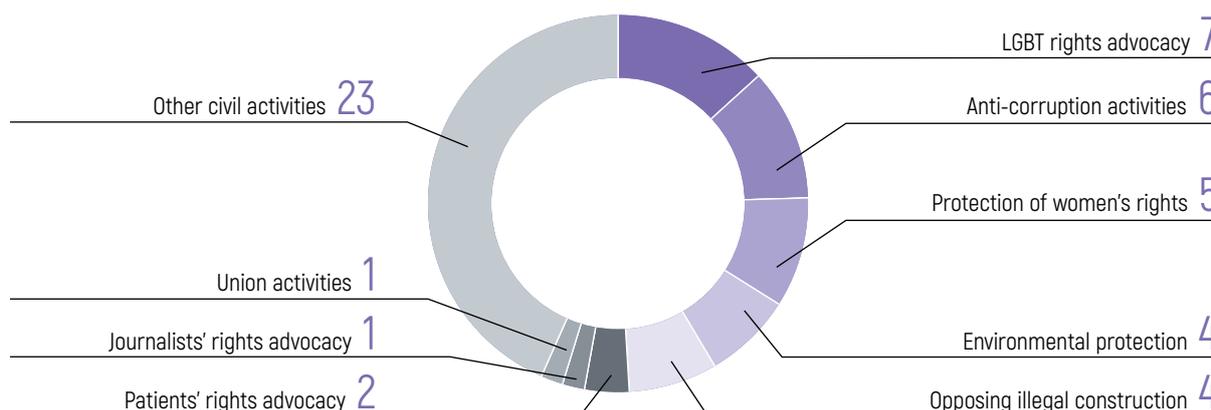
The dominant types of persecution were attempts to destroy or damage activists' property (14), attempts to intimidate them (10) and physical attacks on them (8). In addition, 6 of the described incidents had signs of intentional discreditation of civil actors, 4 had signs of unlawful legal persecution, 3 involved obstruction of peaceful gatherings and another 3 involved obstruction of activities of non-governmental organizations, 2 were cases of illegal detention or search, and 1 case involved a violation of privacy (surveillance of an activist). Moreover, in addition to the deportation attempt mentioned in the Other category of our records, the monitoring recorded a case of firing a union activist which is seen by the activist in question as persecution for his activism.

### ■ DISTRIBUTION BY TYPE OF PERSECUTION



The most risky types of activities among the ones that could be identified unambiguously as a result of the monitoring for the first half of 2021 were LGBTIQ activism, anti-corruption activities and women's rights advocacy.

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



We must note the persecution and pressure by far-right groups against members of the LGBT Association Liga in Mykolayiv and Odesa: the cases of threats recorded late last year continued throughout the first two quarters of this year (see the *Description of Incidents* chapter). In addition, aggression was experienced by members of the Insight organization, particularly at their events dedicated to LGBTIQ and women's rights advocacy, as well as by participants of feminist demonstrations and education events.

The far-right Telegram channels which have been criticized by human rights advocates multiple times continue to function and spread hate speech, and in some cases (the aforementioned

incident with an attempt to deport a Belarusian activist from Ukraine) become the grounds cited by the SSU in their decisions.

In addition, in the first half of 2021, ZMINA recorded actions by law enforcement agencies which can be viewed as attempts of pressure on the participants of demonstrations in support of Serhiy Sternenko; these include both the legal persecution of participants of such demonstrations in Kyiv and Zhytomyr by the police, some of which were described in the previous quarter's report,<sup>3</sup> and the SSU's attempts to summon an activist in Dnipro, who participated in one of these demonstrations but committed no illegal actions and was not prosecuted, for a "conversation" in June (see the *Description of Incidents* chapter).

## THE THREATS OF LEGISLATIVE RESTRICTION FOR THE CIVIL SOCIETY

As of mid-summer 2021, the Verkhovna Rada of Ukraine is considering **10 bills which constitute threats for the civil society**, violate Ukraine's Constitution and its international human rights commitments, aim to disproportionately limit the freedom of association and peaceful gathering, to discriminate against certain categories of activists, to support homophobic ideas, etc. These bills have been submitted by MPs from three political factions: **Servant of the People, Opposition Platform–For Life, Fatherland**, and by the **Cabinet of Ministers of Ukraine**.

In particular, these include the following bills:

1. The bill on the state registration of lobbying actors and on conducting lobbying in Ukraine (**#3059** of February 11, 2020). Authors: **Yulia Tymoshenko**, the head of the parliamentary faction of the political party All-Ukrainian Union "Fatherland"; **Serhiy Vlasenko**, a member of the parliamentary faction of the political party All-Ukrainian Union "Fatherland."
2. The bill on introducing changes to some legislative acts on ensuring citizens' equal rights and opportunities for representation in supervisory boards and management bodies of public unitary enterprises, economic companies and public banks, and ensuring the fair formation and effective activities of these supervisory boards while taking into account Ukraine's national interests (**#3193-1** of March 17, 2020). Authors: **Andriy Derkach**, a nonpartisan MP; **Oleksandr Dubinsky**, a member of the parliamentary faction of the political party Servant of the People.
3. The bill on introducing changes to Article 6 of the Law of Ukraine "On judicial system and the status of judges" to ban rallies near court buildings (**#3291** of March 30, 2020). Author: **Serhiy Demchenko**, a member of the parliamentary faction of the political party Servant of the People.
4. The bill on introducing changes to the Law of Ukraine "On cleansing the government" (on preventing external influence on the state's interests) (**#3326** of April 13, 2020). Author: **Fedir Khrystenko**, a member of the parliamentary faction of the political party Opposition Platform – For Life.
5. The bill on introducing changes to some legislative acts of Ukraine (on the transparency of the activities of civil associations with foreign support) (**#3564** of May 29, 2020). Author: **Oleksandr Dubinsky**, a member of the parliamentary faction of the political party Servant of the People.

<sup>3</sup> Activism 2021: A Monitoring Report on Persecution of Activists and Human Rights Defenders in the Government-Controlled Territory of Ukraine (January–March 2021) / O. Vynohradova, A. Moskvychova, T. Pechonchuk, L. Yankina. – Kyiv: ZMINA, 2021. – 56 p.: [https://zmina.ua/content/uploads/sites/2/2021/04/activizm2021-ua\\_web.pdf](https://zmina.ua/content/uploads/sites/2/2021/04/activizm2021-ua_web.pdf)

6. The bill on introducing changes to some laws of Ukraine to ban foreign funding for government bodies and their officials and to prohibit the top state officials to have citizenship (nationality) of a foreign state (**#3572** of June 2, 2020). Author: **Vadym Rabinovych**, a co-head of the parliamentary faction of the political party Opposition Platform–For Life.
7. Bill on introducing changes to some legislative acts of Ukraine on protecting family, childhood, motherhood and fatherhood (**#3916** of July 22, 2020). Authors: **Heorhiy Mazurashu, Olena Lys**, members of the MP faction of the Servant of the People party.
8. Bill on introducing changes to the Tax Code of Ukraine to ensure the disclosure of information on funding the activities of civil associations with regard for adherence to international standards in the sphere of human rights and the rule of law (**#3936** of July 27, 2020). Author: **Oleksandr Dubinskyi**, member of the MP faction of the Servant of the People party.
9. Bill on introducing changes to some laws of Ukraine on supporting volunteer activities (**#4521** of December 18, 2020). Submitted by the **Cabinet of Ministers of Ukraine**.
10. Bill on introducing changes to the Criminal Code of Ukraine on criminalizing the advertising or propaganda of narcotics, psychoactive substances, their analogues or precursors (**#5496** of May 14, 2021). Authors: **Natalia Korolevska, Yuriy Solod, Volodymyr Moroz, Volodymyr Kaltsev, Valeriy Hnatenko**, members of the MP faction of the Opposition Platform–For Life party.

A number of provisions in these bills are discriminatory against non-governmental organizations and activists and carry risks for the free development of civil society in Ukraine, since they equate advocacy by civil society organizations (CSOs) with commercial lobbying, provide for the lustration of people coming from the civil sector or introduce the concept of “foreign agents,” ban civil activists from holding protests near courts, introduce “polygraph tests” for civil activists who wish to work in government agencies or companies affiliated with the state, require excessive and unjustified financial reporting from non-governmental organizations with foreign funding, remove the term “gender” from legislation, complicate the engagement of foreign volunteers by non-governmental organizations, etc.

Most of these bills were not developed to regulate various aspects of the work of civil society exclusively, but were related to other spheres (for example, bills on forming supervisory boards of public companies). But some provisions of these documents, if they are adopted, will directly or indirectly affect the activities of civil society organizations and civil liberties in general.

A brief analysis of the bills listed under the numbers 1–8 and the threats they carry for the civil society can be found in the report on *The Situation of Human Rights Defenders and Civil Activists in Ukraine in 2020*.<sup>4</sup>

Below, we also present a brief analysis of the bills which were not included in the previous report.

## COMPLICATING THE PROCEDURE FOR ENGAGING FOREIGN VOLUNTEERS

On 18 December 2020, the Verkhovna Rada of Ukraine registered Bill **#4521** “On introducing changes to some laws of Ukraine on supporting volunteer activities,” developed by the Ministry of Social Policy of Ukraine and submitted by the **Cabinet of Ministers of Ukraine**. The Ministry of Social Policy noted that the reason for preparing this document were reports on violations of the rules of engagement of foreigners and stateless individuals in volunteer activities, and the

<sup>4</sup> The Situation of Human Rights Defenders and Civil Activists in Ukraine in 2020: Analytical Report / O. Vynohradova, A. Moskvychova, T. Pechonchuk, L. Yankina; ZMINA Human Rights Centre. – Kyiv, 2020. – 144 p.: [https://zmina.ua/content/uploads/sites/2/2021/02/stateofhumanrightsdefenders2020\\_reportua\\_web-final.pdf](https://zmina.ua/content/uploads/sites/2/2021/02/stateofhumanrightsdefenders2020_reportua_web-final.pdf)

bill that had been developed aimed to counteract fake volunteer activities. At the same time, the bill was not sent for approval and was not discussed with any of the organizations which engage foreigners and stateless individuals in their work as volunteers.

Bill #4521 significantly complicates<sup>5</sup> the existing procedure for engaging foreign volunteers, changing its key principle: it becomes permit-based, while it used to be report-based. In other words, while currently an NGO with a volunteer status can simply inform the relevant authorities about the engagement of foreign citizens or stateless individuals as volunteers, if this bill is passed, they will have to receive a permit from the Ministry of Social policy to do so, and the volunteers themselves will be checked by the Ministry of Internal Affairs and the Security Service of Ukraine.

The bill's provisions proposing to limit the list of organizations which can engage foreigners and stateless individuals as volunteers to non-profit organizations exclusively will not help grow the volunteer movement in Ukraine either.

This bill was developed without conducting the necessary research of the sphere of potential legal regulations; apart from stating that "*reports on violations are being received ever more frequently,*" the accompanying documents do not provide a single data point on the number of such violations or their analysis. The authorities did not provide this data even when the Vostok-SOS NGO officially requested it.<sup>6</sup>

In general, different countries of the world have very different approaches to regulating volunteer activities. However, immigration law issues usually are not mentioned in such laws at all or are only mentioned in the aspect of simplifying the entry rules for volunteers. The overwhelming majority of countries which have special legislation on volunteering apply the same legal regime to foreign volunteers as to the volunteers who are citizens of the corresponding country. Moreover, in their recommendations on state regulation of volunteer activities, international organizations specifically emphasize the need to introduce simplified rules for foreigners who are engaged as volunteers as they receive entry visas and residence permits in the country.

In order to fight illegal immigration to Ukraine, the government should be checking foreigners and stateless citizens at the stage of submitting their papers to the State Migration Service for obtaining their entry visas or temporary residence permits in Ukraine. However, this should by no means be done at the stage when an organization informs the Ministry of Social Policy about engaging a foreign citizen or a stateless individual as a volunteer.

On May 18, 2021, the Parliamentary Committee for Social Policy and Veteran's Rights submitted a presentation to the Verkhovna Rada on the consideration of this bill and recommended adopting it as the basis.

ZMINA has also prepared a detailed analysis<sup>7</sup> of this bill.

In addition, in view of this legislative initiative, Bill #4411 on introducing changes to the Misdemeanor Code of Ukraine regarding the improvement of migration legislation, submitted to the parliament by the Cabinet of Ministers of Ukraine on November 20, 2020, also constitutes a potential threat for civil society organizations.

<sup>5</sup> O. Vynogradova, T. Pechonchuk. The threats of the changes to the law on volunteering (Чим загрожують зміни до закону про волонтерство) / ZMINA, June 10, 2021: <https://zmina.info/articles/chym-zagrozhuyut-zminy-do-zakonu-pro-volonterstvo/>

<sup>6</sup> D. Popkov. Ukraine may ban foreign volunteers (В Україні можуть заборонити іноземних волонтерів) / Tyzhden, July 16, 2021: <https://tyzhden.ua/Columns/50/252442>

<sup>7</sup> Analysis of the Bill on introducing changes to some laws of Ukraine on supporting volunteer activities, registered as #45211 on December 18, 2020 in terms of its correspondence to international human rights standards: <https://zmina.ua/content/uploads/sites/2/2021/06/analiz-zakonoproektu-4521-pro-volonterstvo.pdf>

The bill proposes to introduce changes to Articles 203-206 of the MCU, which define the administrative responsibility of foreign citizens and Ukrainian citizens who are private individuals and officials for violating the legislation regulating the legal status of foreigners and stateless individuals, and to strengthen the sanctions for a number of violations of the migration law.

In combination with the changes to the volunteering legislation, leaders of non-governmental organizations may bear increased responsibility for violations of the migration law by volunteers.

## THE RISKS OF THE BILL ON CRIMINALIZING THE PROPAGANDA OF DRUGS

On May 14, 2021, **Natalia Korolevska** and four other members of the MP faction **Opposition Platform–For Life** registered Bill **#5496** “On introducing changes to the Criminal Code of Ukraine on criminalizing the advertising or propaganda of narcotics, psychoactive substances, their analogues or precursors” in the Verkhovna Rada.

The bill proposes to amend the Criminal Code of Ukraine with a new Article 315.1 which requires punishment in the form of fines from three to five thousand non-taxable minimums or imprisonment for the term of two to five years for advertising or propaganda of narcotics, psychoactive substances, their analogues or precursors, plants containing narcotics or parts thereof, in information-telecommunication networks (including the internet), in public spaces, in the media, social media and messengers. The bill proposes that this Article does not apply to cases of publishing information about narcotics, psychoactive substances, their analogues or precursors in specialized scientific publications, in scientific-methodological and educational literature, at scientific seminars, conferences and symposiums.

The bill includes vague and broad statements which will allow law enforcement officers to fine people, for instance, for socks with images of cannabis or for media articles which include scientific information about psychoactive substances.<sup>8</sup> It partially copies the innovations of the Russian anti-drug legislation which is considered to be among the most repressive and the least effective in the world.

If this bill is passed, it will constitute a threat for non-governmental organizations which promote the legalization of soft drugs for medical purposes in Ukraine. It *de facto* contains a ban on the advocacy for medical cannabis, and the organizations and activists who work on this issue will be criminally liable.

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

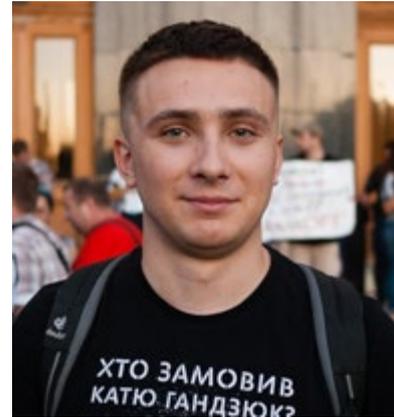
In the second quarter of 2021, ZMINA monitored high-profile criminal cases involving human rights defenders and civil activists. In particular, these include the investigation and trials of the cases of the murder of the Kherson activist Kateryna Handziuk and the Kyiv human rights defender Iryna Nozdrowska, the criminal case of the Odesa activist Serhiy Sternenko who is charged with the murder of his attacker Ivan Kuznetsov, and the case of the kidnapping of Serhuy Shcherbych, as well as the case of the Kyiv activist Roman Ratushny who is charged with hooliganism near the Office of the President of Ukraine.

<sup>8</sup> See also: A. Osypian. Drug addicts: support cannot punish (Наркозалежні: підтримати не можна карати) / Dzerkalo Tyzhnia, July 18, 2021: <https://zn.ua/ukr/LAW/narkozalezni-pidtrimati-ne-mozhna-karati.html>

## Serhiy Sternenko's cases

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

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



Regarding the first attack on Sternenko, the police have not determined the identities of the person who ordered it, the perpetrators and other accomplices of the attack, and nobody was declared a suspect. Regarding the second attack, only the previously convicted Abzal Baymukashev (who was detained on the scene by Sternenko himself) was declared a suspect. Nobody was declared a suspect except for the perpetrator of the crime. As for the third attack on Serhiy Sternenko, Oleksandr Isaykul and the deceased Ivan Kuznetsov were declared suspects. The suspects' actions were categorized as hooliganism with the use of a weapon or another object adapted to causing bodily injuries. Later, Kuznetsov's case was closed due to his death.

Meanwhile, on June 11, 2020, Sternenko himself was declared a suspect in the intentional murder of Kuznetsov and illegal carrying of a cold weapon. In late August 2020, the hearings in Sternenko's case were handed over to Odesa, where they are heard by the Prymorsky District Court.

In the second quarter of 2021, this court continued to examine the evidence in this case and question the witnesses. The court hearings are frequent, practically weekly.

At the same time, the investigation of the criminal cases in which Sternenko is the victim are going slowly, and the only case that has been handed over to the court has not been tried for almost three years now.

On April 19, 2021, Sternenko reported<sup>9</sup> that the National Police closed the proceedings regarding the second attack on him, which took place in May 2018, and they did it without informing the victim. Neither the organizers nor the people who ordered the attack were identified. The activist's attorney Vitaliy Tytych said that during the pre-trial investigation, the victim's representatives were not informed about the course of the investigation, the detectives ignored requests to examine the case and requests to interrogate the individuals pointed out by Sternenko.

### ■ THE CASE OF THE KIDNAPPING OF SERHIY SHCHERBYCH

On February 23, 2021, the Prymorsky District Court of Odesa found Serhiy Sternenko, a civil activist and blogger from Odesa, and Ruslan Demchuk guilty in the case of the 2015 kidnapping of Serhiy Shcherbych, a member of the Kominternivska District Council of Odesa Region. They were arrested at the courthouse and sent to jail, sentencing each of them to seven years and three months of prison and confiscation of a half of their property.

<sup>9</sup> The police have closed the case of the attack on Sternenko: the activist learned about this by accident (Поліція закрила справу про напад на Стерненка: активіст дізнався про це випадково) / ZMINA, April 19, 2021: <https://zmina.info/news/policziya-zakryla-spravu-pro-drugyj-napad-na-sternenka-aktyvist-diznavsya-pro-cze-vypadkovo/>

The sentence concerns the incident which took place on April 24, 2015, when unidentified individuals kidnapped Serhiy Shcherbych and caused him bodily injuries, demanding to resign from his office, according to the victim himself. In September 2015, Serhiy Sternenko and Ruslan Demchuk, who were then among the leaders of the Odesa Region Right Sector, were arrested in connection to this case, but then they were released: first on bail, and then on the condition of personal commitment.

In the Shcherbych case, Serhiy Sternenko was found guilty to the full extent according to Part 2 of Article 146 (“Illegal detention or kidnapping of a person”), Part 2 of Article 187 (“Robbery”), and Part 1 of Article 263 (“Illegal handling of weapons, ammunition or explosives”) of the Criminal Code of Ukraine.

On March 5, Serhiy Sternenko filed an appeal against this court decision.

On April 9, a collegium of judges of the Odesa Court of Appeals partially satisfied the lawyers’ complaint regarding changing the preventive measure for Serhiy Sternenko and Ruslan Demchuk. Both were released from detention and put under house arrest.

As a part of consideration of the appeal, this court also examined<sup>10</sup> documents related to the evidence taken into account by the court of first instance. These, in particular, included the victim’s report on the crime, the decrees ordering forensic examinations, searches, investigative re-enactments involving the victim and a witness, the order to conduct an analysis of data on the telephone connections between the numbers belonging to the victim and the suspects, etc.

In addition, the court interrogated the victim Serhiy Shcherbych; Ivan Narizhniak, an expert in ballistic and traceological forensics of the Scientific Research Forensic Centre under the Central Office of the Ministry of Internal Affairs of Ukraine in Odesa Region, who conducted the forensic examination of the gun found on Sternenko during a search; as well as both defendants.

On May 31, 2021, the Odesa Court of Appeal reached a decision in the case of Serhiy Sternenko and Ruslan Demchuk. According to Article 187 of the Criminal Code of Ukraine (“Robbery”), the case has been closed, the defendants were acquitted in this part. According to Article 146 of the CCU (“Illegal detention or kidnapping of a person”), both were found guilty, but the punishment was not applied due to the statute of limitations. According to Article 263 of the CCU (“Illegal handling of weapons, ammunition or explosives”), which only applied to Sternenko, the activist was found guilty and sentenced to three years in prison, replaced with one year of probation.

*De facto*, the episode of storing a weapon became central in the Court of Appeal’s sentence. However, now it does not involve a gun and eight bullets, which were featured in the case before, but rather a single bullet of the 5.45 mm caliber, because it was the only one deemed to fit the definition of weapons or ammunition.

According to the Court of Appeal’s sentence, Serhiy Sternenko was sentenced to three years in prison, replaced with one year of probation. During this term, Sternenko will be monitored by a probation body, which the activist must visit regularly; he also has to report any change in his place of residence, work or studies. If these rules are broken or if he commits another crime or misdemeanor, the court may change Sternenko’s probation to three years of actual prison.

Ruslan Demchuk is completely free. The house arrest, which was ordered earlier as a preventive measure, was also cancelled for both, and their electronic bracelets were removed.

<sup>10</sup> See more detail in K. Petrenko, A. Moskvychova, T. Pechonchyk. The appeal sentence in the Shcherbych case: Is this justice for Serhiy Sternenko? (Апеляційний вирок у справі Щербича: чи настала справедливість для Сергія Стерненка?) / ZMINA, June 1, 2021: <https://zmina.info/articles/apelyacijnyj-vyroky-u-spravi-shcherbycha-chy-nastala-spravedlyvist-dlya-sergiya-sternenka/>

Serhiy Sternenko disagrees with the Court of Appeal's decision and intends to file a complaint to the Supreme Court.

## ■ CASES OF PERSECUTION OF THE ACTIVISTS WHO SUPPORTED STERNENKO

After Serhiy Sternenko and Ruslan Demchuk were convicted in the Shcherbych case, there were protests by those who were dissatisfied with the court decision in a number of cities on February 23 and 26, as well as on March 20, 2021. The most high-profile protest was called *You can't hear it? You'll see it*, and it was held near the Office of the President of Ukraine in Kyiv on March 20, 2021, on Serhiy Sternenko's birthday. During this protest, some participants committed hooliganism, spray painted the walls of the OP, broke the door glass and threw smoke bombs into the building. After the protest, the police declared 7 individuals, including the environmental activist Roman Ratushny (see the description of Roman Ratushny's case below), to be suspected of crime, and drew several misdemeanor reports on some protesters, particularly according to the article on petty hooliganism.

In addition, on February 23, 2021, during a rally in support of Serhiy Sternenko in Zhytomyr, the police arrested the civil activists Valeriy Arushanian and Serhiy Hryhorchuk. According to the activists, the rally went peacefully, but when the participants decided to set a tire on fire as a symbolic gesture, the police grabbed them both without any demands or explanations and led them to a police vehicle, bringing them to the precinct and writing a report on a misdemeanor according to Article 185 of the Misdemeanor Code of Ukraine ("Persistently disobeying the legal demands of a police officer"). On April 26, the Koroliovsky District Court of Zhytomyr found<sup>11</sup> Arushanian not guilty of committing a misdemeanor in the form of persistently disobeying the legal demands of a police officer; on May 18, the same court acquitted<sup>12</sup> Serhiy Hryhorchuk.

On June 25, 2021, in Dnipro, Security Service officers came to the office of the Community of Active Youth – SAM organization for, as they said, a "preventive conversation" with the organization's deputy head Viroslav Tsiupyak due to his participation in the rally in support of Serhiy Sternenko on May 30 (the rally was organized a day before the Odesa Court of Appeals was set to announce its decision in the Shcherbych case). (See more detail on this case in the *Brief Overview of the Incidents chapter*.)

### Roman Ratushny's cases

On March 24, 2021, **Roman Ratushny**, the head of the Protect Protasiv Yar initiative, was declared a suspect of hooliganism during the protest of the supporters of the Odesa activist Serhiy Sternenko, which took place near the Office of the President on March 20. During the rally, the protesters spray-painted the walls and the pavement, directed fire at the "President of Ukraine" sign with aerosols, and broke the glass in the entrance door.

The suspicion was declared according to Part 4 of Article 296 of the Criminal Code of Ukraine, which proposes the punishment of three to seven years in prison.



■ Фото: Герман Крігер

<sup>11</sup> The court in Zhytomyr acquitted one of the activists arrested at the rally in support of Sternenko (Суд у Житомирі виправдав одного з активістів, затриманих на акції на підтримку Стерненка) / ZMINA, April 26, 2021: <https://zmina.info/news/sud-u-zhytomyri-vypravdav-odnogo-z-aktyvistiv-zatrymanyh-na-akcziyi-na-pidtrymku-sternenka/>

<sup>12</sup> The court in Zhytomyr acquitted both activists charged with "persistent disobedience" during the rally in support of Sternenko (Суд у Житомирі виправдав обох активістів, яких звинувачували в «злісній непокорі» під час акції на підтримку Стерненка) / ZMINA, May 19, 2021: <https://zmina.info/news/sud-u-zhytomyri-vypravdav-oboh-aktyvistiv-yakyh-zvynuvachували-u-zlisnij-nepokori-pid-chas-akcziyi-na-pidtrymku-sternenka/>

In addition to Ratushny, 6 other individuals were declared suspects: Vladyslav Hranetsky-Stafiyuchuk (a.k.a. Vlad Sord; his affiliation with civil associations is not known); Serhiy Filimonov, Oleksiy Bilkovsky, Davyd Hadzhymuradov (“Honor”), Yevhen Strokan, and Artem Lisovets (“Unknown Patriot”).

At the same time, no evidence was presented at the hearing to confirm Roman Ratushny’s participation in the hooliganism.<sup>13</sup>

Ratushny himself sees this criminal persecution as “revenge” for his work defending the green areas of Kyiv and states that the person behind the declared suspicion is Andriy Smyrnov, the deputy head of the Office of the President of Ukraine, with whom Ratushny had a conflict: in 2019, Smyrnov represented the interests of the developer of Protasiv Yar as a lawyer, and Ratushny, with a group of local activists, opposed this illegal development<sup>14</sup> and successfully stopped it through the court.<sup>15</sup>

On March 29, 2021, the Pechersk District Court of Kyiv chose a preventive measure for Roman Ratushny in the form of around-the-clock house arrest until May 24. The defense appealed this court decision. On April 21, the Kyiv Court of Appeals released Ratushny from house arrest without choosing another preventive measure. However, the bracelet was not taken off the activist on time: Ratushny’s movements were monitored for more than a day afterwards. The defense’s complaints regarding this situation still have not been considered.

Roman Ratushny has also filed a complaint about the suspicion declared against him, since, according to an expert examination, the date of the suspicion was falsified, which is evidence for a violation of the procedure for declaring suspicion. However, the Pechersk Court did not consider this complaint within three days, as the Criminal Procedure Court requires. The hearing has been postponed until August 31.

While examining the materials of the case, the defense also found out that covert investigative actions were conducted with regard to Ratushny. However, the detective refused to provide the records of these investigative actions, as well as audio and video recordings. The investigation has also classified some of the case materials and refuses to provide it to the defense for examination.

Ratushny’s defense claimed that evidence of innocence is being concealed by the investigation. However, the detective requested to limit the deadline for examining the materials. If the request is satisfied by the court, the defense will be considered to have examined the materials, despite the fact that some of the documents have been hidden by the investigators.

<sup>13</sup> Ratushny placed under around-the-clock house arrest (Ратушного відправили під цілодобовий домашній арешт) / ZMINA, March 29, 2021: <https://zmina.info/news/ratushnogo-vidpravly-pid-czilodobovij-domashnij-aresht/>

<sup>14</sup> The situation of human rights defenders and civil activists in Ukraine in 2019: Analytical report / M. Lavrinok, V. Likhachov; ed. by T. Pechonchuk; Ukrainian Helsinki Human Rights Union, ZMINA, Truth Hounds. – Kyiv, 2020. – 88 p.: [https://zmina.ua/content/uploads/sites/2/2020/02/stateofhumanrightsdefenders2019\\_reportuaweb\\_.pdf](https://zmina.ua/content/uploads/sites/2/2020/02/stateofhumanrightsdefenders2019_reportuaweb_.pdf)

<sup>15</sup> The court found the sub-lease of the plot in Protasiv Yar invalid (Суд визнав недійсним договір суборенди ділянки в Протасовому Яру) / ZMINA, March 25, 2021: <https://zmina.info/news/sud-vyznav-nedijnsnym-dogovir-suborendy-dilyanky-korbana-u-protasovomu-yaru/>

## Kateryna Handziuk's case

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



On February 11, 2019, the General Prosecutor's Office declared Vladyslav Manger, the head of the Kherson Regional Council, a suspect in organizing the murder of Handziuk. Manger was released on bail. In January 2020, in the territory of Bulgaria, Oleksiy Levin, an assistant consultant for a Kherson Regional Council member, was arrested for organizing the attack on Handziuk. On March 16, Levin was extradited from Bulgaria to Ukraine.

On June 19, 2020, the Pechersky District Court of Kyiv arrested Manger without bail. On July 28, the General Prosecutor's Office submitted to the court the indictment of the suspects in organizing the murder of Handziuk, Vladyslav Manger and Oleksiy Levin. Manger is accused of ordering the crime, and Levin is accused of its direct organization.

According to the detectives' version, the defendants conspired and intended to cause grievous bodily injuries to the victim in order to intimidate her: the perpetrators were offered a reward for pouring acid at her or breaking her arms and legs. According to the investigation, Manger decided to organize the attack on Kateryna Handziuk, particularly due to her interference with the illegal cutting of the forest and the threat she posed to his political reputation. Handziuk left the Fatherland party after Manger joined it, stating that people like him did not deserve to be in the party. Kateryna Handziuk also made public statements about the unacceptability of arson and cutting of forests.

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

In 2021, the case is still being tried by the Dniprovsky District Court of Kyiv, which continues to examine the evidence and hear the witnesses.

In particular, in the second quarter of 2021, the court interrogated the Security Service detective Maksym Sayenko regarding Manger's threats against Ihor Pavlovsky, an assistant to the former MP Mykola Palamarchuk who is featured in the case; the court also watched the video recordings of investigative re-enactments involving one of the attackers Volodymyr Vasianovych, the witnesses Serhiy Braha and Pavlo Pylypenko.

In addition, MP Illia Kyva, a member of the Opposition Platform–For Life party, stated that he wanted to bail out Vladyslav Manger, the alleged organizer of Kateryna Handziuk's murder, but he did not show up to the corresponding hearing on June 15, since, according to his lawyer, "was busy with the matters of his thesis."

In addition, the court prolonged Levin and Manger's preventive measure once again: they will remain in jail until August 28, 2021.

The activists of the Who Ordered the Assassination of Katia Handziuk? initiative constantly emphasize that the conspiracy to attack Handziuk also involved Andriy Hordeyev, the former head of the Kherson Regional State Administration, and his deputy Yevhen Ryshchuk. However, the General Prosecutor's Office has stated on multiple occasions that they do not have sufficient evidence to declare them suspects.

### Iryna Nozdrovska's case

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



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

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

In the second quarter of 2021, the case of the murder of Iryna Nozdrovska was heard in the Shevchenkivsky District Court of Kyiv, which continues to examine the evidence in the case.

In particular, the experts whose conclusions were considered at previous hearings were interrogated, and the court examined<sup>16</sup> the cell phone traffic of the phones with the numbers that belonged to the deceased Iryna Nozdrovska and the defendant Yuriy Rossoshansky.

At the hearing on May 17, the court prolonged the detention of Yuriy Rossoshansky until July 12, 2021.

At the hearing on June 30, the court decided<sup>17</sup> to apply compulsory summons to Lidia Luchynska, a detective of the Central Investigative Office of the National Police of Ukraine, in order to interrogate her about the case of the murder of Iryna Nozdrovska. The detective had failed to appear for interrogation for the second time, although she had promised to come to the court hearing a month earlier.

The mother of the deceased activist, Kateryna Duniak, insists that Rossoshansky did not kill her daughter alone, but with a group of people.

<sup>16</sup> Nozdrovska's case: the court interrogated the expert who examined the movements of the victim's and the defendant's cell phones (Справа Ноздровської: на суді допитали експерта, що вивчав переміщення мобільних телефонів загиблої і обвинуваченого) / ZMINA, June 3, 2021: <https://zmina.info/news/sprava-nozdrovskoyi-na-sudi-dopytaly-eksperta-shho-vyvchav-peremishhennya-mobilnyh-telefoniv-zagybloyi-i-obvynuvachenogo/>

<sup>17</sup> A police detective will be brought to court by force to be interrogated about Nozdrovska's case (Слідчу поліції примусово доставлять до суду для допиту в справі Ноздровської) / Court Reporter, June 30, 2021: <https://sudreporter.org/slidchu-policzii-prymusovo-dostavlyat-do-sudu-dlya-dopytu-v-spravi-nozdrovskoyi/>

# BRIEF OVERVIEW OF INCIDENTS

APRIL 2021

#destruction\_or\_damage\_of\_property

#legal\_persecution

- On the night of **April 2, 2021**, unidentified individuals threw a rock and broke the window of an office in **Rubizhne**, Luhansk Region, which is rented by the local entrepreneur and civil activist **Hanna Sokolova**. This happened before the rally she had announced against the closure of a local school<sup>18</sup> which provides special conditions for the education of children with scoliosis.

During the rally, about three dozen people blocked the Rubizhne-Kreminna road: the activists walked across the road silently, holding signs. The rally was peaceful, no violations of the law were recorded during the rally, which was confirmed in a comment to Suspilne Television by Tetiana Pohukay, the spokesperson for the Luhansk Police.<sup>19</sup>

Meanwhile, on April 8, Hanna Sokolova reported a visit of Kreminna Police officers, who listened to the activist's explanation about the rally. In about half an hour after these events, Sokolova started receiving phone calls from people who introduced themselves as police officers from Kreminna and Severodonetsk and claimed that they intended to write and give her a misdemeanor report according to Part 1 of Article 185 ("Persistently disobeying a legal demand of a police officer") and Article 139 of the Misdemeanor Code ("Damaging roads, railroad crossings, other road structures and technical means of traffic regulation, creating obstacles to traffic and failure to take the necessary steps to remove them").

She did not receive the report itself. The people who called wanted to talk to her without a lawyer, but Sokolova refused.

Hanna Sokolova is a member of the Parents' Committee of the Rubizhne Regional Sanatorium School for Children with Scoliosis. Together with other parents, she fights against the closure of this education institution, which is scheduled to take place on July 1, 2021, following a decision of the Luhansk Regional Military-Civilian Administration. For this purpose, the parents are initiating talks with the local government, preparing appeals and conducting rallies.<sup>20</sup>

<sup>18</sup> Rubezhanskaya Sanitarium School Stays (Рубежанской санаторной школе – быть). Facebook group, April 1, 2021: <https://www.facebook.com/groups/1691875807661589/permalink/1726266274222542/>

<sup>19</sup> "Kids will be left without medical help." Protesters are blocking the road in Luhansk Region (Діти залишаться без медичної допомоги). На Луганщині протестувальники перекрили дорогу / Suspilne, April 2, 2021: <https://suspilne.media/119208-diti-zalisatsa-bez-medicnoi-dopomogi-na-lugansini-protestuvalniki-perekрили-dorogu/>

<sup>20</sup> The local government talks about reforms, the team and parents are against it: The only school for children with scoliosis has been closed in Luhansk Region (МІСЦЕВА ВЛАДА ГОВОРІТЬ – РЕФОРМА, КОЛЕКТИВ ТА БАТЬКИ ПРОТИ: В ЛУГАНСЬКІЙ ОБЛАСТІ ЗАКРИЛИ ЄДИНУ ДЛЯ ХВОРИХ НА СКОЛІОЗ ДІТЕЙ ШКОЛУ) / TSN, April 4, 2021: <https://tsn.ua/exclusive/misceva-vlada-govorit-reforma-kolektiv-ta-batki-proti-v-luganskiy-oblasti-zakrili-yedinu-dlya-hvorih-na-skolioz-ditey-shkolu-1756762.html>

The school provides education to 123 children in total. According to Sokolova, there were 50 more students before, but now some parents are deciding to preventively transfer their children to other education institutions.

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

- On **April 5, 2021**, at around 2 p.m., unidentified individuals set on fire the car of **Valeriy Kharchuk**, the head of the civil association Anti-Corruption Regional Front, in **Rubizhne** in Luhansk Region.

The Chevrolet Caprice was parked near his workplace. The neighbors called the police and the fire department.

The police launched proceedings based on the signs of a crime according to Article 194 of the Criminal Code of Ukraine (intentional destruction or damage of property).<sup>21</sup>



A photo from Valeriy Kharchuk's Facebook page

According to Kharchuk, before the incident, Anti-Corruption Front activists investigated possible corruption schemes at the city hospital and Teplocommunenergo, as well as non-transparent bidding in housing and utilities.

Two weeks before the arson, on March 15, unidentified individuals threw acid at another one of his cars.<sup>22</sup>

Valeriy Kharchuk is the head of the civil association Anti-Corruption Regional Front (active since 2013), which monitors local self-government purchases, the distribution of land, etc. The Anti-Corruption Front publishes the findings of its investigations on a Facebook page, challenges the decisions which are deemed illegal by appealing to law enforcement agencies.

Kharchuk was a member of the two previous City Councils of Rubizhne. In 2020, he ran for the office of the mayor but lost to Serhiy Khortiv.



A screenshot from the video of the Trybun publication

On May 7, 2014, members of the “LNR” group took him hostage, but Kharchuk managed to escape as he was transported from a Security Service building to a private house.

<sup>21</sup> In Rubizhne, the police are investigating the combustion of a car (В м. Рубіжному поліцейські розслідують факт загоряння автомобіля) / National Police. Luhansk Region, April 5, 2021: <https://lg.npu.gov.ua/news/Informacziya/v-m-rubizhnomu-policejski-rozsliduyut-fakt-zagoryannya-avtomobilya/>

<sup>22</sup> Rubizhne: Acid thrown at Kharchuk's car (photo, video) (Рубежное: Авто Харчука облили кислотой (фото, видео)) / Trybun, March 15, 2021: <https://tribun.com.ua/78674>

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

- On **April 8, 2021**, members of the NGO **LGBT Association Liga** reported another email with threats to blow up their office in **Mykolayiv** from unidentified individuals who also promised to “burn the houses” of those who support them.<sup>23</sup>

This email, like in the previous recorded cases (ZMINA recorded such threats sent to Liga in December 2020 and January 2021), was sent from a Proton Mail email, although this time it did not attempt to place the responsibility for the threats on foreign right-wing political parties. However, this time, a copy of the email was sent out to Mykolayiv media.



■ One of the photos attached to the letter with threats sent to the organization

The email had attachments: photos of bottles with unidentified liquid and rags inside, which looked like the so-called Molotov cocktail, as well as constructions made of a garbage bag with bottles and wires attached to it.

According to **Oleh Aliokhin**, the head of Liga, the police did not discover any explosives in the building, but they blocked the street and conducted a search for three hours. Thus, the activist assumes that the criminals’ goal was not just to intimidate the organization’s members, but also to make their work more difficult.

On May 19, the LGBT Association Liga reported that on April 9, the police launched an investigation into the false report of a threat to the security of citizens (Part 1 of Article 259 of the CCU), but did not recognize them as the victim.<sup>24</sup>

The Gay, Lesbian and Bisexual Association Liga was founded in Mykolayiv in 1993; it has a service centre for the community and is developing the human rights and educational areas of activity. The main office is located in Mykolayiv, but the organization also has offices in Kherson, Odesa and Kyiv.

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

### #discreditation

- On **April 13, 2021**, unidentified individuals spray-painted the wall of a store that belongs to **Kateryna Onopriyenko**, a civil activist from the village of **Moshny** in Cherkasy Region, and her husband, writing “*B\*\*ch, give back the money*” on it.<sup>25</sup> However, according to the activist, she has no debts, and she associates this incident solely with her civil activism in Moshny and a conflict with representatives of the local government.



■ A screenshot from the video published by Kateryna Onopriyenko on her Facebook page on April 13, 2021

<sup>23</sup> LGBT Association LiGA. Facebook page, April 8, 2021: <https://www.facebook.com/Association.LiGA/posts/4129498633740734>

<sup>24</sup> LGBT Association LiGA. Facebook page, May 19, 2021: <https://www.facebook.com/Association.LiGA/posts/4254366714587258>

<sup>25</sup> Kateryna Onopriyenko. Personal Facebook page, April 13, 2021: [https://www.facebook.com/permalink.php?story\\_fbid=959762044771754&id=100022139030042](https://www.facebook.com/permalink.php?story_fbid=959762044771754&id=100022139030042)

According to Onopriyenko, she went to the police to report the inscription. At the same time, the Cherkasy Region police replied to ZMINA's request saying that no proceedings were launched based on the activist's report.

On June 11, Kateryna Onopriyenko reported that someone wrote "Give back the money" on her wall once again (the writing was painted over the previous time).<sup>26</sup>

Kateryna Onopriyenko is a member of an initiative group of Moshny residents who conduct public control over the local government's decisions, particularly regarding the distribution of funding and land (they conduct the monitoring, write addresses, manage the Kuznia Dumok Facebook group). Members of the initiative intend to register as an NGO, but as of the time of preparing this monitoring report, their registration has not been completed.

In addition, Onopriyenko is a volunteer for the Ecodiya NGO. She opposed the construction of a Nasha Riaba poultry farm near Moshny and supported the inclusion of some of the community's land into a protected nature area where it is forbidden to build factories that pollute the environment (according to the activist, a chicken coop would cause serious harm to the local nature).

According to Onopriyenko, the writings on the wall are revenge for her previous public activities and an attempt to discredit her, so that less attention is paid to her claims in case of further attempts to give land in Moshny to a poultry farm or any other actions of that kind.

## #discreditation

- On **April 14, 2021**, *Monitor*, a local publication in Odesa, published a post<sup>27</sup> stating that **Vitaliy Ustymenko**, a member of Avtomaidan Odesa, works in a developer's interests (the post speaks about Kadorr Group). The post provides no evidence, the assumption is justified by saying that the activist opposes a development which is allegedly disadvantageous for the company's head Adnan Kivan, because it "*blocks his view from the window.*"



The development in question is the residential complex in Prymorsky Boulevard in Odesa, developed by Varda Plus LLC, which the activist has opposed, claiming that the developer obtained the permits illegally (the developer denies it);<sup>28</sup> court trials regarding this situation are underway. Meanwhile, according to Vitaliy Ustymenko, despite the fact that the court has arrested the aforementioned plot since December 2019, prohibiting any construction work there, the developer is ignoring the decision.

<sup>26</sup> Kateryna Onopriyenko. Personal Facebook page, June 11, 2021: [https://www.facebook.com/permalink.php?story\\_fbid=996190721128886&id=100022139030042](https://www.facebook.com/permalink.php?story_fbid=996190721128886&id=100022139030042)

<sup>27</sup> Monitor. Facebook page, April 14, 2021: <https://www.facebook.com/monitorodessa/posts/2895468794105336>

<sup>28</sup> A decision with court consequences: How Odesa councilors gave a part of the French boulevard to developers (Рішення з судовими наслідками: як одеські депутати віддали частину французького бульвару під будівництво) / Izbirkom, January 24, 2020: <https://izbirkom.org.ua/publications/attestatsiia-mestnykh-deputatov-29/2020/rishennya-z-sudovimi-naslidkami-yak-odeski-deputati-viddali-chastinu-francuzkogo-bulvaru-pid-budivnictvo/>

Before the discrediting post was published, on April 10, there was a rally against the construction which blocks a beach for Odesa residents.<sup>29</sup>

The unproven assumptions that Vitaliy Ustymenko works for Kadorr Group were also published before: there is a 2017 material by *Odnews* claiming that the activist may have connections of this kind because he allegedly used to protest against developments constructed by this company, but then stopped.<sup>30</sup>

Ustymenko himself says that he once was a victim of an attack when he opposed the construction of one of Kadorr Group's developments. According to media reports, this is about the events in May 2015, when, during protests next to the Napoleon business centre in Odesa, where the company's office was located at the time, Ustymenko, as a then-member of the Odesa Self-Defense, attempted to enter the building with a court decision to stop the construction which was underway at the time (the activists had decisions to stop construction carried out by several companies, of which Kadorr Group was one); he was punched in the face by a guard.<sup>31</sup> According to Ustymenko, the attacker was not held responsible.

After the incident, according to the activist, there were discrediting stories against him and other protesters broadcasted on Channel 7, which belongs to Kadorr Group.<sup>32</sup>

Vitaliy Ustymenko is the leader of the Odesa branch of Automaidan, former press secretary of the Odesa Self-Defense, a TV host. He opposes corruption and illegal construction.

On June 5, 2018, Ustymenko was attacked with a knife by two unidentified individuals near the Odesa office of Suspilne Television where he hosted the Topic of the Day show. The police categorized the case as attempted murder and published the photos of the suspects. On September 25 of the same year, the police arrested two men, Stanislav Rudenko and Yuriy Havryliuk, in Donetsk and Dnipropetrovsk Regions. They were declared suspects and arrested. Both denied their guilt. In June 2019, the consideration of the substance of the case started.<sup>33</sup>

In December 2020, the Prymorsky District Court of Odesa sentenced them to four years in prison and released them in the courthouse<sup>34</sup>: they were in the pre-trial jail for two years, and will be on probation for another two years. Stanislav Rudenko and Yuriy Havryliuk were found guilty of hooliganism according to Part 4 of Article 296 of the Criminal Code of Ukraine. Rudenko was also found guilty of storing a weapon, Part 1 of Article 263 of the Criminal Code: during the arrest, 30 bullets of various calibers were found on him. He himself claimed that he was taking them to the police to submit them. He got three years in prison for this, but the shorter sentence was absorbed into the longer sentence for "hooliganism."

<sup>29</sup> Landscaping in Odesa: Illegal construction has started on the coast on the Health Track – PHOTO (Благоустройство по-одеськи: на побережье начали незаконную стройку на Трассе здоровья, – ФОТО) / 048 UA. The website of Odesa, April 14, 2021: <https://www.048.ua/news/3076529/blagoustrojstvo-po-odesski-na-pobereze-nacali-nezakonnuu-strojku-na-trasse-zdorova-foto>

<sup>30</sup> Who is Vitaliy Ustymenko? / Od-news, July 15, 2017: <http://odnews.info/2465-kto-takoy-vitaliy-ustymenko.html>

<sup>31</sup> A fight in the centre of Odesa: Euromaidan activists want to punish a man who beat up a journalist (updated, photos) (Драка в центре Одессы: евромайдановці хотять покарати чоловіка, избившего журналіста (оновлено, фото) / 368.media, May 29, 2015: <https://368.media/2015/05/29/draka/>

<sup>32</sup> Odesa Self-Defense and TV journalists exchanged accusations due to the fight in Napoleon (Самооборона Одессы и журналисты телеканала обменялись обвинениями из-за драки в «Наполеоне») / Mayak, June 2, 2015: <https://mayak.org.ua/news/samooborona-odessy-i-jurnalisty-telekanala-obmenyalis-obvineniyami-iz-za-draki-v-napoleone/>

<sup>33</sup> How the attackers of Vitaliy Ustymenko, the Automaidan leader, are tried in Odesa (Як в Одесі судять нападників на керівника "Автомайдану" Віталія Устименка) / ZMINA, August 26, 2020: <https://zmina.info/articles/yak-v-odesi-sudyat-napadnykiv-na-kerivnyka-avtomajdanu-vitaliya-ustymenka/>

<sup>34</sup> The attackers of the Odesa activist Ustymenko are released in the courtroom (Нападники на одеського активіста Устименка вийшли на волю в залі суду) / ZMINA, December 7, 2020: <https://zmina.info/news/napadnyky-na-odeskogo-aktyvysta-ustymenka-vyjshly-na-volyu-v-zali-sudu/>

As of July 2021, the appeal is still being considered: Ustymenko insists that the attack on him was ordered.

## #other: deportation from Ukraine

- In the morning of **April 21, 2021**, in **Kyiv**, National Police officers searched the residence of **Aleksey Bolenkov** (also known as Max Bilorus), a left-wing activist and a citizen of Belarus, confiscating IT equipment (a laptop). After this, Bolenkov was visited by Security Service officers who told him that they were going to take him to the border in order to deport him to Belarus based on a Security Service order (without a court decision).<sup>35</sup> The activist did not go with them; instead he filed a complaint against this decision to the Shevchenkivsky District Court.



■ Aleksey Bolenkov (a screenshot from a video from the Anarchists of Belarus YouTube channel)

Later, the STALKERUA<sup>36</sup> Telegram channel, which belongs to the far-right radical Oleksiy Svynarenko, published a message that another Belarus citizen **Artur Kondratovych** was also being deported. The No Borders project checked this information and refuted it, noting that the police searched Kondratovych's residence as a part of a case of arson of cell phone towers in Kyiv Region, and then the Security Service arrived and, similarly to Bolenkov's case, wanted to deport the activist; however, they failed to do so, because the activist has applied for asylum and is undergoing the asylum seeking process in Ukraine.

It should be noted that Svynarenko refers to another Telegram channel, Pramen,<sup>37</sup> but the latter does not mention Kondratovych.

In addition to the aforementioned messages about Belarus activists, the far-right Telegram channel Volary published a message about the Ukrainian activist **Pavlo Bondarenko** (who participates in the rallies of the Who Ordered the Murder of Katia Handziuk? initiative and in support of Serhiy Sternenko) as someone who supports anti-fascist initiatives because of his post in support of Bolenkov.

In addition, far-right radicals held a rally near the Shevchenkivsky District Court of Kyiv, shouting "*Bolenkov is a terrorist*" and "*Get out of Ukraine*," and some of them entered the courthouse using journalist IDs (particularly the aforementioned Oleksiy Svynarenko) and tried to provoke the claimant to start a fight.



■ A screenshot from the far-right Telegram channel Volary

<sup>35</sup> No borders project / Без кордонів. Facebook page, April 21, 2021: <https://www.facebook.com/nobordersua/posts/3872699829432573>

<sup>36</sup> STALKERUA. Telegram channel, April 21, 2021: [https://t.me/ua\\_stalker/873](https://t.me/ua_stalker/873)

<sup>37</sup> Pramen (Прамєнь). Telegram channel, April 21, 2021: [https://t.me/ua\\_stalker/873](https://t.me/ua_stalker/873)

As the court consideration has found, the Security Service considers Aleksey Bolenkov to be a threat to Ukraine's sovereignty and territorial integrity, particularly based on posts in the anonymous far-right Telegram channel Volary, which has been criticized by human rights organizations multiple times due to profiling of activists and calls to violence.<sup>38</sup>

According to the information cited by the Security Service, Bolenkov is an anarchist, and he was allegedly involved in attacks on right-wing figures and veterans in Ukraine (one of whom, Dmytro Ivashchenko, a.k.a. Dmytro Verbych, whose name was mentioned in this context, recorded a video address in response,<sup>39</sup> in which he stated that this person in particular was not involved in the attack on him), and he participated in rallies near the embassies of Belarus and Turkey, where, as a Security Service representative noted at a hearing on June 16, there was a risk of the use of violence by protesters (at the same time, the Security Service does not provide information that the demonstrators did use violence). The Security Service also claims that Bolenkov “criticized Ukrainian law enforcement officers” and “openly promoted the method of changing the government in Belarus by force” at rallies.

In addition, the Security Service cites Interpol data, according to which Bolenkov is wanted by Belarus, supposedly due to his alleged involvement in the arson of a Tax Office building in Gomel in 2017. At the same time, the activist's lawyers Yana Moroz and Yevhen Chekariov claim that the Belarus law enforcement has closed this case. In addition, they provided information, obtained from the General Prosecutor's Office, according to which their client is not a suspect in any criminal case in Ukraine.

On June 18, 2021, Judge Dmytro Maltsev had already retired to the meeting room to make a decision, but then returned and decided to resume the consideration,<sup>40</sup> charging the Security service with providing evidence to the activist's lawyers that the translator involved in reading out the decision to him actually has the licence to engage in this work, and to give them access to the evidence provided by the SSU to the court, a disc which allegedly contained an interview with Bolenkov in which he talked about his life in Ukraine. The court hearing was adjourned after this.

During the hearing, several dozen young people rallied near the courthouse, shouting “There will be no anarchy” and “Bolenkov, get out of Ukraine.” They also came to the next hearing on June 22.

At this hearing, Judge Maltsev rejected Alexey Bolenkov's complaint<sup>41</sup> against the Security Service decision.

On July 2, the activist's lawyers appealed this court decision. While the consideration is underway, the Ukrainian law enforcement will not be able to deport Bolenkov.

The Belarusian activist Alexey Bolenkov moved to Ukraine during the Revolution of Dignity, has lived



■ A court hearing of the case following a lawsuit filed by Aleksey Bolenkov on June 22 (Photo: Yelyzaveta Sokurenko)

<sup>38</sup> A statement on the unacceptability of pressure on human rights advocates by far-right organizations / ZMINA, March 3, 2020: <https://zmina.ua/statements/zayava-pro-neprypustymist-tysku-na-pravozahysnykiv-z-boku-ultrapravnyh-organizacij>

<sup>39</sup> Dmytro Verbych (Дмитро Вербич). Personal Facebook page, April 21, 2021: <https://www.facebook.com/verbych22/posts/3746367328818641>

<sup>40</sup> The court has postponed a decision regarding the complaint about the attempt to deport the Belarusian activist Bolenkov from Ukraine once again (Суд знову відклав ухвалення рішення щодо скарги на спробу вислання з України білоруського активіста Боленкова) / ZMINA, June 18, 2021: <https://zmina.info/news/sud-znovu-vidklav-uhvalennya-rishennya-shhodo-vydvorennya-z-ukrayiny-bilorskogo-aktyvista-bolenkova/>

<sup>41</sup> The court has not cancelled the SSU decision to forcefully return the anarchist Bolenkov to Belarus (Суд не скасував рішення СБУ про примусове повернення до Білорусі анархіста Боленкова) / ZMINA, June 22, 2021: <https://zmina.info/news/kyivskiy-sud-ne-skasuvav-rishennya-sbu-pro-prymusove-povernennya-do-bilorusi-aktyvista-bolenkova/>

here permanently for a long time, has a residence permit and is married to a citizen of Ukraine. He participated in the Maidan protests, was a member of the left-wing radical organization Revolutionary Action for some time, but then left the organization. At the moment, he is the leader of the La Revolte<sup>42</sup> cooperative, which is presented as an experiment aiming to create an ethical clothing brand (the Security Service calls it a “grouping”); he also participates in human rights and social protest rallies.

## MAY 2021

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

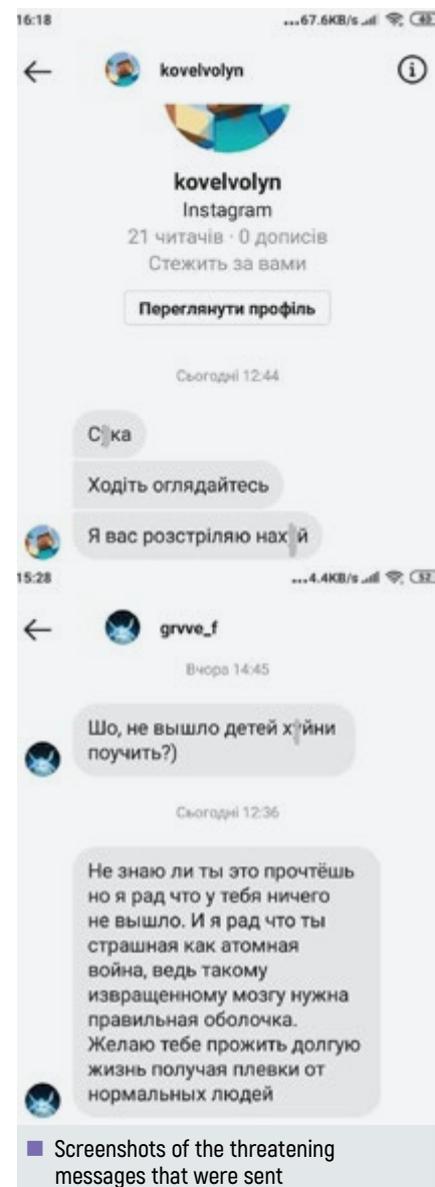
### #obstruction\_of\_activities\_of\_a\_non-governmental\_organization

- On **May 11, 2021**, the Feminist Workshop NGO reported that it was forced to cancel a lecture in **Lviv** for school children on the topic of sex education due to pressure by the far-right group Tradition and Order.<sup>43</sup> The lecture was supposed to be given by the activist and blogger **Ksenia Termasina**.

According to Termasina, she planned to talk about the first sexual experience and contraception, which she wrote in her Instagram stories. After this, she started receiving messages with threats and insults, due to which she was forced to make the content of her page private.

In addition, as the Feminist Workshop reports, Tradition and Order declared its intention to hold a rally near the Ratusha demanding to ban the lecture. In the announcement for the rally, the far-right baselessly accused the activist of “*mental disturbances*,” “*hatred for the Orthodox and Grek Catholic people*,” and called her a “*pervert*.”

However, the far-right rally was never held. First it was postponed for technical reasons, and then the event announcement was deleted altogether, citing a publication by the Education Office of the Department of Humanitarian Policy of the Lviv City Council about a complaint to the police regarding the intention to hold the lecture, because, as the message claims, third parties or members of non-governmental organizations need a permit from the Practical Psychology Office of the Regional Institute for Postgraduate Pedagogical Education to hold classes or lectures for secondary school students; another requirement is the presence of a practical psychologist from an education institution.<sup>44</sup>



■ Screenshots of the threatening messages that were sent

<sup>42</sup> La Revolte. Telegram channel, June 7, 2021: <https://telegra.ph/Krushy—Sozidaj-06-07?fbclid=IwAR3kIHwUfy0s1VR6Thc7X6Ao226p7mp-ustugqIBFaNVf2yuambyu8AM>

<sup>43</sup> Феміністична майстерня / Feminist workshop. Facebook page, May 11, 2021: <https://www.facebook.com/feministworkshop/posts/3980773381968416>

<sup>44</sup> Department of Education of the Lviv City Council. Official Facebook page, May 9, 2021: <https://www.facebook.com/EducationOfficeLviv/posts/1680347285498969>

Meanwhile, the Feminist Workshop noted that there were specific arrangements with the school, but certain details were still being clarified. In the end, the school refused to collaborate after the publicity which the situation received.

Among other things, Ihor Sholtys, a City Council member from the Voice party, made a statement about this. He published screenshots from Termasina's Instagram on his Facebook page and called the activist "*an immoral substance which aggressively promotes the destruction of family values and ethical norms among teenagers.*" As the council member explained in the comments to the post, he considers the activist's Instagram photos to be immoral: in one of the photos, there are drawings of genitalia and the words "sex," "vulva," "clitoris," etc. written on her body. His post was deleted by Facebook moderators following user complaints.

The Feminist Workshop is an NGO which actively organizes cultural and educational events promoting gender equality. It formed as a grassroots initiative in June 2014.

In March 2021, the club Girls Can! started in Lviv, which is organized by the Feminist Workshop in its space. The club hosts educational and cultural events on various topics (non-violent communication, opposing hate speech, etc.). In addition to these meetings, they also planned several events in Lviv schools.

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

- On **May 19, 2021**, at around 3 a.m. in **Buchach**, Ternopil Region, unidentified individuals burned the car of **Serhiy Dolyk**, a member of Skelia NGO, which was parked near his house.<sup>45</sup>

The activist associates the incident with his activities against gravel mining and illegal cutting of trees near the village of Nyzhniv, Ivan-Frankivsk Region. According to Dolyk, he had come to the site several times, called the police, the equipment was arrested for some time, and then the corresponding events continued.



■ A photo from the Facebook page "Opposing corruption and environmental monitoring Skelia"

After this, as the activist notes, people came to his house and to Nyzhniv while Dolyk was waiting for the police several times and threatened him with violence if he continued his activities. The activist victim points and Mykola Hurtoivsky, the commander of the Ivano-Frankivsk branch of the National Militias, and says that several people came to see him, but only Hurtoivsky,<sup>46</sup> according to Dolyk, came out of the car and talked to the activist (ZMINA Human Rights Centre has not been able to contact Hurtoivsky).

The police have started proceedings according to Part 2 of Article 194 (intentional destruction or damage of property) of the Criminal Code of Ukraine.

The non-governmental organization Skelia was created in 2015 in the Ternopil Region. It is engaged in anti-corruption and nature protection activism.

<sup>45</sup> A photo from the Facebook page "Opposing corruption and environmental monitoring Skelia". Facebook page, June 19, 2021: <https://www.facebook.com/skelyatern/posts/1341977282843875>

<sup>46</sup> Ukrainian Helsinki Human Rights Union (Українська Гельсінська спілка з прав людини). Facebook page, May 20, 2021: <https://www.facebook.com/Ugspl/posts/4019247064789886>

## #legal\_persecution

- On **May 24, 2021**, **Natalia Onipko**, the leader of the Zaporuka Charity Foundation who initiated the establishment of the Dacha centre for children with cancer in **Kyiv**, reported that a case was opened against her based on a report that the construction was allegedly carried out without a permit.<sup>47</sup>

According to the activist, the police report was submitted back in October last year by their neighbor, who has opposed the construction of the centre for a long time and who even damaged the gate with a circular saw once, but the detectives sent her a letter in March this year, around the time of a fire at the construction site.

On May 24, Onipko went to the Solomyansky District Police for an interrogation and provided the detectives with the permits which she has for the centre's construction. According to her, this was not the first time when the centre's papers were checked, and the Foundation has a State Architectural and Construction Inspection conclusion regarding the legitimacy of the construction.

The activist's lawyer Lidia Dmytrus petitioned the Solomyansky District to close the case due to the absence of a law violation. The petition was rejected, the investigation continues.

The Zaporuka Charity Foundation was founded in 2008. It operates in Kyiv and Lviv, helping children with cancer. Dacha is a house for cancer patients and their families where they live free of charge and rest after exhausting treatment. The Foundation used to rent a building for this purpose, but in 2018, it started fundraising to purchase a plot and build a centre which will be capable of hosting 15 such families.

On March 28, 2021, there was a fire in Kyiv at the centre's construction site: the walls and the front door were damaged, and window panes cracked due to the high temperature. The activists suspect arson. An investigation is underway.

And in July 2020, one of the neighbors cut down the construction site's gate lock with a circular saw and locked a guard in the building. The police registered a report about this incident as a citizen address.

## #physical\_attack

- On **May 27, 2021**, at 7 p.m., during a **Kyiv** presentation of the documentary *Budmo, Gay! Dialogues about Equality*, directed by **Yevhel Lesny**, about the changes in the situation with the rights of the LGBT community after the Maidan Events, about a dozen young men wearing masks with skulls on them and carrying black flags with Solaris logos came to the yard of the Dialog Hub education centre and put on psychedelic music through loudspeakers.

According to the eyewitnesses, the young men knocked on the windows; at first, they stood there peacefully with loud music playing, but in half an hour, they broke a window and threw a smoke bomb and a tear gas bomb inside. There were 20 people in the room; all of them suffered from light burns to the eyes and coughed for about an hour.

<sup>47</sup> The initiator of the creation of the Dacha Center for children with cancer has been summoned for interrogation regarding allegedly unapproved construction (Ініціаторку створення центру для онкохворих дітей "Дача" викликали на допит щодо нібито самочинного будівництва) / ZMINA, May 25, 2021: <https://zmina.info/news/inicziatorku-stvorennya-cenztru-dlya-onkohvoryh-ditej-dacha-vyklykaly-na-dopyt-shhodo-nibyto-samochynnoho-budivnyctva/>

The event was held both online and offline at the same time; the offline event was a closed pre-screening where the film's protagonists (LGBT activists) and journalists were present.<sup>48</sup>

Bohdan Khodakovsky, the leader of the far-right group Tradition and Order, wrote a post about the attack on his Telegram channel after the incident, claiming that he did not know who was behind it and that *"it's time for the donors to think hard, before someone starts shooting their pawns in stairwells."*<sup>49</sup>

The police started proceedings according to Article 296 of the CCU (hooliganism).

The film *Budmo, Gay! Dialogues about Equality* is about the way the Revolution of Dignity and the fighting in Donbas affected four LGBT people, the film's protagonists, their sense of dignity, and about the way Ukrainian society has changed its opinion about LGBT people.<sup>50</sup>

## #physical\_attack

- On **May 27, 2021**, after a session in **Kotsiubynske**, Kyiv Region, the blogger **Yuriy Ustinovsky**, who had just been recording the session meeting for his YouTube channel, was hit on the head by Bohdan Sliusarenko, a member of the Bucha District Council, the latter was passing by. A confrontation started, during which he was also kicked from behind by Oleksiy Oliynyk, another Kotsiubynske Council member from the New Faces party.

This was seen by the Udarcouncilor Olena Sokotiuk, who did not see the fight at first, but also tried to film what was happening. She shouted to Oliynyk that she saw him hitting a person, and then Oleksandr Khvostenko, the third councilor and also a New Faces member, knocked the phone out of her hands and hit her on the head.<sup>51</sup>

Later, Sokotiuk felt sick, she went to the hospital with a suspected concussion, but she was diagnosed with a hypertension crisis.

Ustinovsky says that he has not been injured. He called the police following the attack, the police arrived and accepted his report. The next day, on May 28, the Kyiv Region Police launched proceedings according to Part 1 of Article 125 of the CCU (intentional light bodily injuries), but they are also investigating similar cases based on Sliusarenko and Khvostenko's reports at the same time.

Yuriy Ustinovsky is a resident of Kotsiubynske who opposes construction in the Bilychi Forest. According to him, he has been documenting village council meetings and publishing them on YouTube for about five years<sup>52</sup> so that the community could stay informed about the decisions that are made on their behalf.

<sup>48</sup> Kyiv pride. Facebook page, May 27, 2021: <https://www.facebook.com/kyivpride/posts/3789216584521876>

<sup>49</sup> Khodakovsky (Ходаковський). Telegram channel, May 27, 2021: <https://t.me/BKhodakovsky/1807>

<sup>50</sup> *Budmo, Gay!*: A film that starts a dialogue about dignity in Ukrainian society («Будьмо, гей!»: фільм, який розпочинає діалог про гідність в українському суспільстві) / Ukrayinska Pravda. Life, May 27, 2021: <https://life.pravda.com.ua/columns/2021/05/27/245021/>

<sup>51</sup> A video of the attack by a Kotsiubynske Village Council member on a member of UDAR has been published (З'явилося відео нападу депутата Коцюбинської селищної ради на представницю УДАР) / Ukrayinska Pravda, June 11, 2021: <https://blogs.pravda.com.ua/authors/fedoriv/60c31bd57429b/>

<sup>52</sup> Yuriy Ustinovsky (Юрій Устіновський). YouTube channel: [https://www.youtube.com/channel/UCKL\\_t61JRa\\_5AIFvdjHDr8Q](https://www.youtube.com/channel/UCKL_t61JRa_5AIFvdjHDr8Q)

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

## #discreditation

- On **May 28, 2021**, **Mark Zeldich**, a civil activist that opposes illegal construction in **Kyiv**, told ZMINA Human Rights Centre about persecution and attempts to intimidate him by unidentified individuals between late December last year and approximately late April this year.

According to him, at first he received calls with the callers trying to clarify if he lived at his address, to clarify his name; then he started receiving threats by phone from a man who called himself Aslan or Artem, but had the same voice, as Zeldich believes; the man threatened to cut Zeldich's head off if he visited the construction site in Sichovykh Striltsiv street once again.

Later, on January 21, several men came to the activist's apartment and started ringing the doorbell, asking to "talk," but he did not open; they knocked on the door for a long time, shouting that they knew he wanted \$50,000 (the activist sees this as a provocation).

In addition, according to the victim, his locks were broken several times, glue was thrown at his door, the intercom with a camera was cut off, his windows were broken.

Mark Zeldich says that he was forced to call a security company to install a "panic button" in his apartment.

The persecution peaked, according to the victim, when an unidentified man broke into his apartment following his mother, with whom Zeldich lives. But since there was a representative of the security company inside, who came to install the "button," the criminal fled.

In addition, before a scheduled meeting of residents, someone posted leaflets around the district in which Mark Zeldich and **Anzhelika Yurkevych**, another activist who fights against the same construction and has also sued it, were called scammers.

Anzhelike Yurkevych also says that she received calls from various numbers in April, and unidentified individuals physically looked for her (asking her neighbors about her), wanted to talk about something, but she refused; they also tried to contact her son in the same way. In addition, according to the activist, rocks were thrown at her window at night, but it was not broken because the blow was mitigated by a mosquito net. Yurkevych did not go to the police (and is not planning to for now); the pressure stopped as of late May.

On January 21, 2021, the Kyiv Police started proceedings according to Part 1 of Article 129 (murder threat) of the CCU, in which Mark Zeldych is featured as the victim. At the same time, he himself says that he went to the police multiple times, both due to property damage and due to other incidents, but no cases were opened following those reports.

The pressure on the activists Mark Zeldich and Anzhelika Yurkevych, who fight against illegal



- Discrediting posters (a photo provided by the activist victims)

construction, was reported by *Nashi Groshi*<sup>53</sup> on May 26, 2021, citing, among other things, a post by the Facebook user Olga Simi (Olga Semyrenko). ZMINA addressed her, and she explained that she was Zeldich's neighbor and she could confirm that her window was broken, likely by mistake, on April 19, 2021, when rocks were being thrown at Zeldich's window (she says that she did not go to the police herself because she had just been planning to replace the windows that were damaged).

Mark Zeldich and Anzhelika Yurkevych filed several lawsuits which stopped the construction of a residential complex on the land plot at Sichovykh Striltsiv Str., 59. According to Zeldich, an initiative group of residents has been fighting against this construction since 2005 (they are both members of this group).

As *Nashi Groshi* reported, there used to be a military recruitment centre in this plot, but then the plot was leased out to a developer (with a violation, as the activists have determined); in 2017, the building was knocked down, and the construction of the Pokrova Residential Complex by Ukrbud began. The developers managed to build the first few floors, and then the State Architectural and Construction Inspection cancelled the permit. The Ministry of Culture also issued an order to stop the construction because the developer had not asked it to approve any construction documents in the historic area of Kyiv where building height restrictions are imposed (up to 27 meters). The developer tried to cancel the order through the court, but it did not win the case; the order has remained in force.

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

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

- On **May 29, 2021**, in **Kyiv**, a group of young men climbed over the fence and illegally entered the celebration of the end of an educational event in the yard of the office of the LGBTIQ organization **Insight**; the young men tried to disrupt the celebration.

According to **Anna Lytvynova**, a representative of the organization, there were about 25–30 attackers, some of whom had metal sticks; they occupied places reserved for event participants and shouted homophobic insults and threats.

The activists called the police, and while they were on their way, the attackers left. Later, the organization reported the crime, but the police registered it as a citizen address. The organization challenged the fact that no case was opened in court, and the court ordered the police to investigate the case. As of the moment of preparing this monitoring report, Insight has no information as to whether a case has been opened following the court decision.



<sup>53</sup> Titushkas are terrorizing the activists who stopped illegal construction in the center of Kyiv («Тітушки» тероризують активістів, які зупинили незаконну забудову у центрі Києва) / *Nashi Groshi*, May 26, 2021: <https://nashigroshi.org/2021/05/26/titushky-teroryziut-aktyvistiv-iaki-zupynnyly-nezakonnuzabudovu-u-tsentri-kyieva/>

The attackers were wearing the symbols of the far-right group Tradition and Order. Later, the group confirmed this, taking responsibility for the incident and publishing a video on their YouTube channel<sup>54</sup> and the Telegram channels<sup>55</sup> of some of its members. Lytvynova believes that the attackers' goal was to intimidate the participants.

The non-governmental organization Insight is engaged in human rights and educational activities, provides legal assistance and psychological support, medical consultations to LGBTQI people. They have been organizing Women's Marches in Kyiv and other events for a few years.

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

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

- On **May 29, 2021**, a group of individuals in **Odesa** tried to disrupt a FemTalks discussion organized by the organization **Insight** in collaboration with the Ukrainian Women's Foundation, dedicated to feminism, women's marches and the Istanbul Convention against domestic and gender-based violence.<sup>56</sup>

Two weeks earlier, according to the head of Insight NGO **Olena Shevchenko**, a similar discussion took place in Chernivtsi in peace and without incidents; but when the organizers set up an online registration form for the Odesa event, unidentified individuals started visiting it, leaving offensive comments and threats. In addition, Illia Popkov, a member of the Odesa branch of the Tradition and Order group, registered for the discussion; last year, the group, in particular, came in an organized manner several times and damaged the property of the Odesa branches of the Gay Alliance Ukraine and the LGBT Association Liga; they were also involved in the attack on the March of Dignity during the Odesa Pride.



■ A photo from the Facebook page of the user Jean Samo

Due to this, a day before the event, Insight went to the Central Office of the National Police in Kyiv; according to Shevchenko, the police promised them to tell the Odesa Police about the risk of an attack on the event, but the latter either did not receive the message or did not respond in any way.

Two-three hours before the event, radicals started gathering next to the hotel where the discussion was planned; they later tried to enter the hotel, but Olena Shevchenko and another organizer kept them from doing it. The activists called the police, and one patrol car with two officers arrived in 15 minutes; according to Shevchenko, the officers refused to take any measures, motivating this by saying that there were too few of them (*"There are only two of us"*). Then both organizers decided to go with them to the precinct to write a report which, according to Shevchenko, the police did not want to accept at first, because nobody was injured in any way.

<sup>54</sup> Tradition and Order (Традиція і порядок). YouTube channel, May 30, 2021: <https://www.youtube.com/watch?v=bW61sxMwS5k>

<sup>55</sup> Kuzmich (Кузьмич). Telegram channel, May 29, 2021: <https://t.me/cusemooi/11>

<sup>56</sup> On Saturday, far-right radicals disrupted two events and attacked the office of an LGBT organization in Odesa and Kyiv (У суботу в Одесі та Києві праворадикали зірвали два заходи та напали на офіс ЛГБТ-організації) / ZMINA, May 31, 2021: <https://zmina.info/news/u-subotu-v-riznyh-mistah-ukrayiny-zirvaly-feministychni-dyskusiyyi-a-takozh-napaly-na-lgbt-organizaciyu/>

Meanwhile, as Shevchenko found out later, a special police unit arrived at the hotel, but the far-right group had already left.<sup>57</sup> After submitting the report, the activists returned to the hotel, where they held the discussion after all.

The next day, Shevchenko went to the police precinct once again to receive a slip confirming that her and her colleague's report had been registered, but it turned out that their explanations were mixed up: her explanation was attached to her colleague's report, and her colleague's explanation was attached to hers. In the end, the police gave her the slip, but proceedings were never launched: on June 9, 2021, in response to a ZMINA Human Rights Centre request, the Odesa Police informed us that they registered Olena Shevchenko's report as a citizen address. Insight is trying to challenge this in court, but as of the moment of preparing this monitoring report, a court hearing has not been scheduled yet.

Responsibility for the incident has been claimed by the Tradition and Order group; its leader Bohdan Khodakovsky wrote on his Telegram channel that his comrades had come "to have a discussion."<sup>58</sup>

The non-governmental organization Insight is engaged in human rights and educational activities, provides legal assistance and psychological support, medical consultations to LGBTQI people. They have been organizing Women's Marches in Kyiv and other events for a few years.

The organization's leader Olena Shevchenko has been a victim of persecution and attacks by far-right groups on multiple occasions, particularly after her personal information was published by the Volary Telegram channel (it is known that Oleksiy Svynarenko is likely the administrator or one of the administrators of the channel), where the far-right mark their ideological opponents, particularly human rights defenders, as targets for attacks.

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

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

- On **May 29, 2021**, at around 10 p.m. in **Odesa**, a group of seven young men attacked the office of the Odesa branch of the LGBT Association Liga, breaking two windows. A surveillance camera recording shows the attackers throwing rocks at the building's windows and trying to damage the video camera.

Earlier, according to the organization's head **Oleh Aliokhin**, unidentified individuals had come and told the tenants of the neighboring office premises, particularly a restaurant, that they were going to do something to rid them of the neighboring LGBT organization.



■ A screenshot from a CCTV camera near the office of the LGBT Association Liga in Odesa

<sup>57</sup> Olena Shevchenko. Personal Facebook page, May 29, 2021: <https://www.facebook.com/olena.shevchenko.5876/posts/4565362196827041>

<sup>58</sup> Khodakovsky (Ходаковський). Telegram channel, May 29, 2021: <https://t.me/BKhodakovsky/1809>

In general, in the past two year, this was the fourth case of aggression against the organization. In 2020, the Odesa branch office was attacked several times by members of Tradition and Order who damaged the facade of the building.

The employees of the organization's central office, located in Mykolayiv, received terror attack threats in 2020 and 2021.

As for this attack, Aliokhin has expressed suspicion that the attackers were the same young men who attacked an event of another LGBTIQ organization, Insight, earlier, trying but failing to disrupt the event.

Meanwhile, on May 31, the group Youth Who Care took responsibility for the incident, posting their video of the incident on the eponymous Telegram channel and publishing a message with threats against "*liberal structures*."

Another far-right Telegram channel, *Put the Leftist Down*, also published threats and assurances that their representatives know "all the addresses" of their ideological opponents (the posts are not available at the moment).

The LGBT Association Liga was founded in Mykolayiv in 1993; it has a service centre for the community and is developing the human rights and educational areas of activity. Their main office is located in Mykolayiv, but the organization also has offices in Kherson, Odesa and Kyiv.

## JUNE 2021

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

- On **June 1, 2021**, unidentified individuals threw acid at two cars belonging to **Valeriy Kharchuk**, the head of the Anti-Corruption Regional Front, in **Rubizhne**, Luhansk Region. As the victim reported, the cars were parked in the yard of the building where he lives.

According to Kharchuk, in addition to his civil activities, he is also an entrepreneur and needs these cars for work; nevertheless, he associates this incident specifically with his activism and criticism of the local government.

The Anti-Corruption Regional Front actively opposes abuses by Rubizhne officials, writes reports to the police, covers regional problems. Earlier this year, Kharchuk already had acid thrown at one of his car, while another was set on fire.

Valeriy Kharchuk is the head of the civil association Anti-Corruption Regional Front (active since 2013), which monitors local self-government purchases, the distribution of land, etc. They publish the findings of their investigations on the Anti-Corruption Front Facebook page, challenge the decisions which are deemed illegal by appealing to law enforcement agencies.

In addition, Kharchuk was a member of the two previous City Councils of Rubizhne.

### #legal\_persecution

- On **June 12, 2021**, during a rally against the destruction of a printing house building in **Odesa**, the police tried to read out a misdemeanor protocol to the Automaidan activist **Vitaliy Ustymenko**

due to his participation in another rally on May 1, 2021, against the destruction of the historic Marazli Dacha building: the activist allegedly insulted the developer.<sup>59</sup>

Ustymenko did not sign anything and believes that the report was not handed to him. The police also refused to explain what exactly Ustymenko was charged with in reply to a question from Oleh Mykhailyk, another Odesa activist, who was live streaming the events described here.<sup>60</sup>

The rally at the Marazli Dacha was covered by the Odesa publication *Dumskaya*:<sup>61</sup> the journalists noted that there was an argument during the rally between Automaidan and an entrepreneur from Boulevard-1906, who tried to join in with a group of people in uniform; they also wrote that Vitaliy Ustymenko tried to chase *Dumskaya* journalists away.

At the same time, in July, it became known that a court hearing was appointed based on this police report at the Prymorsky District Court of Odesa.<sup>62</sup> As of the moment of preparing this monitoring report, the hearing has not taken place yet.

Vitaliy Ustymenko is the leader of the Odesa branch of Automaidan, former press secretary of the Odesa Self-Defense, a TV host. He opposes corruption and illegal construction.

Marazli Dacha is a historic building complex in Liderivsky Boulevard in Odesa; developers want to build high-rises right next to it, which can damage the buildings (according to the media, only one of the three 19th century buildings has a protected status).<sup>63</sup> According to this information, in 2018, the buildings, which were owned by the city, were sold to private individuals. The Odesa Regional Council sold the Marazli Dacha complex to the company Boulevard-1906, which, in turn, sold it to third parties who built a fence around the mansions. The National Anti-Corruption Bureau is currently investigating the legality of these decisions.

The destruction of the monuments is opposed by activists. They have initiated the group Marazli Dacha Fights Back,<sup>64</sup> hold rallies and other events in this territory and submit claims and complaints to courts and law enforcement agencies.

In February 2021, the High Anti-Corruption Court banned construction works in the territory of the Marazli Dacha architectural monument.<sup>65</sup>

In 2018, Vitaliy Ustymenko was attacked and suffered stab wounds. In April 2021, Zmina recorded the publishing of a material that has signs of discreditation of the activist (see above).

<sup>59</sup> The police tried to write a misdemeanor report on the Odesa activist Vitaliy Ustymenko, – PHOTO, VIDEO (Полиция пыталась составить админпротокол на одесского активиста Виталия Устименко, – ФОТО, ВИДЕО) / 048UA. The website of Odesa, June 13, 2021: <https://www.048.ua/news/3128336/policia-pyталas-sostavit-adminprotokol-na-odesskogo-aktivista-vitalia-ustimenko-foto-video>

<sup>60</sup> Oleh Mykhailyk (Олег Михайлик). Personal Facebook page, June 12, 2021: <https://www.facebook.com/oleg.myhailyk/videos/620092762300549/>

<sup>61</sup> A Saturday cleaning at Marazli Dacha ended with a scandal (Субботник на даче Маразли закончился скандалом) / Dumskaya, May 1, 2021: <https://dumskaya.net/news/subbotnik-na-dache-marazli-aktivisty-dvuh-organi-142473/>

<sup>62</sup> Vitaliy Ustymenko (Віталій Устименко). Personal Facebook page, July 1, 2021: [https://www.facebook.com/permalink.php?story\\_fbid=3026004050990001&id=100007413061867](https://www.facebook.com/permalink.php?story_fbid=3026004050990001&id=100007413061867)

<sup>63</sup> High-rises of concrete and glass instead of Marazli Dacha: How Odesa residents are fighting the development of the historical complex (Висотки з бетону та скла замість Дачі Маразли: Як одесити борються із забудовою історичного комплексу) / Depo Odesa, February 10, 2021: <https://odesa.depo.ua/ukr/odesa/dolya-dachi-marazli-v-odesi-yak-aktivisti-berezhut-misto-vid-nezakonnoi-zabudovi-202102091282597>

<sup>64</sup> Marazli Dacha fights back (Дача Маразли дає сдачи). Facebook page: <https://www.facebook.com/dachamarazli/>

<sup>65</sup> Marazli Dacha in Odesa. The court has blocked construction around architectural monuments (Дача Маразли в Одесі. Суд заблокував будівництво довкола пам'яток архітектури) / Suspilne, February 5, 2021: <https://suspilne.media/102477-dacha-marazli-v-odesi-sud-zablokuвав-budivnictvo-dovkola-pamatok-arhitekturi/>

## #illegal\_detention\_or\_search

## #obstruction\_of\_peaceful\_gatherings

- On **June 18, 2021**, in **Kupyansk**, Kharkiv Region, during a rally against the closure of schools, police officers brutally arrested the demonstrators **Yulia Ivashchenko** and another man who tried to defend her (ZMINA has not been able to contact him), as well as the journalist Bohdan Cheremsky who was covering the rally and filming the activists' arrest (his phone was knocked out of his hands).

According to the victim, near the end of the rally, she was approached by a man wearing civilian clothes and, without introducing himself, started insulting him; after a verbal altercation, he wrung her arms back and started leading her to a car. Ivashchenko claims that she did not resist, she was only trying to adjust her clothes, but police officers approached to hold her, and one of the officers was pushing her in the back.

The activist notes that the reason for her arrest was not explained to her in any way and that no misdemeanor reports were written on her.

Yulia Ivashchenko wrote a report to the police and went to the doctor, saying that she had a few bruises on her arms and was in a state close to a nervous breakdown, which is why a police officer wrote a report from her words. She also intends to go to the State Investigation Bureau (at the moment of the publication of the report, there is no information regarding this claim).

Meanwhile, in response to a request from ZMINA Human Rights Centre, the Central Office of the National Police of Kharkiv Region claimed that they had not received a report about a beating from Ivashchenko, they were informed about the incident by a different person (L. V. Brus), but her report was considered and processed as a citizen address.

According to the police information, Yulia Ivashchenko was allegedly persistently disobeying a police officer's (A. Y. Stepanenko's) request to step out of the traffic, spit into his face and tried to knock him down, due to which a misdemeanor report was written on her according to Article 185 of the Misdemeanor Code of Ukraine (persistently disobeying a legal demand of a police officer).

Yulia Ivashchenko is a mother of five, one of her sons studies at one of the schools which the local government intends to close. She works for the railway and participates in rallies about the problematic issues of Kupyansk.

On June 18, after local councilors passed the development strategy for the territorial community which proposed to "reorganize" the schools, activists blocked the Chuhuyiv-Milove road, demanding not to close the Kupyansk Grammar School No. 1 and the Grammar Schools of the villages of Osynove and Prystin. The city council intends to merge them with the Kupyansk School No. 4, but, as the activists note, nobody has made sure that it is safe for the children to travel to the schools, and nobody has taken care to provide proper equipment to the schools, which, according to local residents, is worse than at the schools which the government is planning to close.<sup>66</sup>

<sup>66</sup> In Kharkiv Region, activists were arrested during the "people in civilian clothes" demonstration (На Харківщині під час акції "люди у цивільному" затримали активістів) / Ukrainian Helsinki Human Rights Union, July 1, 2021: <https://helsinki.org.ua/articles/na-kharkivshchyni-pid-chas-aktsii-liudy-u-tsyvilnomu-zatrymaly-aktyvistiv/>

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

- On the night of **June 18, 2021**, in **Odesa**, unidentified individuals set fire to a garage that belongs to the environmental activist **Leonid Kolesnychenko**, who fights against an improvised landfill and illegal sand mining near his place; the building and his daughter's car, packed inside the garage, were damaged.<sup>67</sup>

According to the victim, he heard an explosion, ran out to put out the fire, and then, at the site of the fire, he discovered that the building was covered with a flammable liquid. In addition, according to Kolesnychenko, about a week after the incident he found an unused improvised torch nearby, a wooden stick wrapped with a rag. The activist suspects that the arson was committed using a similar tool.

Leonid Kolesnychenko has fought against illegal dirty sand mining and garbage dumping in former filtration fields located three kilometers away from Odesa's central street, Derybasivska. According to him, not only construction debris, but also organic animal farming waste, LED lamps, mercury are dumped at the site; this waste ends up in the Khadzhybeyivsky Liman via underground waters. In particular, he has filed complaints with law enforcement agencies and initiated the filming of a documentary about the situation.<sup>68</sup>

The activist himself associates the arson solely with his civil activism, saying that this was not the first incident. In particular, according to Leonid Kolesnychenko, on the night between August 28 and 29, 2020, unidentified individuals set his car on fire, which was parked in the street near his house; in addition, before last year's incident, he was threatened with a grenade and someone shot a gun near him as he was filming in the landfill. According to Kolesnychenko, the perpetrators were never identified.

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

- On **June 22, 2021**, in **Kyiv**, at around 3 p.m., two unidentified individuals set fire to the car of **Oleksandr Silchenko** (also known as Oleksiy Kit), the head of the Darnytsia Parks NGO; the car was parked in the yard of the high-rise where the activist lives.<sup>69</sup>

Silchenko says that there are a few possible opponents who could be involved in these illegal actions. According to the activist, since around the summer of 2020, he has opposed the construction of a restaurant with a summer terrasse in the Partyzanskoyi Slavy Park: initially it was a makeshift building, then it burned down in December last year, and the



■ A photo after the incident published by the victim in the Facebook group New Darnitsa

<sup>67</sup> Oleh Mykhailyk. Personal Facebook page, June 21, 2021: <https://www.facebook.com/oleg.myhailyk/videos/625374938438998>

<sup>68</sup> In Odesa, an activist's garage set on fire: he opposes illegal sand mining (В Одесі підпалили гараж активіста: він виступає проти незаконного видобутку піску) / ZMINA, June 23, 2021: <https://zmina.info/news/v-odesi-pidirvaly-garazh-gromadskogo-aktyvista-vin-vystupaye-proty-nezakonnogo-vydobutku-pisku/>

<sup>69</sup> Нова Дарниця/New Darnitsa/Новая Дарница. Facebook group, June 22, 2021: <https://www.facebook.com/groups/382557432390117/permalink/768333063812550/>

construction of a permanent building started on the site, with a foundation and brick walls; but later, it was knocked down by city employees and the Municipal Guard. Throughout this period, activists complained to various government representatives trying to stop the operations of the aforementioned restaurant in the park's territory.

In addition, the victim recalls that their organization opposed the installation of amusement rides on a lake shore (Silchenko claims that the plot has the status of a nature reserve), which the owners of the rides could be displeased with.

Moreover, after the incident, on June 29, Sinchenko received WhatsApp calls with threats because he commented on a Facebook post about gazebos in the park. The activist could not record the call, but he notes that this means that all of his activities are surveilled.

The Kyiv Police reported on their website that criminal proceedings have been launched based on the fact of the car arson according to Part 2 of Article 194 (intentional destruction or damage of property) of the Criminal Code.<sup>70</sup>

The Darnytsia Parks NGO was officially founded in 2021; it existed earlier as an initiative group. The activists have prevented illegal retail trade in the Partyzanskoyi Slavy Park, demanded the demolition of illegal buildings, opposed construction in the park. They have submitted requests to the leadership of Darnytsky District, the mayor Vitaliy Klychko, the General Prosecutor's Office, the President of Ukraine.

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

### #privacy\_violations

- On **June 25, 2021**, in **Dnipro**, the office of the Community of Active Youth–SAM organization was visited by Security Service officers for a “preventive conversation,” as they themselves called it, with the organization's deputy head **Viroslav Tsyupyak** due to his participation in a rally in support of Serhiy Sternenko on May 30 (the rally was organized a day before the Odesa Court of Appeal was to announce its decision in Shcherbych's case<sup>71</sup>).

According to Tsyupyak, about a week after the rally, he received a call from a man who introduced himself as Artem Viktorovych and said that he was from the Security Service and that he wanted to have a “conversation” with him. When the activist asked to explain the official reason for the invitation, the man said that it was related to the rally and that it was just a conversation without any official status, so Tsyupyak refused to go. After this, according to the activist, he received a few other calls from unknown numbers. On June 22, 2021, he got a call from someone who introduced themselves as Artem Viktorovych's boss and also invited him for a “conversation,” threatening to come to his university if he refused.

On June 25, 2021, at around 1:50 p.m., two unidentified individuals entered the office rented by the Community of Active Youth–SAM NGO, where Viroslav Tsyupyak was at the moment; they also introduced themselves as Security Service officers but did not allow him to take a photo of their IDs. The activist points out two aspects. First, the office address was not openly available, and when the visitors were asked where they found out about the address, they

<sup>70</sup> Detectives launched criminal proceedings based on the fact of arson of a car in the Darnytsia District of the capital (За фактом підпалу автомобіля в Дарницькому районі столиці слідчі відкрили кримінальне провадження) / Kyiv Police: <https://kyiv.npu.gov.ua/news/novini/za-faktom-pidpalu-avtomobilya-v-darniczkomu-rajoni-stoliczi-slidchi-vidkrili-kriminalne-provadhennya/>

<sup>71</sup> The court has acquitted Sternenko in the case of armed robbery, but left the firearms sentence in force (Суд виправдав Стерненка у справі про розбій, але залишив у силі вирок щодо вогнепальної зброї) / ZMINA, May 31, 2021: <https://zmina.info/news/sud-shhodo-sternenka-ta-demchuka/>

said, “Dnipro is a small town.” Second, Tsyupyak himself does not always work from the office, he often makes appointments in the city, so it is likely that the visitors found out about his presence there specifically by employing some covert actions (surveillance or determining his cell phone location).

The visitors asked everyone except for Tsyupyak to leave the room, but two of his colleagues refused. Then they forbid them to film. The activist recalls that they addressed one of his colleagues by name.

The Security Service officers asked him questions about the rally in support of Sternenko and recorded his explanations (but he was not asked about other activists, as Tsyupyak claims). When he noted that he did not organize the rally and did not notify the authorities about it, the law enforcement officers said that he was the host of the rally, so, according to them, he was responsible if anything “went wrong.”

The activist notes that they tried to pressure him, saying that there were chants at the rally which could cause the protesters to take radical action, and that a similar thing could supposedly happen at future rallies.

In addition, according to Tsyupyak, he was criticized for refusing to communicate with the people who called him: “*why do you not pick up the phone,*” “*you know what happens to people who treat the Security Service this way.*”

They did not allow Tsyupyak to photograph what they wrote down from his words; he said that he would only sign it if they provided him with a copy. They refused to give him a copy, so he refused to sign it. At around 2:40 p.m., the people left.

The Security Service confirmed a visit to the office where Viroslav Tsyupyak works. In a comment to *Ukrayinska Pravda*,<sup>72</sup> they explained that according to Decree #1370-IX, passed by the Verkhovna Rada after the incident at the rally near the Office of the President on March 20, 2021, when the demonstrators spray-painted the building and threw smoke bombs through a broken door glass, the Security Service was, among other things, charged with examining the circumstances around the events to clarify whether any Ukrainian political parties and/or individuals affiliated with them organized these events and/or participated in their implementation.

The Security Service’s reply characterized Tsyupyak as an individual who “*is an organizer and participant of the corresponding mass protest rallies in the territory of Dnipropetrovsk Region and other regions of Ukraine, as well as in Kyiv.*”

Viroslav Tsyupyak is the deputy head of SAM, a participant of rallies that demand to effectively investigate the murder of the Kherson activist Kateryna Handziuk and to prosecute the individuals involved in it, as well as rallies in support of Serhiy Sternenko, the Language Law and decommunization.

The Community of Active Youth–SAM is an NGO in Dnipro which organizes educational and networking events (a political school for youth, etc.).

<sup>72</sup> In Dnipro, the SSU has visited a participant of the demonstrations for Sternenko for a “conversation” (У Дніпрі до учасника акцій за Стерненка із “бесідою” навідалась СБУ) / *Ukrayinska Pravda*, June 25, 2020: <https://www.pravda.com.ua/news/2021/06/25/7298504/>

## INCIDENTS FROM THE PREVIOUS PERIOD THAT BECAME KNOWN IN THE 2ND QUARTER OF 2021

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

- On **January 4, 2021**, in **Starokostiantyniv**, Khmelnytsky Region, during a session meeting of the Starokostiantyniv City Council, the Fatherland councilor Andriy Polishchuk showed an offensive gesture and pushed the civil activist **Serhiy Khudyi** off the stage; the activist was filming the process of counting the votes for the appointment of the City Council secretary.

As Khudyi explained to ZMINA Human Rights Centre, the councilors' votes were divided, and those who were against the appointment did not come to the meeting, so it was important for him to record the number of votes for the appointment.

In the video published by the activist on a YouTube channel, we can see that he was asked to leave the stage where the votes were being counted, and when he refused, he was pushed away by another man; Khudyi lost his balance and fell off the stage.<sup>73</sup>

Some time after this, according to Serhiy Khudyi, their organization started to be evicted from their office. The activist associates this with the incident at the city council session but he cannot prove it.

He has given ZMINA Human Rights Centre a letter noting that the office was provided to them rent-free, but when the Law "On renting state and municipal properties" came into force, this option became unavailable for NGOs.

Meanwhile, according to Part 2 of the "Transitional and final provisions" of the Law "On renting state and municipal properties," the rental contracts for state and municipal properties signed before the Law came into force remain valid until they expire. So the Starokostiantyniv City Council's actions aimed to evict the Starokostiantyniv Cares NGO are illegal (their rent contract was valid until October this year).

The activists did not go to the police to report the eviction.

Serhiy Khudyi is the founder and head of the Starokostiantyniv Cares NGO. The organization has been active since 2015. In addition, there is an eponymous website, YouTube channel and Facebook group where local news and problems are published and discussed.

### #other: dismissing a union activist

- On **January 28, 2021**, in **Lviv**, the management of the Lviv Regional Children's Clinical Hospital Okhmatdyt dismissed the neurologist **Vasyl Shtybel**, who was the head of the primary union organization of the institution's doctors.

He was dismissed from both positions he occupied: as a consultative practicing neurologist and a neurologist for the anesthesiology ward (where he is an internal part-timer with 0.25 of the salary).

<sup>73</sup> Starokostiantyniv is not indifferent (Старокостянтинів небайдужий). YouTube channel, January 4, 2021: [https://www.youtube.com/watch?v=R2sQTb\\_dwU](https://www.youtube.com/watch?v=R2sQTb_dwU)

The official reason specified in the documents is absenteeism on December 31, 2020. At the same time, Shtybel himself says that he applied for a day off on that day (he has published the scanned application on his Facebook page<sup>74</sup>); the application is dated December 30, 2020, and signed by the person who accepted it. The administration, however, claims that the application was not submitted in the proper form<sup>75</sup> and notes that acceptance of an application precedes its consideration but does not guarantee that it will be granted, so the employee could not take the day off before the decision on his application was made.

The doctor believes that his dismissal was primarily associated with his union activism and opposing corruption; in particular, Shtybel covered and published on Facebook documents in which the hospital administration gave themselves bonuses,<sup>76</sup> appealed to the State Labor Office regarding the lack of transparency in this procedure, etc.

The activist filed a claim with the Lychakivsky Court in order to cancel the order about his dismissal and restore him on the job. On April 6, the court started the proceedings and is currently considering the case.<sup>77</sup>

Vasyl Shtybel has been the head of the primary union organization of the aforementioned hospital since 2016. In addition, he was a member of the Public Council of the Lviv Regional State Administration for two periods (2017–2019; 2019–2021).

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<sup>74</sup> Free Union of the Okhmatdyt Children's Hospital (Вільна профспілка ЛОДКЛ «ОХМАТДИТ»). Facebook page, February 8, 2021: [https://www.facebook.com/permalink.php?story\\_fbid=2744680339082577&id=1682494455301176](https://www.facebook.com/permalink.php?story_fbid=2744680339082577&id=1682494455301176)

<sup>75</sup> Vasyl Shtybel (Василь Штибель). Personal Facebook page, February 15, 2021: [https://www.facebook.com/permalink.php?story\\_fbid=4303831132977297&id=100000513579620](https://www.facebook.com/permalink.php?story_fbid=4303831132977297&id=100000513579620)

<sup>76</sup> Free Union of the Okhmatdyt Children's Hospital (Вільна профспілка ЛОДКЛ «ОХМАТДИТ»). Facebook page, October 22, 2020: [https://www.facebook.com/permalink.php?story\\_fbid=2662448563972422&id=1682494455301176](https://www.facebook.com/permalink.php?story_fbid=2662448563972422&id=1682494455301176)

<sup>77</sup> In Lviv, a doctor who fought corruption and abuses has been fired: How he is defending his rights in court and what the leadership says (У Львові звільнили лікаря, який боровся з корупцією та зловживаннями: як він відстоює права в суді й що каже керівництво) / ZMINA, July 13, 2021: <https://zmina.info/articles/u-lvovi-dytyachogo-likarya-zvilnyly-z-roboty-vin-vvazhaye-cze-pomstoyu-za-gromadsku-diyalnist-i-namagayetsya-ponovytysya-cherez-sud/>







# 3193-1

## Проект Закону про внесення змін до деяких законодавчих актів щодо забезпечення рівних прав та можливостей громадян із представництва у наглядових радах та органах правління державних унітарних підприємств, господарських товариств та державних банків та справедливого формування і ефективної діяльності таких наглядових рад із врахуванням національних інтересів України

### Стаття 6 Закону України «Про внесення змін до статті 6 Закону України щодо заборони проведення мітингів біля будівель судів»

Законопроект порушує один з принципів проведення мирних зібрань (з Керівних принципів з свободи мирних зібрань від БДПГ та Венеціанської Комісії) – “видимість та чутність”. Цей принцип говорить про перешкоджання реалізації свободи мирних зібрань у конкретний час та в конкретному місці, які дозволяють учасникам/члени зібрання донести свої ідеї/погляди/тези до реципієнтів цієї інформації (окремим чином державних інституцій або суспільства). Учасники/члени мирних зібрань перед будівлями суду (частіше за все) намагаються донести свою позицію саме до тієї чи іншої сторони судового процесу, а значить основним реципієнтами інформації є сторони судового процесу, в т.ч. судді. До того ж, згідно з коментарями комісар Ради Європи по правам людини, абсолютні заборони на проведення демонстрацій в певних місцях, наприклад перед будівлями парламентів і урядів, в центрах міст та інших суспільно важливих місцях, серйозно ускладнюють реалізацію права на проведення мирних зібрань.

З висказаного виходить, що прийняття даного законопроекту обмежує свободу мирних зібрань та перешкоджає її повній реалізації, а тому не може бути прийнятий. На даний момент Україна не має окремого закону, який би регулював реалізацію свободи мирних зібрань на території країни. Тож, свобода мирних зібрань на національному рівні регулюється тільки ст.39 Конституції України. “Громадяни мають право збиратися мирно, без зброї і проводити збори, мітинги, походи і демонстрації, про проведення яких завчасно сповіщаються органи виконавчої влади чи органи місцевого самоврядування. Обмеження щодо реалізації цього права може встановлюватися судом відповідно до закону і лише в інтересах національної безпеки та громадського порядку – з метою запобігання заворушенням чи злочинам, для охорони здоров’я населення або захисту прав і свобод інших людей.”

Також Україна – є країною-підписантом Конвенції про захист прав людини і основоположних свобод, і підпадає під юрисдикцію ЄСПЛ, у аналізі правомірності та законності тих чи інших обмежень необхідно керуватись саме керівними принципами по свободі мирних зібрань, які створені цими міжнародними інституціями.

Керівні і негативні практики та міжнародні стандарти мирних зібрань – це одна з основоположних громадянських свобод, що визнані в переліку прав людини першого покоління. Вона закріплена в таких міжнародних документах, як в статті 20 Загальної декларації прав людини, статті 21 Міжнародного пакту про громадянські та політичні права, статті 11 Європейської Конвенції про захист прав людини і основоположних свобод.

Відміну від інших міжнародних документів, має дієвий механізм по захисту вказаних прав людини (далі: ЄСПЛ). Саме тому перш за все необхідно розглянути статті 9, 10 та / або 11) частині 2 написано, дорожньому русу та застосуванню темпу руху транспортних засобів, коли місце розташування зібрання знаходиться в безпосередній близькості від будівель суду. Однак, варто зауважити, що ця заборона повинна бути спрямована на мирні зібрання зібрання осіб, а саме створення впливу (і тим самим захисту прав інших осіб, з самої сторони зібрання).

Важко досягнення конкретного інтересу. Це означає, що в деяких випадках, коли місце розташування зібрання знаходиться в безпосередній близькості від будівель суду, варто зазначити, що ця заборона повинна бути спрямована на мирні зібрання зібрання осіб, а саме створення впливу (і тим самим захисту прав інших осіб, з самої сторони зібрання).

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Одна з цілей законопроекту, яка перешкоджає діяльності представникам громадянського суспільства: недопуск членів громадських об'єднань до участі у наглядових радах.

Рекомендації: Відхилити та подати окремий законопроект про гендерні квоти і регулювання доходів.

Тези щодо аргументації рекомендацій:

Виключення основних представників громадянського суспільства (учасників громадських об'єднань) з наглядових рад та заборона їх подальшої участі підвищує корупційні ризики та знижує якість контролю над діяльністю підприємств у стратегії розвитку підприємств.

Риторика “зменшення іноземного впливу” на економіку країни через виключення представників громадських об'єднань деструктивна для репутації та рівня довіри до громадянського суспільства, які є необхідними для стійкої демократії в країні.

Введення додаткового фільтру на обов'язкове українське громадянство при прийнятті у наглядову раду є неоднозначним, адже зменшує рівень експертності та виключає із процесу стратегічного планування найкращих для стійкої демократії в країні.

Протидія гендерній дискримінації та боротьба з корупцією і мілітаризацією окремих сфер суспільства – є позитивними практиками країни зі стійкою демократією, які підвищують рівень прозорості та ефективності роботи наглядових рад.

Заборона участі представників/членів громадських об'єднань та не громадян у наглядових радах державних підприємств не громадян України.

Аналіз законопроекту: Законопроект пропонує ряд змін у Законі України про управління об'єктами державної власності, Законі України «Про акціонерні товариства», Законі України «Про банківську діяльність» та Законі України «Про забезпечення управління об'єктами державної власності в оборонно-промисловому комплексі». Зміни пропонує виключити відповідно до робочих питань, адаптованих до 5-ї річної стратегії належності держави, а саме:

Забрати участь наглядових рад осіб, які входять або входили протягом останніх 5 років до керівних органів або є/були уповноваженими представниками громадських організацій.

Особам, які входять або входили протягом останніх 5 років до громадських об'єднань, які здійснювали співробітництво з іноземними неурядовими організаціями.

Особам, які не є громадянами України для державних підприємств оборонно-промислового типу та Національного Банку.

Встановити максимальну заробітну плату члена наглядової ради підприємства.

Недоліки законопроекту

Наглядова рада є, між іншим, контролюючим органом, який повинен представляти інтереси акціонерів (в деяких європейських країнах – представляти усіх стейкхолдерів, включаючи персонал/робітників), в тому числі інтереси громадян України. З огляду на це варто підкреслити, що представники громадянського суспільства є одним з рушійних сил для здійснення контролю над владою та протидії корупції у державних органах. Виключення їх з процесу інституційного нагляду та стратегічного планування щодо функціонування державних підприємств призведе до підвищення, щонайменше, корупційних ризиків.

До того ж, поширення риторики про “іноземний вплив” через громадські організації, що отримують проектне або інституційне фінансування з різних закордонних фондів, частіше за все західноєвропейських або північноамериканських, є деструктивним для розвитку та підтримки громадянського суспільства в Україні. Така маргіналізація представників громадських об'єднань та ізолювання їх роботою через факт недержавного та ненаціонального фінансування послабить ефективність роботи громадського сектора через лаплогнення їх репутації та позбавляє активістів та правозахисників образу легітимного критика та контролера влади та владних структур.

Підсилення висказаної риторики про іноземний вплив через заборону приймати участь у наглядових радах державних підприємств не громадян України.

Якщо не є одним з найбільш чутливих сфер, що стосуються національної безпеки можуть бути закриті від впливу негромадян. До того ж, тільки особи з українським громадянством є економічними суб'єктами України, які у разі необхідності можуть понести відповідальність за злочинні дії.

З іншого боку, слід зазначити, що залучення міжнародних експертів до наглядових рад вважається позитивною та ефективною практикою у світі, так як дає змогу консолідувати професійні ресурси та таланти на національному рівні та створити пул експертів-радикалів всередині наглядової ради підприємства.

# Activism 2021.

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

APRIL – JUNE 2021