



# THE SITUATION OF HUMAN RIGHTS DEFENDERS AND CIVIL ACTIVISTS IN UKRAINE IN 2021

MONITORING AND ANALYTICAL REPORT

УДК 323.23-027.555(477)(048.83)  
M82

The situation of human rights defenders and civil activists in Ukraine in 2021: Monitoring and analytical report / A. Moskvychova, T. Pechonchyk, L. Yankina; ZMINA Human Rights Centre. – Kyiv, 2021. – 172 p.

This report analyzes international documents, national law and the conditions in which the human rights and civil activities of individuals and organizations took place in the territory of Ukraine controlled by the government during 2021. It considers the key problems faced by human rights advocates and civil activists, list specific cases of persecution of human rights defenders and civil activists, particularly criminal, civil and administrative persecution, threats, cases of physical violence (including murder, beating and property damage), surveillance and discreditation campaigns, obstruction of peaceful gatherings, etc. The target audience of the report includes representatives of government bodies, international and intergovernmental organizations, journalists, human rights defenders and civil activists.

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

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



Cover photo: Serhiy Sternenko at the Odesa court, 23 February 2021. Photo: Anna Farifonova, Graty.

ZMINA thanks the journalists Yelyzaveta Sokurenko and Natalia Adamovych, as well as non-governmental organizations Ukrainian Helsinki Human Rights Union and Environment-Law-Humanity for their help with preparing this report.

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

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

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



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# List of abbreviations

- ACOAB** – Association of Co-owners of an Apartment Building  
**ASMA** – Agency for Searching and Managing Assets  
**BDIHR** – Bureau of Democratic Institutions and Human Rights  
**CCU** – Criminal Code of Ukraine  
**CDNP** – Central Department of the National Police  
**CO** – charity organization  
**CPAS** – centre for the provision of administrative services  
**CPC** – Criminal Procedural Code  
**CSO** – civil society organization  
**DDIA** – District Department of Internal Affairs  
**ECHR** – European Convention on Human Rights  
**ECtHR** – European Court of Human Rights  
**IA** – information agency  
**ICD** – International Classification of Diseases  
**IMI** – Institute for Mass Information  
**ITA** – international technical aid  
**JEC** – Journalistic Ethics Commission  
**KCSA** – Kyiv City State Administration  
**KNU** – (Taras Shevchenko) Kyiv National University  
**LGBT(IQ)** – lesbian, gay, bisexual, transgender (intersexual, queer) people  
**MCU** – Misdemeanor Code of Ukraine  
**MIA** – Ministry of Internal Affairs  
**NABU** – National Anti-corruption Bureau of Ukraine  
**NGO** – non-governmental organization  
**OP** – Office of the President  
**OPFL** – Opposition Platform–For Life  
**OSCE** – Organization for Security and Co-operation in Europe  
**PACE** – Parliamentary Assembly of the Council of Europe  
**PJSC** – private joint-stock company  
**PTJ** – pre-trial jail  
**PTSD** – post-traumatic stress disorder  
**RP** – residential project  
**SACC** – Supreme Anti-corruption Court  
**SACI** – State Architecture and Construction Inspection  
**SAP** – Special Anti-corruption Prosecution  
**SIB** – State Investigation Bureau  
**SOGI** – sexual orientation and gender identity  
**SSU** – Security Service of Ukraine  
**TIC** – temporary investigative commission  
**UBO** – ultimate beneficiary owner  
**UHHRU** – Ukrainian Helsinki Human Rights Union  
**UN** – United Nations  
**USES** – Ukrainian State Emergency Service  
**USR** – Unified State Registry (of legal entities, private entrepreneurs and civic associations)  
**UTC** – united territorial community



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## INTRODUCTION



■ Photo: Mykola Myrny

The team of the ZMINA Human Rights Centre gladly presents a monitoring report on the pressure and persecution of activists in 2021, created as a part of the Increasing the Role and Protection of Human Rights Defenders in Ukraine project. ZMINA implements this project in partnership with the Netherlands Helsinki Committee with financial support by the European Union.

The purpose of this report is to evaluate the situation with persecution of and pressure on public activists in 2021, to describe the incidents which happened in this period.

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

In the context of decentralization, mobilization of efforts in the solidarity struggle against the consequences of the COVID-19 pandemic, socioeconomic perturbations, intensification of external threats, particularly with regard to the expansion of Russian aggression against Ukraine, the topic of protection and strengthening the safety of activists and human rights defenders, as well as opposing impunity for their persecution has been gaining increased relevance for the promotion and advocacy of human rights standards, monitoring of the government's fulfillment of its obligations, and protection of social interests.

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



# 2

## STUDY SUMMARY

## THE SITUATION WITH THE PERSECUTION OF ACTIVISTS AND HUMAN RIGHTS DEFENDERS IN 2021

In total, ZMINA documented 108 cases of persecution for civil activities in the government-controlled territory of Ukraine in 2021, which is somewhat more than in the previous year, 2020 (when 101 cases of persecution were recorded).

The highest number of incidents took place in July (14), August (13) and March (12), and the lowest—4 cases—in December.

Among the documented incidents, the most widespread were attempts at intimidating activists (28), destruction or damage of their property (24) and physical attacks on them (20). In addition, many cases had signs of discreditation campaigns (12) and illegitimate legal persecution (7). Five incidents can be viewed as obstruction of the activities of non-governmental organizations (mostly cases of disruption of educational or other events organized by activists), four cases had signs of illegal arrest or detention, another four—of obstruction of peaceful gatherings, and three cases involved privacy violations (particularly the situations when activists reported surveillance of them).

In general, incidents of persecution of activists were recorded in 17 Ukrainian regions, but the highest numbers of them took place in Kyiv (almost half of all the recorded cases), in Odesa Region, Kharkiv Region and Luhansk Region. This situation has carried over from the previous years.

According to the monitoring results, the most risky types of civil activities in 2021 were LGBTIQ activism, anti-corruption work, opposing illegal construction and environmental protection.

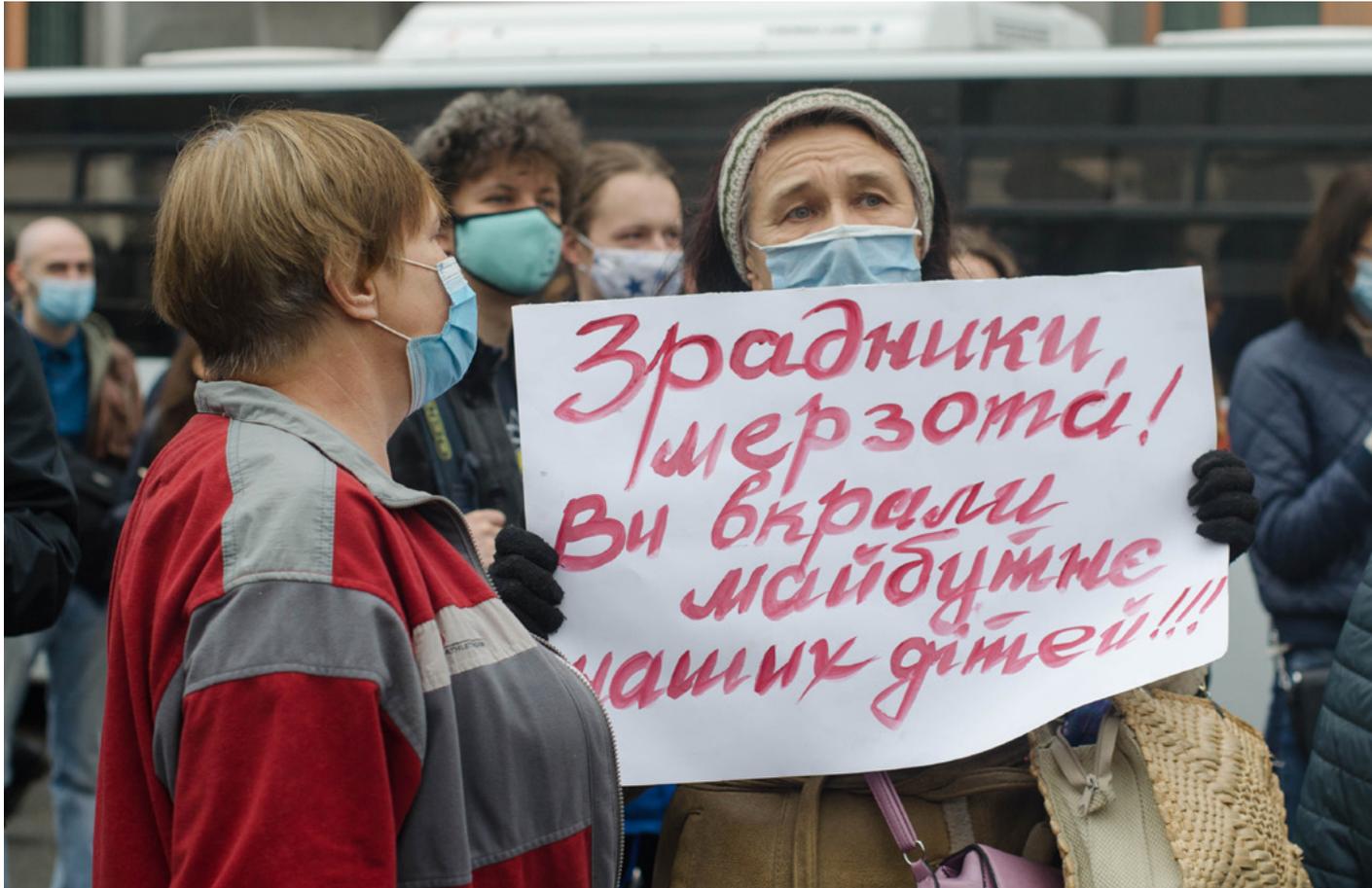
Just like in the previous years, in 2021, the victims were not always able to immediately demand the launch of proceedings based on their reports, which the police, in violation of the law, considered as citizen addresses; in these cases they had to open the cases through courts. At the same time, even when cases were opened, activists often reported inaction on the part of the investigators or delays in the collection of evidence. Of all the documented violent crimes against public figures, two cases have been handed over to courts, and the others are currently being investigated.

## LEGISLATIVE THREATS TO THE FREEDOM OF GATHERING AND ASSOCIATION

As of the end of 2021, the Verkhovna Rada was considering **13 bills which are a threat to civil society**, violate the Constitution and Ukraine's international human rights commitments. They include bills which aim to disproportionately restrict the freedom of association and peaceful assembly, to discriminate against certain categories of activists or to support homophobic ideas.

Four of these bills were registered in 2021 (##5496, 6325, 6326, 6327), and nine were submitted in 2020 (##3059, 3193-1, 3291, 3326, 3564, 3572, 3916, 3936, 4521).

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 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 enterprises affiliated with the state, require excessive and unjustified financial reporting from non-governmental organizations with foreign funding, remove the term "gender" from legislation and ban the "propaganda of transgenderism and homosexuality," complicate the procedures for engaging international volunteers, etc.



■ Photo: Mykola Myrny

These bills were submitted by MPs from the political factions of the Servant of the People, Opposition Platform–For Life, Fatherland, For the Future, non-factional MPs, and by the Cabinet of Ministers. Most of these bills were not designed to regulate various aspects of the work of civil society specifically and deal with other spheres (for instance, the bills on the specifics of forming the supervisory boards of public companies). However, certain provisions in these documents directly or indirectly affect the work of non-governmental organizations and civil rights and liberties in general. In addition, some of these initiatives are synchronized with the discreditation campaign against the “Sorosiata” and anti-Western rhetoric promoted by some of the political forces.

Even if just one of the bills listed above is adopted, it will be a serious blow to the situation with human rights and the freedom of association and peaceful assembly in Ukraine. ZMINA will monitor the situation around these bills in 2022

## OTHER RESTRICTING PHENOMENA FOR CIVIL SOCIETY IN 2021

Throughout 2021, a number of phenomena continued to influence the general climate for civil society in Ukraine.

The most significant among them was the **COVID-19 pandemic** and the quarantine imposed in Ukraine, which became the reason for restricting the forms and opportunities for the work of civil society organizations and individual activists. The slow rates of vaccination (only a third of the population received a full course of vaccination as of the end of 2021) and its practical inaccessibility for the broader population until late spring–early summer 2021 became a restraining factor for civil activism as well.

Another problematic aspect for civil society was the **reporting information about their ultimate beneficiary owners** in 2021, according to the requirements of the Financial Action Task Force (FATF). The law's vagueness in the definition of who the ultimate beneficiary owners of civil society organizations are has led to difficulties. The situation was aggravated by the very short period provided for submitting the information on UBOs, the lack of a way to submit the information online or by mail, long lines at the CPASs and state registrars' offices, and the impossibility of scheduling an appointment for submitting the relevant documents. At the same time, failure to submit or missing the deadline for submitting the information about the ultimate beneficiary owner led to significant fines. On 8 October 2021, the Verkhovna Rada postponed the deadline for submitting information about their ultimate beneficiaries for Ukrainian companies and non-governmental organizations for 9 months (until July 2022).

In addition, in 2021, ZMINA continued to record **illegal and disproportionate actions by the police during peaceful gatherings**. This manifested with particular clarity at the rally against far-right violence on 19 January 2021 in Kyiv, as well as rallies in support of Serhiy Sternenko, a civil activist from Odesa, on 23 February 2021 in Kyiv and Zhytomyr. In the latter case, we recorded mass indiscriminate arrests of peaceful participants of the rally and journalists (some of them were later released without writing reports; other participants, on whom reports were written, were acquitted by the court). In the latter case, the police prevented the rally from happening by arresting half of its participants who did not even have the time to unfold their banners. The court later reviewed the reports written on the activists and closed the cases due to the lack of signs of a misdemeanor. The leader of the Social Movement organization, Vitaliy Dudin, filed a report with the State Investigation Bureau (SIB) regarding the illegal actions by the police, and a criminal case according to Part 2 of Article 365 (abuse of power by a law enforcement employee) was opened based on the report. Some of the activist victims also filed civil lawsuits according to Article 1174 of the Civil Code of Ukraine (damage caused by an official). On 20 January 2022, the Shevchenkivsky District Court of Kyiv assigned compensation for moral damages to Vladyslav Lazuto, one of the arrested participants of the rally, for the amount of 3,000 UAH due to the illegal actions of police officers.



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RECOMMENDATIONS

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

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

#### FOR THE VERKHOVNA RADA OF UKRAINE:

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

#### FOR THE PRESIDENT OF UKRAINE:

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

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

9. Analyze the cases of persecution of civil activists and determine the causes of the systematic nature of this persecution.
10. Ensure investigations not only of the perpetrators but also of the organizers of crimes committed against human rights defenders and civil activists for their activities, as well as of the individuals who order these crimes.
11. Introduce regular (quarterly, and additional if needed) informing of the public about the course of criminal proceedings related to crimes committed against human rights defenders and civil activists for their activities.
12. Include the issues of human rights, equality, non-discrimination and tolerance into the curricula of the special training of candidates for the office of prosecutors and further professional training of prosecutors.
13. Publicly condemn the persecution of human rights defenders and civil activists.

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



■ Photo: Mykola Myrny

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

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

#### FOR THE NATIONAL POLICE OF UKRAINE:

17. Ensure proper registration of reports of crimes committed against human rights defenders and civil activists in connection to their activities, in particular:
  - stop the practice of registering reports of crimes committed against human rights defenders and civil activists as citizen addresses and invariably include information about crimes committed against human rights defenders and civil activists into the Unified Registry of Pre-trial Investigations;
  - develop a procedure/algorithm for bringing registrators to responsibility for untimely, incomplete or unobjective information included in the Unified Registry of Pre-trial Investigations.

18. Improve the existing methods of investigating hate crimes (taking into account the international standards, particularly ODIHR recommendations for Ukraine), with special focus on the motives of intolerance based on characteristics which are currently not mentioned in the CCU, particularly sexual orientation and gender identity (SOGI).
19. Ensure investigations not only of the perpetrators but also of the organizers of crimes committed against human rights defenders and civil activists for their activities, as well as of the individuals who order these crimes.
20. Take steps to ensure the physical safety of human rights defenders and civil activists who are victims of crimes and are in danger as persons involved in criminal proceedings.
21. Take steps in order to ensure the safety of peaceful gatherings and other events, in particular:
  - refrain from illegal and excessive use of force against participants of peaceful gatherings;
  - conduct explanatory work with the personnel involved in the protection of peaceful gatherings regarding the limits of law enforcement interventions into the course of peaceful gatherings;
  - inform organizers in a timely manner about the existing threats before events and develop threat prevention policies together;
  - pay special attention to the issues of safety of event participants during counter-demonstrations, take steps to avoid confrontations between participants of demonstrations and counter-demonstrations;
  - pay special attention to ensuring the safety of event participants not only during peaceful gatherings, but also before and after them—accompany organizers and participants from the point of gathering to filtration boundaries before the event, to subway stations and public transportation stops after the event, etc.;
  - after each peaceful gathering, conduct a joint analysis of the actions of law enforcement agencies and event participants in order to better insure the freedom of peaceful gatherings in Ukraine;
  - take all possible measures for event organizers to be able to continue events after attempts at disrupting them.
22. Analyze the influence of right-wing radical organizations on the safety of the activities of human rights defenders and civil activists.
23. Conduct a monitoring of the actions of law enforcement officers in the regions in terms of the speed of responding to reports, intentional delays or falsification of investigations in cases of offenses against human rights defenders and civil activists.
24. Ensure the punishment of police officers involved in falsification or delays of investigations, as well as the “cleansing” of the ranks from police officers connected to crime or corruption schemes.
25. Introduce changes to the curricula of primary professional training and further professional training, and systematically conduct human rights education events in order to improve police officers’ awareness of the topics of human rights, non-discrimination and hate crimes.
26. Participate in the development and implementation of pilot programmes of physical protection of human rights defenders and civil activists from violent crimes.
27. Ensure constant informational interaction with human rights defenders, civil activists and their civil associations on the national and regional level in order to exchange information about incidents and the course of investigations into crimes, and to take the measures necessary to prevent and minimize the consequences of incidents.
28. Publicly condemn the persecution of and attacks on human rights defenders and civil activists.



■ Photo: Natalia Adamovich, ZMINA

#### FOR THE VERKHOVNA RADA OMBUDSMAN:

29. Systematically undertake personal control over cases which concern the persecution of human rights defenders and civil activists, check the state of respect for their rights by the relevant government bodies, including the ones which conduct investigative activities, the state of implementation of court decisions, etc.
30. Together with human rights organizations, initiate the constant monitoring of cases of persecution of human rights defenders and civil activists.
31. Create rapid response groups capable of arriving to crime scenes and examining all the circumstances of attacks on human rights defenders and civil activists.
32. Together with human rights defenders and civil activists, initiate the preparation of a special report in 2022 dedicated to the issues of their protection and of impunity for crimes against human rights defenders and civil activists, as well as include a relevant section into the annual reports on the state of respect for and protection of human and civil rights and freedoms in Ukraine.
33. Publicly condemn the persecution of human rights defenders and civil activists.

#### FOR INTERNATIONAL ORGANIZATIONS AND DIPLOMATIC MISSIONS IN UKRAINE:

34. Publicly recognize the importance of the work of human rights defenders and civil activists by using traditional and new communication methods.

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



# 4

## METHODOLOGY

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

The monitoring includes descriptions of the cases of attacks, persecution and pressure on human rights defenders and civil activists in the territories controlled by the Ukrainian government which took place in 2021, as well as some newly discovered circumstances of the cases involving similar incidents in past periods.

## OBJECT OF THE MONITORING

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

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

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

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

<sup>3</sup> The Situation of Human Rights Defenders and Civil Activists in Ukraine in 2019: Analytical Report / 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>4</sup> Guidelines on the Protection of Human Rights Defenders / OSCE Office for Democratic Institutions and Human Rights (ODIHR): <https://www.osce.org/files/f/documents/c/1/119633.pdf>

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

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

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

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

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

## SUBJECT OF THE MONITORING

The subject of the monitoring are various forms of obstructing the activities of human rights defenders and civil activists who act in defense of public interests, which took place in Ukraine in the territory controlled by the government during 2021. These can include illegal restrictions in the sphere of freedom of association, freedom of speech, freedom of peaceful gatherings, and freedom of movement against human rights defenders and activists who act in defense of public interests; the use of physical violence (murders, beating); property damage; cases of politically motivated legal persecution (particularly through criminal, civil or administrative procedures); smear campaigns; surveillance; privacy violations; threats and other types of pressure.

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

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

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

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

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

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

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

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

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

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

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

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

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

## SOURCES OF INFORMATION AND VERIFICATION STANDARDS

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

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

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

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

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

## ASSUMPTIONS

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

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

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

## SAFETY

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

## AUTHORSHIP

This monitoring has been prepared by the ZMINA Human Rights Centre as a part of the *Increasing the Role and Protection of Human Rights Defenders in Ukraine* project, in partnership with the Netherlands Helsinki Committee and with financial support by the European Union. Reprint or other use of this material is welcomed under the condition that the authors are mentioned and that it is done for non-commercial purposes.



# 5

## GENERAL OVERVIEW OF THE SITUATION OF CIVIL SOCIETY IN UKRAINE IN 2021

## STATISTICAL DATA ON THE PERSECUTION OF ACTIVISTS AND HUMAN RIGHTS DEFENDERS IN 2021

In total, ZMINA documented **108 cases of persecution for civil activities** in the government-controlled territory of Ukraine in 2021, which is somewhat more than in the previous year, 2020 (when 101 cases of persecution were recorded). This may signify either an actual slight deterioration of the situation or, on the other hand, the growing readiness of civil society representatives to talk about the difficulties and obstacles they face in their activities.

The summer months—July (14 cases) and August (13)—had the highest numbers of such events, as well as March (12). In turn, the lowest number of cases of persecution (4) were recorded in December.

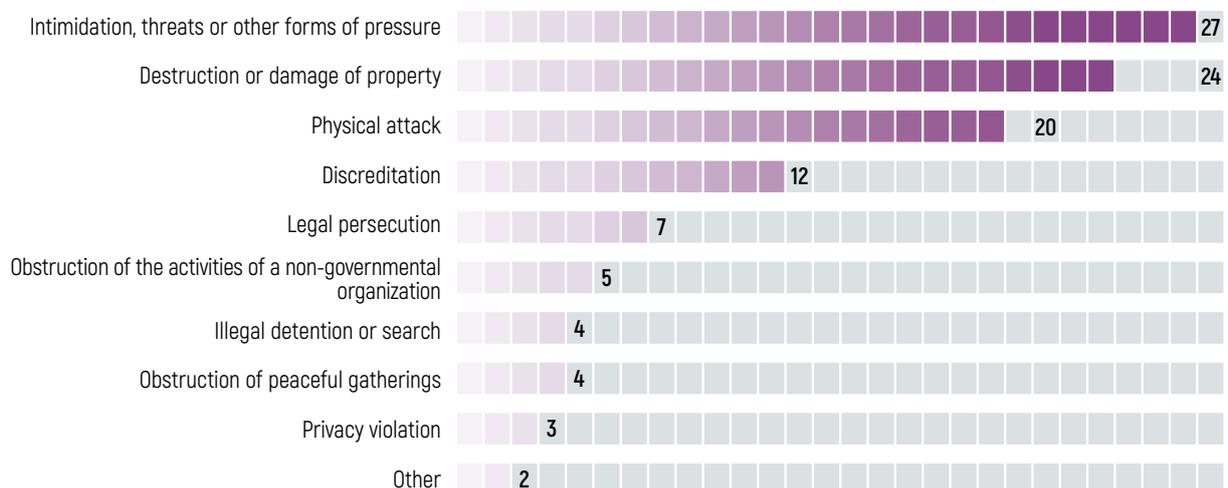
### ■ TEMPORAL DISTRIBUTION



Among the documented incidents, the most widespread were attempts at intimidating activists (28), destruction or damage of their property (24) and physical attacks on them (20). Of these violent crimes against public figures, two cases have been handed over to courts, and the others are currently under investigation.

In addition, many cases had signs of discreditation campaigns (12) and illegitimate legal persecution (7). Five incidents can be viewed as obstruction of the activities of non-governmental organizations (mostly cases of disruption of educational or other events organized by activists), four cases had signs of illegal arrest or detention, another four—of obstruction of peaceful gatherings, and three cases involved privacy violations (particularly the situations when activists reported surveillance of them).

### ■ DISTRIBUTION BY TYPES OF PERSECUTION



The two cases marked as “other” involved an illegal firing of a union activist in Lviv and an illegal attempt by the SSU in Kyiv to deport a left-wing activist who is a citizen of Belarus (both cases were successfully prevented through the court).

In the cases which involved several types of persecution at the same time, we focused in our calculations on the types which seemed the most significant for each incident.

In addition to the incidents described in the report, ZMINA Human Rights Centre also paid attention in 2021 to at least two deaths of right-wing public figures: an immigrant from Belarus **Vitaliy Shyshov** (a co-founder of the Belarusian House in Ukraine) and a resident of Sumy **Oleksandr Ivanina** (the Right Sector), but in both cases there was not enough evidence discovered by the time of the publication of this report to definitively link these events with the legal civil activities of the deceased, so we are continuing to monitor the course of the investigations in these cases.

As for the cases listed in this monitoring report, we can state that just like in the previous years, in 2021, the victims were not always able to immediately demand the launch of proceedings based on their reports, which the police, in violation of the law, considered as citizen addresses; in these cases they had to open the cases through courts. At the same time, even when cases were opened, activists often reported inaction on the part of the investigators or delays in the collection of evidence (which is critical, for instance, for acquiring video recordings from surveillance cameras, because they are stored for a limited time).

On the other hand, in individual cases we recorded improved communication with the police in the issues of ensuring legal order during peaceful assemblies in the regions, particularly in Odesa (in contrast to 2020, the LGBT march of the Odesa Pride was held there peacefully, despite threats against the organizers by the far-right group Tradition and Order). At the same time, in other cases (such as the rally in the memory of Stanislav Markelov and Anastasia Baburova on 19 January in Kyiv or a number of rallies in support of Serhiy Sternenko), our monitors recorded excessive use of force and arbitrary arrests of participants of peaceful gatherings (*see the Brief Overview of the Incidents section*).

Unfortunately, we must state the continuing activity of Telegram channels, particularly the platforms of far-right groups and individuals, which publish the private information of human rights defenders and civil activists and organize campaigns of bullying and discreditation against them. These include such Telegram channels as Catharsis (at the moment of the monitoring report’s publication the channel, which calls itself “the department of cyberbullying,” has become “private”—that is, it can only be read by users approved by the channel administrators), Volary, Grant Detector, Tradition and Order (at the moment of the publication has been renamed the “Conservative Party”), Khodakovsky (belongs to Bohdan Khodakovsky, the leader of the far-right group Tradition and Order), StalkerUA (belongs to Oleksiy Svynarenko from the National Resistance group), Yevhen Karas (belongs to Yevhen Karas, one of the leaders of the far-right groups the Basis of the Future and the Society of the Future, former C14) and others.

In addition to threats and insulting messages received by the people whose profiles are published by these channels, in the analyzed period their subscribers started to actively use other digital metaphors of pressure, particularly so-called “SMS bombing,” when the algorithm tries to register a user at as many services as possible using someone’s phone number in order to distract the number’s owner or paralyze their work, and starts calling this number (and in these cases, it is likely that some kind of a Russian service was used, because calls were received supposedly from Russian cell phone providers).

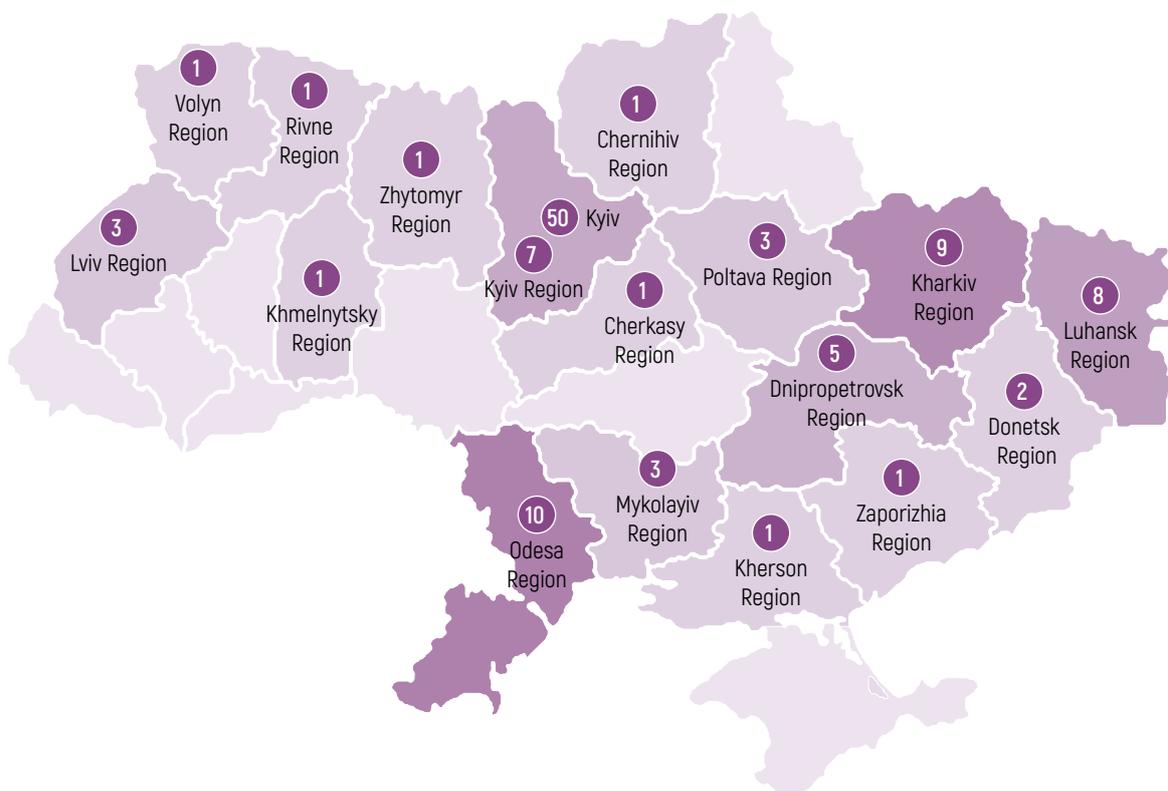
As for discreditation campaigns, it should be noted that in 2021, they were conducted not only through the media and social media, but also with instruments used by the civil sector in its work,

particularly by organizing “protest rallies” combined with the publication of private information and various rumors intended to increase hostility towards the subject of persecution.

For instance, in the case of activists who oppose construction or defend the environment, they could be groundlessly accused of connections to the developers or of pressuring businesses for the purpose of receiving bribes (the term “ecoterrorism” starts being used), and the activists who oppose far-right violence started to be associated by the far right with drug trafficking, without providing any evidence either.

In general, incidents of persecution of activists were recorded in 17 Ukrainian regions, but the highest numbers of them took place in Kyiv (50), in Odesa Region (10), Kharkiv Region (9) and Luhansk Region (8). This situation has carried over from the previous year, 2020, when the highest fractions of the documented cases of persecution were also concentrated in Kyiv and Odesa Region.

### ■ TERRITORIAL DISTRIBUTION



According to the monitoring results, of all the types of civil activities which have been unambiguously identified, the most persecuted types in 2021 were LGBTIQ activism (17), anti-corruption work (16), opposing illegal construction (13) and environmental protection (11).

This trend has carried over from the previous years, with minor changes. For instance, in 2020, the most risky activities were opposing corruption (20), protection of LGBT rights (19) and environmental protection (9); for comparison, in 2019, the most persecuted were LGBTIQ activists (22), anti-corruption activists (15), and activists who opposed illegal construction (14).

It should also be noted that in some cases, one episode involved many activist victims (when, for example, it was about a peaceful gathering or an organization which became a target for criminals), and in other cases several episodes could involve one person who experienced persecution on multiple occasions.

### ■ DISTRIBUTION BY TYPE OF ACTIVITIES:



In addition, civil sector representatives continue to experience digital threats in their work. According to the monitoring results of the Digital Security Lab, which tracks these incidents and provides aid to the victims, there were at least 71 attacks against civil activists and journalists in 2021 (in 2020, the organization's experts recorded 78 incidents), which aimed to obtain access to possibly sensitive information owned by activists and journalists or to obstruct their work.

These cases included phishing (targeted and non-targeted), email or social media account hacks (including by intercepting SMS during two-factor authorization), content blocking or temporary blocking of social media accounts, hacking or DDoS attacks on media websites, as well as several targeted attacks on non-governmental organizations, when their representatives received emails with viruses.

In addition, in April, there was an incident of SMS spamming with threats and attempts to hack the social media accounts of the Ukrainian journalist and media trainer Olena Dub after her doxxing (publishing of her private information) on a Russian Telegram channel.

## BRIEF OVERVIEW OF BILLS WHICH THREATEN CIVIL SOCIETY

As of the end of 2021, the Verkhovna Rada was considering **13 bills which are a threat to civil society**, violate the Constitution and Ukraine's international human rights commitments. They include bills which aim to disproportionately restrict the freedom of association and peaceful assembly, to discriminate against certain categories of activists or to support homophobic ideas.

4 of these bills were registered in 2021 (##5496, 6325, 6326, 6327), and 9 were submitted in 2020 (##3059, 3193-1, 3291, 3326, 3564, 3572, 3916, 3936, 4521).

Some provisions of these documents were discriminatory against non-governmental organizations and activists and carried risks for the free development of civil society in Ukraine, because they equated the advocacy of civil society organizations (CSOs) with commercial lobbying, provided for lustration of those who come from the civil sector, introduced the concept of "foreign agents," banned civil activists from holding protest actions directly near courts, introduced "polygraph tests" for civil activists who wish to work in government institutions or government-affiliated companies, require excessive and unjustified financial reporting for non-governmental organizations with foreign funding, remove the term "gender" from legislation and

prohibit the “propaganda of transgenderism and homosexuality,” complicate the procedures for engaging international volunteers, etc.

Most of these bills were not developed to regulate various aspects of work of civil society exclusively, but were related to other spheres (for example, bills on forming supervisory boards of public companies). But some provisions of these documents, if they are adopted, will directly or indirectly affect the activities of civil society organizations and civil liberties in general. In addition, some of these initiatives were synchronized with the discreditation campaign against the “Sorosiata” and the anti-western rhetoric promoted by some political forces.

These bills were proposed by MPs from political factions the **Servant of the People, Opposition Platform – For Life, Fatherland, ‘For Future’, nonpartisan MPs** as well as **Cabinet of Ministers of Ukraine**, in particular, they include:

1. The bill on the state registration of lobbying actors and on conducting lobbying in Ukraine (**#3059** of February 11, 2020). Authors: **Yulia Tymoshenko**, the head of the parliamentary faction of the political party All-Ukrainian Union “Fatherland”; **Serhiy Vlasenko**, a member of the parliamentary faction of the political party All-Ukrainian Union “Fatherland.”
2. The bill on 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, Oleksandr Dubinsky**, a nonpartisan MPs.
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 nonpartisan MP.
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. The bill on introducing changes to some legislative acts of Ukraine on protecting the family, childhood, motherhood and fatherhood (**#3916** of July 22, 2020). Authors: **Heorhiy Mazurashu, Olena Lys**, members of the MP faction of the Servant of the People political party.
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**, a nonpartisan MP.
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.
11. Bill on introducing changes to the Misdemeanor Code of Ukraine regarding the responsibility for the propaganda of deviations from the constitutional norms of the family, childhood, motherhood and fatherhood (**#6327** of 19 November 2021). Authors: **Heorhiy Mazurashu, Anatoliy Drabovsky, Serhiy Kuzminykh, Artem Kulenko**, members of the MP faction of the Servant of the People party; and **Viktor Myalyk**, a member of the MP faction of the For the Future party.
12. Bill on introducing changes to certain legislative acts of Ukraine regarding bringing regulations on protecting the family, childhood, motherhood and fatherhood into accordance with the Constitution (**#6325** of 19 November 2021). Authors: **Heorhiy Mazurashu, Anatoliy Drabovsky, Serhiy Kuzminykh, Artem Kulenko**, members of the MP faction of the Servant of the People party; and **Viktor Myalyk**, a member of the MP faction of the For the Future party.
13. Bill on introducing changes to the Budget Code of Ukraine regarding the prevention of spending budget funds on the propaganda of pedophilia, homosexuality and transgenderism (**#6326** of 19 November 2021). Authors: **Heorhiy Mazurashu, Anatoliy Drabovsky, Serhiy Kuzminykh, Artem Kulenko**, members of the MP faction of the Servant of the People party; and **Viktor Myalyk**, a member of the MP faction of the For the Future party.

3 other bills registered in 2020-2021 which threaten human rights and the development of civil society were rejected, removed from consideration or sent back to the authors for further development in 2021, in particular:

- The bill on lobbying (**#3059-1** of 28 February 2020). Authors: **Oleksandr Dubinsky**, non-factional, and **Olha Vasylevska-Smahliuk**, a member of the MP faction of the political party Servant of the People.
- The bill on lobbying activities (**#3059-3** of 3 March 2020). Authors: **Denys Monastyrsky** and **Pavlo Frolov**, members of the MP faction of the political party Servant of the People.
- Bill on introducing changes to the Misdemeanor Code of Ukraine on responsibility for the propaganda of homosexuality and transgenderism (**#3917** of 22 July 2020). Authors: **Heorhiy Mazurashu, Olena Lys**, members of the MP faction of the Servant of the People party.

Below, we present a brief analysis of the bills registered in 2020–2021 which are being considered by the parliament and pose a threat to civil society.

## BILL WHICH EQUATES NGO ADVOCACY WITH COMMERCIAL LOBBYISM

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

The main Bill **#3059**<sup>10</sup> “On state registration of lobbying actors and performing lobbying in Ukraine” **#3059** was submitted on 11 February by MPs from the **Fatherland** faction, **Yulia Tymoshenko** and **Serhiy Vlasenko**.

<sup>10</sup> Bill 3059 “On state registration of lobbying actors and performing lobbying in Ukraine” of February 11, 2020 / Verkhovna Rada of Ukraine: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68128](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68128)

All three alternative bills, **#3059-1**<sup>11</sup> (O. Dubinsky, O. Vasylevska-Smahliuk), **#3059-2**<sup>12</sup> (a group of MPs: O. Kachur, T. Tarasenko, Y. Yasko and others) and **#3059-3**<sup>13</sup> (D. Monastyrsky, P. Frolov) were submitted by representatives of the MP faction of the Servant of the People political party.

On 3 March 2021, the Legal Policy Committee of the Verkhovna Rada of Ukraine deemed the four bills on lobbying to be in conflict with the Constitution.<sup>14</sup> Before that, on 23 February 2021, a number of non-governmental organizations urged<sup>15</sup> MPs to reject these bills. In particular, the statement made the point that the approaches in these bills threaten to restrict the rights of citizens and civil society organizations in realizing and defending their rights and freedoms, pursuing their civil, economic, social, cultural and other interests, as well as the right to participate in the decision making of central government bodies and local self-government bodies.

After a discussion, members of the VR Legal Policy Committee, with a majority of votes, deemed<sup>16</sup> all the documents submitted for consideration to be in contradiction with the provisions of the Ukrainian Constitution and recommended that the Chairman of the Parliament return them to the subjects of the right of legislative initiative for further development. On 17 March 2021, all four of the bills (## 3059, 3059-1, 3059-2, 3059-3) were returned to the subjects of legislative initiative.

On 31 March 2021, Serhiy Vlasenko and Yulia Tymoshenko re-submitted Bill #3059 practically unchanged; thus, it has remained in the parliament's consideration.

While analyzing whether these bills meet the Council of Europe standards, it is important to point out that in 2013, the Venice Commission published a Report on the Role of Extra-Institutional Actors in the Democratic System (Lobbying)<sup>17</sup> which defines the general provisions with regard to the Council of Europe's view on the legislative regulation of lobbying.

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

The terminology about lobbying used by the authors of Bill #3059 can be interpreted very broadly, it absorbs the sphere of advocacy and erases the thin line between these two concepts. If it is adopted, most advocacy campaigns implemented by non-governmental organizations in Ukraine will be subjected to the field of legal regulation.

The organizations will have to register in the Electronic Registry of the Subjects of Lobbying, which is to be introduced by the Ministry of Justice. No later than 5 days from the moment of

<sup>11</sup> Bill 3059-1 "On lobbying" of February 28, 2020 / Verkhovna Rada of Ukraine: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68265](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68265)

<sup>12</sup> Bill 3059-2 "On legal and transparent regulation of lobbying activities" of March 2, 2020 / Verkhovna Rada of Ukraine: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68275](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68275)

<sup>13</sup> Bill 3059-3 "On lobbying activities" of March 03, 2020 / Verkhovna Rada of Ukraine: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68279](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68279)

<sup>14</sup> Meeting of the Legal Policy Committee on 3 March 2021 / YouTube, 3 March 2021: <https://www.youtube.com/watch?v=I7S4eh53kvc>

<sup>15</sup> Statement regarding the bills on lobbying in Ukraine / ZMINA, 23 February 2021: <https://zmina.ua/statements/zayava-shhodo-zakonoprojektiv-pro-lobizm-v-ukrayini/>

<sup>16</sup> See more in: MPs determined the bills on lobbying, criticized by the public, to be unconstitutional/ ZMINA, 4 March 2021: <https://zmina.info/news/komitet-z-pravovoyi-polityky-rady-vyznav-zakonoprojekty-pro-lobizm-takymy-shho-ne-vidpovidayut-konstytuciji/>

<sup>17</sup> CDL-AD(2013)011-e Report on the Role of Extra-Institutional Actors in the Democratic System (Lobbying) Adopted by the Venice Commission at its 94th Plenary Session (Venice, 8-9 March 2013) <https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282013%29011-e>

signing a contract regarding the provision of lobbying services, it is required to submit information to be included in this Registry.

Another threat is the establishment of strict sanctions (including criminal responsibility) for failure to comply with the provisions of the bill. In particular, the sanctions include a fine of 500 to 1,000 non-taxable minimum income of citizens, or arrest for three to six months, or imprisonment for up to five years. Such provisions in the bills pose a risk of potential abuse of authority to put pressure on non-governmental organizations.

## BILL ON BANNING CIVIL ACTIVISTS FROM BEING MEMBERS OF SUPERVISORY BOARDS OF PUBLIC COMPANIES AND BANKS

On March 17, 2020, the **Servant of the People** MP **Oleksandr Dubinsky** (currently non-factional) and the non-faction MP **Andriy Derkach** registered Bill #3193-1 “On introducing changes to some legislative acts to ensure equal rights and opportunities of citizens for representation in supervisory boards and governing bodies of unitarian state enterprises, economic associations and state banks and on fair formation and effective activities of these supervisory boards while taking into account the national interests of Ukraine”<sup>18</sup> in the Verkhovna Rada.

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

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

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

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

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

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

<sup>18</sup> Bill 3193-1 on introducing changes to some legislative acts to ensure equal rights and opportunities of citizens for representation in supervisory boards and governing bodies of unitarian state enterprises, economic associations and state banks and on fair formation and effective activities of these supervisory boards while taking into account the national interests of Ukraine of March 17, 2020: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68407](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68407)

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

## BILL ON BANNING RALLIES NEAR COURTS

On March 30, 2020, **Serhiy Demchenko**, a member of the MP faction of the **Servant of the People** party, registered bill **#329119** on introducing changes to Article 6 of the Law of Ukraine “On judicial system and the status of judges” to ban rallies near court buildings.

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

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

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

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

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

Thus, the idea of a bill to specify the perimeter of courts within which peaceful gatherings cannot be held, and to specify the activities which cannot be performed as a part of a peaceful gathering within this perimeter, does not correspond to the content of the right to peaceful gatherings as it is viewed by the UN Human Rights Committee, Venice Commission, ODIHR OSCE, and as it is interpreted by the European Court of Human Rights in its practice. The provisions in the bill which endow the Court Security Service with the power to stop peaceful gatherings do not meet international standards and the understanding of the content of the right to peaceful gatherings either, even when linked to direct vicinity of court buildings.

<sup>19</sup> Bill 3291 on introducing changes to Article 6 of the Law of Ukraine “On judicial system and the status of judges” to ban rallies near court buildings of March 30, 2020: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68500](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68500)

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

## BILL ON THE LUSTRATION OF THOSE WHO COME FROM THE CIVIL SECTOR

On April 13, 2020, a member of the **Opposition Platform – For Life** faction **Fedir Khrystenko** submitted the bill **#3326**<sup>20</sup> “On introducing changes to the Law of Ukraine ‘On cleansing the government’ (to prevent external influence on the state’s interests).” On September 15, 2020, the bill was included in the agenda of the Verkhovna Rada session.

According to this document, lustration (measures to cleanse the government<sup>21</sup>) applies to people who, in the past 10 years, have held the position of a head or have been a member of a civil society organization or association which received funding from any source located outside of Ukraine, as well as to those professionals who provided services to such organizations or carried out any work for them more than three times a year. In addition, the final provisions of bill #3326 propose to remove individuals who meet the aforementioned criteria from government bodies.

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

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

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

## BILL ON FOREIGN AGENTS

On May 29, 2020, **Oleksandr Dubinsky**, an MP from the **Servant of the People** party (currently non-factional), registered the Bill **#356422** “On introducing changes to some legislative acts of Ukraine (on the transparency of activities of civil associations with foreign support).”

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

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

<sup>20</sup> Bill 3326 on introducing changes to the Law of Ukraine “On cleansing the government” (to prevent external influence on the state’s interests) of April 13, 2020): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68576](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68576)

<sup>21</sup> The list of offices is defined in Article 2 of the Law of Ukraine “On cleansing the government” and includes almost all offices in state government bodies, local self-government and public companies.

<sup>22</sup> Bill on introducing changes to some legislative acts of Ukraine (on the transparency of the activities of civil associations with foreign support) #3564 of 29 May 2020: [https://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68977](https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68977)

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

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

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

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

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

## BILL ON BANNING FOREIGN FUNDING FOR GOVERNMENT BODIES

On June 2, 2020, **Vadym Rabinovych**, a co-head of the parliamentary faction of the political party **Opposition Platform – For Life**, registered bill **#357223** “On introducing changes to some laws of Ukraine to prohibit foreign funding for government bodies and their officials and to prohibit the top government officials to have citizenship (nationality) of a foreign state” in the parliament.

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

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

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

For example, there are no limitations today for international intergovernmental and non-governmental organizations, as well as Ukrainian NGOs, organizing learning visits or public training events for government officials in order to improve their qualification, to allow them to

<sup>23</sup> Bill #3572 on introducing changes to some laws of Ukraine to prohibit foreign funding for government bodies and their officials and to prohibit the top government officials to have citizenship (nationality) of a foreign state of June 2, 2020: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68997](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68997)

exchange experience with their colleagues; in contrast, the state budget of Ukraine hardly ever funds such learning visits for public officials and local self-government officials.

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

## BILL ON REMOVING THE TERM “GENDER” FROM THE UKRAINIAN LEGISLATION

On July 22, 2020, **Heorhiy Mazurashu** and **Olena Lys**, members of the MP faction of the **Servant of the People** political party, registered Bill **#391624** in the parliament, proposing to introduce changes to some legislative acts of Ukraine on protecting the family, childhood, motherhood and fatherhood.

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

Changes proposed in this bill (particularly replacing the term “gender” with “women and men”) are not only unjustified, but also openly contradict Ukraine’s international commitments, the practice of international treaty bodies in which Ukraine is a member, the position expressed by the experts of the UN Human Rights Council and the UN High Commissioner for Human Rights, the EU practice in the field of fighting discrimination, the Council of Europe standards, and the ECHR practice in the sphere of protection against discrimination.

If this bill is adopted, this will also become a significant challenge for the work of human rights organizations in Ukraine, particularly those that work to defend the rights of the LGBTQI community and to establish gender equality.

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

On July 27, 2020, **Oleksandr Dubinskyi**, a member of the MP faction of the Servant of the People party (currently non-factional), registered Bill **#393625** in the Verkhovna Rada to introduce changes to the Tax Code of Ukraine on ensuring the disclosure of information about the funding of activities of civil associations with regard to adherence to international standards in the sphere of human rights and the rule of law.

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

<sup>24</sup> Bill #3916 on introducing changes to some legislative acts of Ukraine on protecting family, childhood, motherhood and fatherhood of July 22, 2020: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69582](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69582)

<sup>25</sup> Bill #3936 on introducing changes to the Tax Code of Ukraine to ensure the disclosure of information on funding the activities of civil associations with regard to adherence to international standards in the sphere of human rights and the rule of law of July 27, 2020: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69609](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69609)

received by the NGO from individuals, companies, institutions and organizations; the amount and purpose of income received by the NGO from abroad, as well as the country of origin of the funds; the amount and purpose of the NGO's spending of the funds received from abroad; the participation of the NGO's leaders in the governing bodies of other civil associations and political parties.

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

Bills with similar content were already submitted to the previous parliament by President Petro Poroshenko. In particular, these include Bill #6674 "On introducing changes to some legislative acts to ensure the openness to society of information on the funding of the activities of civil associations and the use of international technical aid" and Bill #6675 "On introducing changes to the Tax Code of Ukraine to ensure the openness to society of information on the funding of the activities of civil associations and the use of international technical aid." In 2018, the Venice Commission together with ODIHR OSCE provided their Joint Opinion on these two bills, registered in the previous Verkhovna Rada of Ukraine. The Opinion stated<sup>26</sup> that *"The new financial disclosure regime would conflict with human rights and fundamental freedoms, namely, the freedom of association, the right to respect for private life and the prohibition of discrimination. The Venice Commission and the OSCE/ODIHR cannot see a need for such amendments and recommend that they be reconsidered in their entirety."*

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

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

## 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 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.

<sup>26</sup> Ukraine – Joint Opinion on Draft Law No. 6674 "On Introducing Changes to Some Legislative Acts to Ensure Public Transparency of Information on Finance Activity of Public Associations and of the Use of International Technical Assistance" and on Draft Law No. 6675 "On Introducing Changes to the Tax Code of Ukraine to Ensure Public Transparency of the Financing of Public Associations and of the Use of International Technical Assistance" adopted by the Commission at its 114th Plenary Session (Venice, 16-17 March 2018) [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2018\)006-e#](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2018)006-e#)

Bill #4521 significantly complicates<sup>27</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>28</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>29</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.

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.

<sup>27</sup> O. Vynohradova, T. Pechonchuk. The threats of the changes to the law on volunteering / ZMINA, June 10, 2021: <https://zmina.info/articles/chym-zagrozhuut-zminy-do-zakonu-pro-volonterstvo/>

<sup>28</sup> D. Popkov. Ukraine may ban foreign volunteers / Tyzhden, July 16, 2021: <https://tyzhden.ua/Columns/50/252442>

<sup>29</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>

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>30</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.

## THE BILLS ON BANNING THE “PROPAGANDA OF HOMOSELXUALISM OR TRANSGENDERISM”

On 19 November 2021, **Heorhiy Mazurashu**, **Anatoliy Drabovsky**, **Serhiy Kuzminykh**, **Artem Kultenko**, members of the MP faction of the **Servant of the People** party; and **Viktor Myalyk**, a member of the MP faction of the **For the Future** party, registered in the parliament **Bill #6327** “On introducing changes to the Misdemeanor Code of Ukraine regarding the responsibility for the propaganda of deviations from the constitutional norms of the family, childhood, motherhood and fatherhood”, as well as two related bills: **#6325** “On introducing changes to certain legislative acts of Ukraine regarding bringing regulations on protecting the family, childhood, motherhood and fatherhood into accordance with the Constitution” and **#6326** “On introducing changes to the Budget Code of Ukraine regarding the prevention of spending budget funds on the propaganda of pedophilia, homosexuality and transgenderism”

The new bill proposes to punish “propaganda of pedophilia and/or homosexuality and/or transgenderism” with fines by adding a corresponding article to the Misdemeanor Code of Ukraine.

By “propaganda of homosexuality”, the bill, among other things, means: manufacturing and/or distributing products with LGBT symbols; public acceptance as a variant of the norm;

<sup>30</sup> See also: A. Osypian. Drug addicts: support cannot punish / Dzerkalo Tyzhnia, July 18, 2021: <https://zn.ua/ukr/LAW/narkozalezhni-pidtrimati-nemozhna-karati.html>

advertising of or calls for entering any kinds of marriages which are not provided for by the Ukrainian Constitution; public demonstration of relationships of sexual nature between individuals of the same sex; manufacturing, distribution, demonstration of films or other video materials which feature relationships of sexual nature between individuals of the same sex, etc.

By “propaganda of transgenderism”, the bill means: advertising of hormone therapy or surgery for sex change or calls to use such products or services; public acceptance of “transgenderism” as a variant of the norm; speeches, shouting slogans; printing, manufacturing, distribution, demonstration of posters, books or other printed or self-made or electronic materials.

In addition, Bill #6325 introduces changes to a number of laws, particularly “On the protection of public morality,” “On printed mass media (press) in Ukraine,” “On television and radio broadcasting,” “On cinematography,” “On publishing,” “On education,” “On higher education,” “On physical culture and sports,” “On scientific and scientific-technical activities,” “On ensuring the equal rights of women and men” and “On the protection of childhood” by including a ban of promoting “pedophilia, homosexuality or transgenderism” into them and replacing the term “gender” with the terms “sex,” “men and women.”

In addition, Bill #6326 prohibits spending budget funds on the “propaganda of pedophilia, homosexuality and transgenderism.”

In the opinion of the initiative’s authors, such “propaganda” is a “real threat to the national security of Ukraine,” “violates the right to the freedom of speech and faith,” leads to the “destruction of the family,” “to an HIV/AIDS epidemic,” and is “no less dangerous than the propaganda of communism and fascism.”

These bills are discriminatory and stigmatizing for several reasons.

Firstly, they put the molestation of underage children, pedophilia, which is a mental disorder and a crime, on the same level as homosexuality, which is not a mental disorder or illness, and as transgenderism, which will be de-pathologized in the upcoming edition of the International Classification of Diseases (ICD) and is not considered to be something that has to be treated.

Secondly, the use of the terms “homosexuality” and “transgenderism” itself is incorrect,<sup>31</sup> because suffixes -ism and -ist in the definition of homosexuality are remnants of the Soviet times, when different types of sexual orientation were defined as crimes or illnesses. In 1991, Ukraine removed consensual same-sex relationships between adults from the Criminal Code, and the World Health Organization removed homosexuality from the list of diseases (ICD) in 1990, noting that homosexual orientation is one of the variants of diverse sexualities.

Third, the intent to include a new article into the Misdemeanor Code of Ukraine, “Article 180.2. Propaganda of pedophilia, homosexuality and transgenderism,” which would impose fines, contradicts human rights standards and Ukraine’s international commitments. Articles 2, 19, 21 and 26 of the International Covenant on Civil and Political Rights, which has been ratified by Ukraine, guarantee the right to non-discrimination and equal protection by law, as well as the right to the freedom of opinion and expression of views. The right to non-discrimination is also protected by Article 2 of the Universal Declaration of Human Rights, as well as by non-discrimination provisions of other international agreements.

<sup>31</sup> See also: O. Mostiayev. “Homosexuality” or “homosexuality”: the problem of the usage of the term in Ukrainian / Gender Z: <https://genderz.org.ua/gomoseksualizm-chi-gomoseksualnist-problema-vzhivannya-termyna-v-ukrayinskiy-movi/>

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

UN treaty bodies also developed a legal position a rather long time ago according to which legislation which prohibits the “propaganda of non-traditional sexual relations” must be cancelled, and instead, states should take all the necessary steps to guarantee the right to association and peaceful gathering for the LGBT community (see, in particular, CCPR/C/RUS/CO/7, E/C.12/GC/20, CRC/GC/2003/3, CRC/GC/2003/4, CRC/C/GC/13, CEDAW/C/GC/28, CEDAW/C/GC/35, CAT/C/GC/2, A/HRC/19/41).<sup>32</sup>

In addition, Article 13 of the International Covenant on Economic, Social and Cultural Rights,<sup>33</sup> which has been ratified by Ukraine, recognizes the right of everyone to education, including the right to obtaining comprehensive, accurate and age-appropriate information about sexuality, in order to give young people the opportunity to lead a healthy lifestyle, make reasonable decisions and protect themselves and others from sexually transmitted infections. To meet the comprehensiveness criteria, sexual education must pay special attention to knowledge about the concepts of sexual orientation, gender identity and sexual characteristics.<sup>34</sup>

Therefore, changes proposed in these bills contradict Ukraine’s international commitments, the practice of international treaty bodies in which Ukraine is a member, the position expressed by the experts of the UN Human Rights Council and the UN High Commissioner for Human Rights, the EU practice in the field of fighting discrimination, the Council of Europe standards, and the ECHR practice in the sphere of protection against discrimination.

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

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**If even one of the bills listed above is adopted, it will be a serious blow to the situation with human rights and the freedom of association and peaceful gatherings in Ukraine. ZMINA will monitor the situation around these bills in 2022.**

<sup>32</sup> See Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24175>

<sup>33</sup> International Covenant on Economic, Social and Cultural Rights: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

<sup>34</sup> Report of the Special Rapporteur on the right to education (A/65/162), 2010, para. 23. See also UNFPA, Comprehensive sexuality education, at <http://www.unfpa.org/comprehensive-sexuality-education>; and World Health Organization Regional Office for Europe and the Federal Centre for Health Education “Standards for Sexuality Education in Europe,” 2010, incl. p.27.

## OTHER LIMITING TRENDS FOR CIVIL SOCIETY IN 2021

### EFFECTS OF THE COVID-19 PANDEMIC ON CIVIL ACTIVISM AND HUMAN RIGHTS ACTIVITIES

Just like in the previous year 2020, one of the defining events for activism and human rights work in 2021 was the ongoing pandemic of the COVID-19 coronavirus infection and the introduction of quarantine preventive measures to counteract the spread of SARS-CoV-2. The continued emergency legal regime and recurring lockdowns to counteract the pandemic led to restrictions in the work of non-governmental organizations and individual activists.

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

At the same time, the overwhelming majority of non-governmental organizations and activists shifted their work to online interactions, to remote monitoring, analytical or regulatory formats of activities; they expanded the use of electronic means of communication and interaction, etc.

The slow rates of vaccination (only a third of the population received a full course of vaccination as of the end of 2021) and its practical inaccessibility for the broader population until late spring–early summer 2021 became a restraining factor for civil activism as well and will continue to affect civil activism and human rights work in 2022.

### ILLEGAL ACTIONS BY THE POLICE DURING PEACEFUL GATHERINGS

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

#### ■ PROTEST ACTIONS AGAINST FAR-RIGHT VIOLENCE ON JANUARY 19, 2021

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

The rally on Kontraktova Square started at about 9 am, but the participants did not even have time to unfurl the banners, as they were detained by the police.<sup>35</sup> Available video footage and information from victims indicate that the police detained 13 people on Kontraktova Square and took them to the police department. At the same time, law enforcement officers used force. Activists who were arguing with the police were beaten on the head (this is stated, in particular, by some participants of the rally, who were taken to the bus to be brought to the police department).

<sup>35</sup> Police detained protesters against far-right violence in Podil / ZMINA, 19.01.2021 <https://zmina.info/news/policziya-zatrymuye-uchasnykiv-akcziyi-na-podilli-proty-ultrapravogo-nasylstva/>

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

Later, the reports written on the activists were considered by the Podilsky District Court of Kyiv and rejected due to the lack of signs of a misdemeanor.

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

The police also obstructed another peaceful rally against far-right violence which was to take place on the same day on Mykhailivska Square. The activists were not allowed to the venue<sup>36</sup>, as the police and servicemen of the National Guard of Ukraine prevented protesters who gathered near the metro station “Poshtova Square” from climbing the funicular to the announced place of the action on Mykhailivska Square. According to the organizers, even before the event, representatives of the police preventive communication group (dialogue police) warned that the police would detain its participants for violating quarantine rules.

However, the organization “Chervoni” (The Red) later claimed that their action still took place on Poshtova Square, as police had warned them of possible detentions on Mykhailivska Square. The detentions on Poshtova Square did not take place.

The leader of the Social Movement organization, Vitaliy Dudin, filed a report with the State Investigation Bureau (SIB) regarding the illegal actions by the police. On 24 February 2021, the Bureau opened a criminal case according to Part 2 of Article 365 (abuse of power by a law enforcement employee). In summer, the agency recorded the testimonies of the victims. As of the end of the year, the activists have no information about the progress of the investigation, but there is no information about closing the case either.

In addition, we know that some of the activist victims also filed civil lawsuits. The legal reason for the lawsuits was Article 1174 of the Civil Code of Ukraine (damage caused by an official). On 20 January 2022, the Shevchenkivsky District Court of Kyiv assigned compensation for moral damages to Vladyslav Lazuto, one of the arrested participants of the antifascist rally, for the amount of 3,000 UAH due to the illegal actions of police officers.

On January 22, twelve human rights organizations (including ZMINA) issued a statement<sup>37</sup> noting that the two incidents indicated selective deliberate pressure on protesters against far-right violence. Since participants in other peaceful rallies held in Kyiv were not detained for the very fact that they were held, and after the introduction of enhanced quarantine measures on January 8, 2021, peaceful rallies continued (such as the rally “Save FOP” (Save private entrepreneurs) on Independence Square).

Human rights organizations called to stop the illegal practice of obstructing peaceful assemblies and detaining participants for the mere fact of holding the assemblies, to investigate the illegal

<sup>36</sup> Law enforcement officers did not allow activists to the venue of the second rally against far-right violence / ZMINA, 19.01.2021 <https://zmina.info/news/u-kyjevi-ne-provely-she-odnu-akcziyu-proty-ultrapravogo-nasylstva-cherez-rekomendacziyi-policziyi/>

<sup>37</sup> Human rights activists are demanding that the authorities respond to the disruption of peaceful assemblies by the police on January 19 / ZMINA, 22.01.2021 <https://zmina.ua/statements/pravozahysnyky-vymagayut-vid-vlady-vidreaguvaty-na-zryv-policziyeyu-myrynyh-zahodiv-19-sichnya/>

actions of police officers, and to bring those responsible for the violation of human rights and the law to justice.

The OZON Public Monitoring Group, which also monitored these peaceful assemblies, also stated in the report<sup>38</sup> that police actions against protesters show signs of unlawful obstruction of the organization or holding of meetings, rallies, street marches and demonstrations, and that law enforcement did not have any additional legal grounds, especially with reference to the resolution of the Cabinet of Ministers, to obstruct the holding of the declared peaceful assemblies or to physically stop the action on Kontraktova Square through detentions. Prohibition of peaceful assembly can take place only through a court decision.

*(See also the detailed description of this situation in the section “Brief overview of incidents”).*

### ■ ACTIONS IN SUPPORT OF SERHII STERNENKO ON FEBRUARY 23, 2021

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

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

According to OZON observers,<sup>39</sup> the detentions began after one of the members of the National Guard was hit by a lighted flare into a bulletproof vest. According to these data, the protesters threw snowballs, firecrackers and flares at the security forces. It was recorded that the latter sometimes threw these objects back, from time to time. However, they also were hitting the cordon of police and National Guards. According to the National Police of Kyiv, 27 policemen and servicemen of the National Guard received eye burns. Separately, observers stressed that the police did not communicate enough with the protesters, did not explain why they were not allowed to pass, what actions were expected of them, and did not explain the reasons for their detention later.

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

The rest of the protesters detained at the rally were taken to a paddy wagon, held there, recorded, photographed and released.

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

<sup>38</sup> Actions in memory of Stanislav Markelov and Anastasia Baburova: Report on the results of observation / OZON, 19.01.2021 <http://ozon.monitoring.tilda.ws/19january2021>

<sup>39</sup> Action in support of Serhii Sternenko. Observation report, Kyiv, February 23, 2021. Website: <http://ozon.monitoring.tilda.ws/page17578615.html>

In addition, detentions took place that evening during a similar rally in support of Serhii Sternenko in Zhytomyr. Two protesters, Valery Arushanyan and Serhii Hryhorchuk, who decided to symbolically set fire to the tire, were twisted by police and taken to a car. They were brought to the police department, where a report on an administrative offense under Article 185 of the Code of Administrative Offenses (malicious disobedience to a lawful request of a police officer) was drawn up. In May 2021, the court acquitted both protesters because it did not see any signs of a misdemeanor in their actions.

*(See also the detailed description of this situation in the section “Brief overview of incidents”).*

## REPORTING INFORMATION ABOUT ULTIMATE BENEFICIARIES-OWNERS BY CIVIL SOCIETY ORGANIZATIONS

When Ukraine became a full member of the global network for counteracting financial crime in December 2019, a new Law of Ukraine “On preventing and counteracting the legalization (laundering) of income obtained by criminal means, the funding of terrorism and the funding of the distribution of weapons of mass destruction” (Law #361-IX) was adopted.

The law was adopted in order to fulfill the requirements of the Financial Action Task Force (FATF), as well as the European Parliament and European Council directive 2015/849/EU of 20 May 2015 “Preventing abuse of the financial system for money laundering and terrorism purposes.”

The law aims to protect the rights and legal interests of citizens, society and the state, to ensure national security by defining the legal mechanism for the prevention and counteraction of legalization (laundering) of income obtained by criminal means, the funding of terrorism and the distribution of weapons of mass destruction.

Under the new law, most legal entities (including non-governmental organizations and charity associations) are obligated to submit the information on their ultimate beneficiary-owner (UBO) and the structure of ownership to the Unified State Registry (USR).

At the same time, political parties, trade unions, employer organizations and associations, creative unions, attorney unions, ACOABs, trade-industrial chambers, religious organizations, government bodies and local self-government bodies, public and communal companies, institutions and organizations are exempt from submitting information about their UBOs.

A three-month period was provided for submitting the information about UBOs, which started on 11 July and was set to expire on 11 October 2021.

The law’s vagueness in the definition of who the ultimate beneficiaries-owners of civil society organizations (CSOs) are has led to difficulties. The responsible authorities did not provide official explanations on the procedure for filling out the relevant forms and submitting the documents, which, in practice, led to refusals to include information about ultimate beneficiary-owners or to the inclusion of incorrect information into the USR.

The situation was aggravated by the very short period provided for submitting the information on UBOs, the lack of a way to submit the information online or by mail, long lines at the CPASs and state registrars’ offices, and the impossibility of scheduling an appointment for submitting the relevant documents.

Failure to submit or missing the deadline for submitting the information about the ultimate beneficiary-owner or lack thereof, or for submitting the documents to confirm the information about the ultimate beneficiary of a legal entity leads to a fine in the amount of 17,000 to 51,000

UAH, which, according to Article 166-11 of the Misdemeanor Code of Ukraine, must be paid by the heads of the legal entities.

De facto, CSOs and other legal entities were put in a situation in which completing the actions required to coordinate information about them according to the requirements of the legislation was indirectly blocked by the government.

The situation was further complicated by the insufficient information campaign and by the fact that a significant fraction of charity organizations and CSOs did not know about the requirement to submit the data about their UBOs.

Given these problems and the de-facto lack of UBOs for non-governmental organizations, over 200 CSOs published a statement<sup>40</sup> in which they called on the Verkhovna Rada of Ukraine to exclude civil associations with the status of legal entities and charity organizations from the list of legal entities which should submit information about the ultimate beneficiary-owner of the organization.

Meanwhile, on 8 October 2021, the Verkhovna Rada supported Bill #5807 and postponed the deadline for submitting information about their ultimate beneficiaries for Ukrainian companies and non-governmental organizations for 9 months (until July 2022).

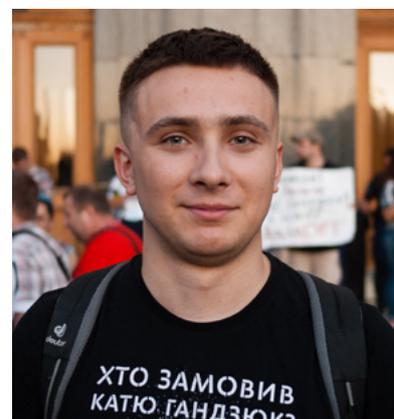
## THE COURSE OF INVESTIGATIONS AND COURT TRIALS OF HIGH-PROFILE CASES

Throughout 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 Nozdrovska, 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 Serhiy 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.

### 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 7 February 2018, the activist was beaten and suffered stab wounds; on 1 May 2018, he was shot in the neck with a rubber bullet. In the course of the third attack, on 25 May 2018, Sternenko fatally wounded one of the two attackers, Ivan Kuznetsov.



<sup>40</sup> Statement regarding the determination and state registration of ultimate beneficiary owners of non-governmental organizations / ZMINA, 1 October 2021: <https://zmina.ua/statements/zayava-shhodo-vyznachennya-ta-derzhavnoyi-reyestracziyi-kinczevyh-beneficziarnyh-vlasnykiv-gromadskyyh-organizacij/>

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. Their actions were categorized as hooliganism with the use of a weapon or another object adapted to causing bodily injuries. Later, the case against Kuznetsov was closed due to his death.

Meanwhile, on 11 June 2020, Sternenko himself was declared a suspect in the intentional murder of Kuznetsov and illegal carrying of a cold weapon. On June 15, the Shevchenkivsky District Court of Kyiv chose a preventive measure for the activist in the form of around-the-clock house arrest for 60 days. On August 6, the Shevchenkivsky District Court of Kyiv mitigated the preventive measure for Sternenko, replacing around-the-clock house arrest with nightly house arrest. In late August 2020, the hearings in Sternenko's case were handed over to Odesa, where they were heard by the Prymorsky District Court, which ordered nightly house arrest as a preventive measure for Sternenko on 28 September.

In 2021, the Prymorsky District Court of Odesa continued to examine the evidence in this case.

At a court hearing on 19 February 2021, the court examined video evidence, particularly an investigative experiment with Maryna Suslova, a witness of the incident. The prosecution also added to the case a video recording of a testimony given to Vitaliy Kolomiyets, Sternenko's attorney, by an unidentified individual<sup>41</sup> about the possible role of the mayor Hennadiy Trukhanov and Oleksandr Podobedov. In the video, a person with a modified voice and a hidden face says that the deceased Kuznetsov was his friend and agreed to attack Sternenko due to problems with money and drugs. The deceased's wife, Olesia Kuznetsova, denied this. The prosecution claimed that the individual in the video was not identified and the facts stated in it are false. The defense informed the court<sup>42</sup> that the identity of the "witness" is known to one of Sternenko's lawyers, but the prosecution had not contacted them to find out his name.

On 29 January 2021, the court canceled the house arrest of the activist Serhiy Sternenko and released him under the responsibility of MP Roman Lozynsky (Golos faction).

At the hearing on 5 March, which took place after Serhiy Sternenko's imprisonment for another case, of Serhiy Shcherbych (*see below*), the defense demanded that the activist be released, but the court left the request without consideration, and the activist was transported to a pre-trial jail.

At other hearings of the case (5 January, 19 March), the court considered medical expertise results.

At a hearing on 17 September 2021, the court questioned<sup>43</sup> two experts from the Kyiv City Clinical Forensics Bureau, the Bureau director Oleksandr Mykhailenko and its manager Volodymyr Zosymenko, regarding two forensic examinations done in the spring of 2020 and ordered by an investigator of the Security Service of Ukraine and a prosecutor of the General Prosecutor's Office.

One of the questions asked by the pre-trial investigation body concerned the location where Kuznetsov was fatally stabbed in the heart: near the building on 9 Fontanska Road, where the attack on Sternenko took place, or near that building on 7 Fontanska Road where Kuznetsov's

<sup>41</sup> An attack on Sternenko: Exclusive witness testimony / Youtube ZN.ua: <https://www.youtube.com/watch?v=2TjloPzhGQ>

<sup>42</sup> The prosecutors in Sternenko's case were not removed, but they were reprimanded / Radio Svoboda, 19 February 2021: <https://www.radiosvoboda.org/a/news-sternenko-sud-prokurory/31111836.html>

<sup>43</sup> Ivleva, O. The third attack on Sternenko in Odesa. Experts explained the details of one of the attackers' death / Suspilne, 18 September 2021: <https://suspilne.media/164633-tretij-napad-na-sternenka-v-odesi-eksperti-rozpozvili-pro-detali-zagibeli-odnogo-z-napadnikov/>

body was found. The distance between the buildings is almost 100 meters, and the clarification of these facts determines the categorization of the case: self-defense near building 9 or intentional murder near building 7.

According to the expert Volodymyr Zosymenko, in its first report, the commission arrived at the conclusion that Kuznetsov could have been fatally wounded between the two buildings, without specifying the location. However, in the next forensic examination, the specialists specified the location. In the experts' opinion, after being fatally wounded, Kuznetsov lost 30% of his circulating blood and lost consciousness within about 19–21 seconds; therefore, he was unable to cross the 100 meter distance from one building to the other. Thus, according to the forensic examination, the victim was fatally stabbed near building 7 and died in about 4 minutes from rapid blood loss.

The defense questioned<sup>44</sup> the calculation of the time within which Kuznetsov lost 30% of his blood: "about" 20 seconds, in the lawyers' opinion, is not a very precise number. The expert, Zosymenko, explained that making assumptions during forensic examinations is normal practice.

The lawyers also criticized the engineering software Solidworks Premium 2019, in which the experts modeled the loss of blood from the damaged left ventricle, noting that the software is not used in medicine. The lawyers also had reservations about the model, in which most of the blood was leaving the body from a narrower section of the cut, which is narrower than the natural channels.

In addition, according to Sternenko's defense, the forensic commission involved an engineer in constructing the model, even though it had no right to involve external experts by law. Zosymenko identified the engineer in court as Yevhen Strativinov, senior researcher at the Gas Institute of the National Academy of Sciences.

At a hearing on 22 October 2020, the court considered the question whether the knife with which Sternenko defended himself and with which Kuznetsov was fatally wounded constituted a cold weapon.<sup>45</sup> At the same hearing, the sides examined another piece of material evidence: Sternenko's watch which he wore during the fight.

On 5 November 2021, the court interrogated Viktor Mahrynychuk, an expert of the Odesa Clinical Forensics Bureau, who examined the body of Ivan Kuznetsov.<sup>46</sup> The examination recorded five stab wounds on Kuznetsov's body. Three of them are near the collarbone, the stomach, and on the right shoulder; all of them are in the category of light injuries. Kuznetsov also had a stomach cut which did not affect internal organs and which was categorized as a serious injury. The forensic examination determined that the death was due to acute blood loss due to a stab wound in the area of the heart. Mahrynychuk noted that there were no methodological recommendations or scientific developments regarding the calculations of the speed of movement and distance which can be crossed by a person with a heart wound.

On 30 November 2021, the Kyiv Court of Appeal obliged the SSU to remove the information<sup>47</sup> regarding the alleged intentional murder of the attacker Ivan Kuznetsov by Serhiy Sternenko

<sup>44</sup> Farifonova, A. By calculation. The prosecution experts in Serhiy Sternenko's case made a model of the wounded heart / Graty, 24 September 2021: <https://graty.me/uk/news/za-rozrakhunkom-eksperty-obvynuvachennya-v-spravi-serhiya-sternenka-zibraly-model%ca%b9-poranenoho-sertsya/>

<sup>45</sup> Farifonova, A. "You can also kill with a kitchen knife." The court examined Serhiy Sternenko's knife which he used to fight back against an attack and from which Ivan Kuznetsov died / Graty, 27 October 2021: <https://graty.me/uk/news/kukhonnym-nozhem-takozh-vbyvayut%ca%b9-u-sudi-doslidlyly-nizh-serhiya-sternenka-yakym-vin-vidbyvavsya-vid-napadu-i-vid-yakoho-zahynuv-ivan-kuznyetsov/>

<sup>46</sup> Farifonova, A. "People often survived such injuries." The court questioned the only expert who examined the body of the deceased Ivan Kuznetsov at a trial of Serhiy Sternenko's case / Graty, 5 November 2021: <https://graty.me/uk/news/z-takymy-poranennyamy-lyudy-chasto-vyzhyvaly-u-sudi-v-spravi-serhiya-sternenka-dopytaly-yedynoho-eksperta-yakyy-doslidzhuvav-tilo-zahybloho-ivana-kuznyetsova/>

<sup>47</sup> The SSU must delete the information about the "intentional murder" of his attacker by Sternenko / ZMINA, 3 December 2021: <https://zmina.info/news/sbu-maye-vydalyty-informaciyu-pro-umysne-vbyvstvo-sternenkom-svogo-napadnyka/>

in 2018 in a civil lawsuit regarding the honor, dignity and business reputation of the activist Sternenko.

At a hearing on 3 December 2021, Sternenko's defenders claimed<sup>48</sup> that the case has a political basis and asked to attach evidence to the case (the Report of the Temporary Investigative Commission of the Verkhovna Rada for Exercising Parliamentary Control over the Investigations of the Attacks on Kateryna Handziuk and Activists in 2017–2018; video recordings with statements by the President of Ukraine Volodymyr Zelensky and the Prosecutor General Iryna Venediktova about Sternenko's case; a spreadsheet on 59 pages with 200 quotes by MPs and top officials about him and his case; the annual report by the Verkhovna Rada Ombudsman Ludmyla Denysova about the attack on activists in 2018). All the materials presented by the defense were added to the case by the judge; however, the judge noted that he would evaluate them later.

At the next hearing,<sup>49</sup> the defense continued insisting on the political nature of the case and demonstrated another video interview with Iryna Venediktova, an interview with the former Prosecutor General Ruslan Riaboshapka, a letter from the dismissed prosecutor Andriy Radionov, an interview with the former Deputy Prosecutor General Viktor Trepak.

On 17 December, the defense focused<sup>50</sup> on the charge of carrying a cold weapon and argued that Sternenko's knife was intended to be used in everyday life.

At the same time, the criminal cases in which Sternenko is the victim are being investigated slowly, and the only case that has been handed over to the court, in which Abzal Baymukashev is charged with attacking Sternenko, has not been considered for almost three years.

On 19 April 2021, Sternenko reported<sup>51</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 23 February 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 a 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, each sentenced to seven years and three months in prison and to the confiscation of a half of their property.

The sentence concerns the incident which took place on 24 April 2015, when unidentified individuals kidnapped Serhiy Shcherbych and caused him bodily injuries, demanding that he 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

<sup>48</sup> Farifonova, A. "I don't hear political cases." Serhiy Sternenko's defense started listing their arguments. But they started with evidence of the political basis of the case / Graty, 4 November 2021: <https://graty.me/uk/news/ya-politichni-spravi-ne-sluhayu-zahist-sergiya-sternenka-rozpochav-navoditi-svo%20%97-argumenti-ale-pochav-iz-dokaziv-politichnogo-pid%20%91runtya-spravi/>

<sup>49</sup> Farifonova, A. "Your considerations are very important." Sternenko's defense spoke about the political basis of the case in court once again / Graty, 13 December 2021: <https://graty.me/uk/news/vashi-suzhdeniya-ochen-vazhny-zashhita-sternenko-snova-govorila-v-sude-o-politicheskoy-podopleke-dela/>

<sup>50</sup> Farifonova, A. Door-to-door delivery. Sternenko's defense insists that his knife is intended for everyday use and is sold freely/ Graty, 17 December 2021: <https://graty.me/uk/news/z-dostavkoyu-do-dverej-zahist-sternenka-napolyaga%20%94-shho-jogo-nizh-pobutovij-i-u-vilnomu-prodazhi/>

<sup>51</sup> The police have closed the case of the attack on Sternenko: the activist learned about this by accident / ZMINA, April 19, 2021: <https://zmina.info/news/policziya-zakryla-spravu-pro-drugyj-napad-na-sternenka-aktyvist-diznavsya-pro-cze-vypadkovo/>

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 (“Armed robbery”), and Part 1 of Article 263 (“Illegal handling of weapons, ammunition or explosives”) of the Criminal Code of Ukraine.

Meanwhile, 17 non-governmental organizations, including ZMINA, made a statement<sup>52</sup> on 25 March that the prosecution of Serhiy Sternenko and Ruslan Demchuk in the Shcherbych case is politically motivated, and when the justice system was considering this case, it did not base its consideration on the principles of independence and impartiality. For instance, both defendants were sentenced according to Part 2 of Article 187 of the Criminal Code (“Armed robbery”). The subjective aspect of this crime is characterized by direct intent and material motivation, and a mandatory characteristic of the subjective aspect is the purpose of an attack: to appropriate another person’s property. The purpose that could be seen from the case files and the court sentence was different. There was no proper and admissible evidence of robbery in the case, so this article cannot be considered to be proven. As for the other article of the Criminal Code according to which Sternenko and Demchuk were sentenced, Part 2 of Article 146 (“Illegal detention or kidnapping of a person”), the defendants were exempted from punishment according to it due to the expired statute of limitations for this article.

Non-governmental organizations also drew attention to the disproportionate punishment for Serhiy Sternenko and Ruslan Demchuk in the form of seven years and three months in prison with the confiscation of half of their property. In comparison, the murderers of Kateryna Handziuk, a civil activist from Kherson (*see below in the description of Kateryna Handziuk’s case*), who threw a litre of sulphuric acid at her, which led to the activist’s severe suffering and death, were sentenced to three to six years in prison; in turn, Shcherbych, according to the prosecution, received light bodily injuries which caused to a brief health disorder and, according to the investigation, suffered material damages in the amount of 330 UAH (less than 15 euros as of 2015).

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

After Serhiy Sternenko and Ruslan Demchuk were convicted, there were protests by those who were dissatisfied with the court decision in a number of cities on 23 and 26 February, as well as on 20 March 2021. During a rally on 23 February 2021,<sup>53</sup> which took place spontaneously on the day Serhiy Sternenko’s sentence was announced, the police arrested twenty protesters. According to eyewitnesses, the arrests were selective and involved protesters who did not commit any illegal actions (*see more details above in the section on Illegal Actions by the Police During Peaceful Gatherings*).

The second rally, “Justice for Sternenko–Justice for All!” on 26 February 2021<sup>54</sup> went without an incident and was the most highly attended: at least ten thousand people came to the Office of the President of Ukraine to protest the sentence of the activist Serhiy Sternenko (ZMINA was among the rally’s co-organizers); later, the rally marched to the Office of the Prosecutor General of Ukraine.

The next, third rally called “You can’t hear it? You’ll see it” was held near the Office of the President of Ukraine in Kyiv on 20 March 2021, on Serhiy Sternenko’s birthday. During this protest, some

<sup>52</sup> We demand justice for Serhiy Sternenko: the position of non-governmental organizations / ZMINA, 25 February 2021: <https://zmina.ua/statements/vymagayemo-pravosuddya-dlya-sergiya-sternenka-pozycziya-gromadskiyh-organizacij/>

<sup>53</sup> In Kyiv, more than ten people were arrested at a rally near the OP in support of Sternenko / ZMINA, 23 February 2021: <https://zmina.info/news/ukyyevi-na-akcziji-pid-op-na-pidtrymku-sternenka-zatrymaly-bilshe-desyatka-lyudej/>

<sup>54</sup> Facebook announcement of the rally “Justice for Sternenko–Justice for All!”: <https://www.facebook.com/events/337750624239956>

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.

On 31 May 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 canceled for both, and their electronic bracelets were removed.

The Prosecutor’s Office decided not to file a cassation appeal to the Supreme Court against the decision of the Odessa Court of Appeal, which released the activist. However, Serhiy Sternenko himself disagreed with the court’s decision and reported on 27 September that he had filed a cassation appeal to the Supreme Court.

The Supreme Court scheduled the consideration of the cassation appeal of the attorneys of the activist Serhiy Sternenko for 10 February 2022.

## Roman Ratushny's case

**Roman Ratushny**, the head of the civil initiative Protect Protasiv Yar, participated in the rally of the supporters of the Odesa activist Serhiy Sternenko, which took place at the Office of the President building in Bankova Street on 20 March 2021. During the rally, individual protesters threw paint at the walls and the pavement, burned the “President of Ukraine” sign with fire from spray cans, and broke the glass in the entrance door. The law enforcement officers who worked at the rally did not intervene in the course of the demonstration.

On 23 March 2021, Deputy Minister of Internal Affairs Anton Herashchenko distributed video materials<sup>55</sup> which can give one an impression that Roman Ratushny was holding a



<sup>55</sup> Anton Herashchenko’s Facebook page, 23 March 2021: <https://www.facebook.com/anton.gerashchenko.7/posts/3810276822392470>

falschfeuer flare (a pyrotechnic item which is not viewed as socially dangerous and is frequently used at peaceful gatherings) during the rally. However, the video shared by the National Police in which Ratushny was supposedly identified actually features a different person, according to Ratushny himself.

On 25 March, Ratushny was declared a suspect of hooliganism perpetrated by a group of individuals with the use of firearms, or cold weapons, or another item specifically adapted or prepared for causing bodily injuries (according to Part 4 of Article 296 of the CCU). The article proposes a sanction in the form of three to seven years in prison. In addition to Ratushny, 6 other people were declared suspects: Vladyslav Hranetsky-Stafiychuk (a.k.a. Vlad Sord; there is no information about his affiliation with civil associations), Serhiy Filimonov, Oleksiy Bilkovsky, Davyd Hadzhymuradov (Honor), Yevhen Strokan and Artem Lisovets (Unknown Patriot) (*see also: Brief Overview of the Incidents*).

On 29 March 2021, the Pechersk District Court of Kyiv chose a preventive measure for Roman Ratushny in the form of around-the-clock house arrest until 24 May. At the same time, no evidence confirming Roman Ratushny's participation in the hooliganism was presented at the court hearing.<sup>56</sup> On the same day, 15 non-governmental organizations, including ZMINA, published a statement<sup>57</sup> on the unfounded criminal persecution of Roman Ratushny in connection to the events in Bankova Street in Kyiv on 20 March 2021.

The defense appealed this court decision. On 21 April, 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. Criminal cases were opened following complaints filed by the defense.

Roman Ratushny has also challenged 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 Code requires. The hearing was postponed until 31 August; however, it did not take place, because the prosecutor appeared without being authorized. On 9 September, the hearing did not take place again. Instead, the judge rejected Ratushny's complaint, but only at the next hearing, when the indictment was already handed over to the court. Thus, Ratushny was denied his right of appeal.

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 refused to provide them to the defense for examination. In addition, Ratushny's defense has claimed that the investigation was hiding evidence of his innocence.

On 29 September 2021, during another consideration of Ratushny's complaint against the declared suspicion, the investigative judge received a letter from the prosecutor Mrachko, in which he informed the judge that on 26 September 2021, the prosecution handed the indictment in the case to the court. Based on this information, the court rejected the complaint against the suspicion, because suspicion can only be canceled before an indictment is handed to the court. However, it turned out that the prosecutor provided false information: at the request of Ratushny's attorney, the Pechersk Court checked the data in the automated system of case

<sup>56</sup> Ratushny was sent to around-the-clock house arrest / ZMINA, 29 March 2021: <https://zmina.info/news/ratushnogo-vidpravlyly-pid-czilodobovj-domashnij-aresht/>

<sup>57</sup> The public demands to stop the pressure and unmotivated persecution of the activist Roman Ratushny / ZMINA, 29 March 2021: <https://zmina.ua/statements/gromadskist-vymagaye-prypnyty-tysk-i-nevmothyvovane-peresliduvannya-aktyvista-romana-ratushnogo/>

distribution and recorded that the court had not received the indictment. Thus, Ratushny's defense petitioned the court to close the case.

Roman Ratushny's case is to be tried by the Pechersky District Court of Kyiv. The preliminary hearing is scheduled for 17 February 2022.

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>58</sup> and successfully stopped it in court.<sup>59</sup> At the moment, following Roman Ratushny's lawsuit, the court has completely canceled the Kyiv City Council decision to give this land plot up for development and reconstituted it as a green area.

Immediately after Roman Ratushny was declared a suspect in a criminal case, Hennadiy Korban filed a lawsuit to defend his honor and dignity against the activist and the NGO Protect Protasiv Yar, led by the activist. In the lawsuit, Korban demanded to declare the information about his involvement in the development of Protasiv Yar, published in Facebook posts, to be false and to pay him 500,000 UAH. Korban claimed that he had nothing to do with the developer, LLC Daytona Group, nor to the high-rise construction project in Protasiv Yar, because he was formally not a member of the company and was not a party in court cases. However, the defense refers to the fact that the director of LLC Daytona Group personally confirmed in a Channel 24 program that Korban was a de-facto founder of the development company and invested money in it. In December 2021, the Solomyansky District Court of Kyiv partially satisfied Korban's lawsuit and ordered to charge Roman Ratushny and NGO Protect Protasiv Yar for 50,000 UAH and to oblige them to refute the mentions of Hennadiy Korban on the Facebook pages of Ratushny and the Protect Protasiv Yar initiative. The lawyers of Roman Ratushny and the non-governmental organization have filed an appeal.<sup>60</sup>

### Kateryna Handziuk's case

The Kherson activist **Kateryna Handziuk** had sulfuric acid thrown at her near her house on 31 July 2018. On 4 November of the same year, she died in hospital as a result of burns to 40% of her body. On 6 June 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 11 February 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



<sup>58</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>59</sup> The court found the sub-lease of the plot in Protasiv Yar invalid / ZMINA, 25 March 2021: <https://zmina.info/news/sud-vyznav-nedijsnym-dogovir-suborendy-dilyanky-korbana-u-protasovomu-yaru/>

<sup>60</sup> The court obliged the activists of Protect Protasiv Yar to refute Korban's connection to the development in the green area / ZMINA, 9 December 2021: <https://zmina.info/news/sud-zobov'yazav-aktyvistiv-zahystymo-protasiv-yar-sprostuvaty-zvyazok-korbana-iz-zabudovoyu-cziyeyi-zelenoyi-zony/>

Council member, was arrested for organizing the attack on Handziuk. On 16 March, Levin was extradited from Bulgaria to Ukraine.

On 19 June 2020, the Pechersky District Court of Kyiv arrested Manger without bail. On 28 July, the General Prosecutor's Office submitted to the court an indictment of the suspects in organizing the murder of Handziuk, Vladyslav Manger and Oleksiy Levin. On 28 August, the Dniprovsky District Court of Kyiv heard the indictment of Manger and Levin for organizing the attack on Kateryna Handziuk which resulted in her death. According to the prosecution, 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 because he saw her as a threat to his political reputation due to Kateryna's systematic coverage of the illegal actions of the regional and city government, in which she directly accused, in particular, Vladyslav Manger. 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, as well as of organizing fake rallies in defense of the government. Together with Serhiy Nikitenko, Kateryna Handziuk created and published a film titled *Who Are you, Mr. Manger?* with a very critical view on his activities. Manger invested a lot of effort to ban the screening of the film and went to court. But before the attack, the Supreme Court definitively rejected Manger's claim and made a decision in favor of Serhiy Nikitenko, who was the defendant in the case.

On 1 October 2020, at a hearing at the Prymorsky District Court of Odesa, one of the individuals involved in the case of the attack on Kateryna Handziuk—Ihor Pavlovsky, assistant to the former MP Mykola Palamarchuk—gave testimony about Vladyslav Manger and Oleksiy Levin's involvement in the crime as the person who ordered it and its organizer, respectively. On 16 October, the court found Ihor Pavlovsky guilty of concealing a crime and, according to a deal he made with the prosecution, sentenced him to two years in prison with one year of probation. Pavlovsky was released on 24 November 2020.

In 2021, the case was still being tried by the Dniprovsky District Court of Kyiv, which continued to examine the evidence. In particular, the court examined reports on interrogations and identification of the attackers on Kateryna Handziuk, documents regarding the involvement of victims in the case, medical documents, forensic examination results which state the cause of the activist's death, protocols of the polygraph tests of the perpetrators and organizers of the murder, information about the search history on the attackers' and the organizer's computer equipment, video evidence and other materials.

Manger and Levin's defense petitioned to cancel the decision about choosing a preventive measure in the form of detention for their defendants, citing the state of their health, but the Kyiv Court of Appeal left the suspects in the case of the murder of Kateryna Handziuk behind bars.

In addition, MP Illia Kyva from the Opposition Platform—For Life party claimed that he wanted Vladyslav Manger, the alleged organizer of Kateryna Handziuk's murder, released under his responsibility, but he did not show up to the corresponding hearing on 15 June because, according to the lawyer, "was busy writing his thesis."

The court interrogated the SSU detective Maksym Sayenko regarding Manger's threats against Ihor Pavlovsky, who is involved in the case; it also watched the video recordings of investigative

experiments involving one of the attackers, Volodymyr Vasianovych, and the witnesses Serhiy Braha and Pavlo Pylypenko.

The activists of the Who Ordered the Assassination of Katia Handziuk? initiative also 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. During an interrogation on 18 August 2021, the defendant accused of organizing the attack, Oleksiy Levin, said<sup>61</sup> that he was allegedly approached by Yevhen Ryshchuk and asked to "teach her a lesson." However, according to him, there was no such conversation with Andriy Hordeyev.

On 26 October 2021, the activists of the Who Ordered the Assassination of Katia Handziuk? initiative accused<sup>62</sup> Vladyslav Manger's lawyers of intentionally protracting the consideration of the case.

On 4 November 2021, the Verkhovna Rada approved a report of the Temporary Investigative Commission (TIC), created for exercising parliamentary control over the investigations of the attacks on Kateryna Handziuk and other civil activists in 2017–2018. Based on the results of their work, members of the Temporary Investigative Commission appealed to the President of Ukraine Volodymyr Zelensky, asking him to hold an urgent meeting with them to discuss the information obtained during the commission's work.

On 20 December 2021, the court examined the reports about the interrogations of Kateryna Handziuk, conducted after the attack in August and October 2018. In conversation with a detective, Handziuk named the people who could have possibly ordered the attack on her. She pointed at Vladyslav Manger, Andriy Hordeyev and Yevhen Ryshchuk among these people.

Hromadske reports<sup>63</sup> that according to the information obtained from the phone of the suspect Oleksiy Levin, he was following the activist before acid was thrown at her and following the investigation afterwards. He also talked to the suspect of ordering the attack, the former head of the Kherson Regional Council Vladyslav Manger, although earlier he claimed the opposite. In terms of the frequency of phone connections on Levin's phone, Vladyslav Manger is second only to Levin's wife.

On 21 December 2021, there was a questioning of the activist's father, Viktor Handziuk, as a victim; during the questioning, he reported that from the very beginning, Kateryna Handziuk named Vladyslav Manger as the person most likely to have ordered the crime, because she had had a long history of confrontation with him. Kateryna was also convinced that Ryshchuk and Hordeyev were involved in the crime. Viktor Handziuk also spoke about the characteristics of the treatment of the burns which Kateryna Handziuk received and noted that with the injuries she had, her daughter had practically no chance of survival, although everyone hoped for recovery as a miracle.

During 2021, the court extended the detention of the suspects multiple times. At the latest hearing, Vladyslav Manger and Oleksiy Levin were left in jail until 27 March 2022.

<sup>61</sup> Handziuk's Murder: defendant Levin claimed that he was asked to "teach her a lesson" by Yevhen Ryshchuk / ZMINA, 19 August 2021: <https://zmina.info/news/ubystvo-gandyuk-obvynuvachuvanyi-levin-zayavyv-shho-provchyty-yiyi-prosyy-yevgen-ryshchuk/>

<sup>62</sup> Handziuk's murder: activists accused Manger's lawyers of protracting the consideration of the case / ZMINA, 27 October 2021: <https://zmina.info/news/vbyystvo-gandyuk-aktyvisty-zvynuvatly-advokativ-mangera-u-zryvi-dvoh-sudovyh-zasidan/>

<sup>63</sup> Roshchyna, V. "Boss," "Mykolayovych" and a note about Handziuk. Hromadske publishes new details in the case of the attack on the Kherson activist / Hromadske, 20 December 2021: <https://hromadske.ua/posts/bos-mikolajovich-ta-dovidka-pro-gandyuk-hromadske-publikuye-novi-detali-u-spravi-napadu-na-hersonsku-aktivistku>

## 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 30 September 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 1 January 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 8 January.

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 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.

The court examined the video materials filmed during the investigative actions, particularly recordings of the search of household buildings which belong to the suspect Yuriy Rossoshansky. There were interrogations of the experts whose conclusions had been considered at previous hearings, and the court examined<sup>64</sup> cell phone traffic of the phones with the numbers which belonged to the victim Iryna Nozdrovska and the defendant Yuriy Rossoshansky.

At the hearing on 30 June, the court decided<sup>65</sup> to apply a forced summons to Lidia Luchynska, a detective of the Central Investigative Department of the National Police of Ukraine, because she had failed to appear for interrogation for the second time, even though she had promised to come to the hearing a month earlier. The collegium made the decision to bring Luchynska to the hearing on 21 July by force.

Meanwhile, Anastasia Nozdrovska, the daughter of the murdered human rights defender, faced<sup>66</sup> bullying and threats on social media after the announcement of a court interrogation of the current head of the Kyiv Region Police Andriy Nebytov regarding her mother's murder (see the *Brief Overview of Incidents* for more detail).

On 14 July, the Shevchenkivsky District Court of Kyiv also failed to interrogate Nebytov: he sent a letter to the court claiming that he was on a business trip in the United Forces Operation area and requested to postpone the interrogation and hold it in a video conference format. Detective Lidia Luchynska, who was summoned to the next hearing scheduled for 21 July, also requested

<sup>64</sup> Nozdrovska's case: the court interrogated the expert who examined the movements of the cell phones of the victim and the defendant / ZMINA, 3 June 2021: <https://zmina.info/news/sprava-nozdrovskoyi-na-sudi-dopytaly-eksperta-shho-vyvchav-peremishhennya-mobilnyh-telefoniv-zagybloyi-i-obvynuvachenogo/>

<sup>65</sup> A police detective will be brought to court by force to be interrogated in Nozdrovska's case / Court Reporter, 30 June 2021: <https://sudreporter.org/slidchu-policziyi-prymusovo-dostavlyat-do-sudu-dlya-dopytu-v-spravi-nozdrovskoyi/>

<sup>66</sup> The daughter of the deceased activist Nozdrovska is threatened on social media due to the announcement of an interrogation of the head of the Kyiv Region Police / 9 July 2021: <https://zmina.info/news/dohczi-zagybloyi-aktyvistky-nozdrovskoyi-pogrozhuut-u-soczmerezah-cherez-anons-dopytu-nachalnyka-policziyi-kyivshhyny/>

an interrogation by video conference. According to the detective, she was also on a business trip, but in Zhytomyr. The victims, namely the family of the deceased activist Iryna Nozdrovska, and the defendant opposed the questioning of both police officers in the video conference format. After a consultation, the collegium of judges decided to question them in person later, when the opportunity arises.

The mother of the deceased activist, Kateryna Duniak, continued to insist that Rossoshansky did not kill her daughter alone, but with a group of people. Meanwhile, the forensic expert Vadym Shevchuk, who examined the late activist's injuries as a member of a commission, stated during questioning that the special characteristics of the injuries indicate that they were most likely to be caused by a single individual. When asked by the judge whether the expert ruled out the possibility that the blows were dealt by several individuals, Shevchuk replied that he had not been asked to examine this.

The hearing on 23 September was supposed to include a questioning of detective Lidia Luchynska, who failed to appear at several previous hearings to testify. She was even fined for this. This time, Luchynska came to the hearing, but the court was still unable to question her, because a member of the collegium of judges was absent, and it was impossible to do without the full collegium present.

Lidia Luchynska was interrogated at the hearing on 6 October.<sup>67</sup> Iryna Nozdrovska's mother, Kateryna Duniak, asked if the investigation tested different versions, other than the version involving the defendant Yuriy Rossoshansky, particularly regarding the involvement of Anton Yatsenko, a council member of several previous councils, and a few other people. Luchynska replied that the investigation responded to all the requests of the victims' lawyers and tested all the versions, but she did not specify any further details.

In turn, the defendant's lawyer, Oleksiy Tsybenko, asked how the investigation responded to the conversation, recorded during covert investigative actions, between Rossoshansky, who had already been arrested by that time, with his cellmate, in which Rossoshansky said that the police threatened him by saying that they would deal with his son. In reply, Luchynska noted that she ordered a psychological and psychiatric forensic examination of the materials which recorded Yuriy Rossoshansky's confession to the murder, and the examination verified that he made his claims voluntarily and answered to questions in more detail than was required.

Throughout the year, the court also extended the detention of Yuriy Rossoshansky several times; the last time, at the hearing on 20 December, his detention was extended until 18 February 2022.

At this hearing, Kateryna Duniak also stated that her granddaughter, Anastasia Nozdrovska, was never provided with state security. However, the judge noted that the court had sent a letter to the police to solve this issue, to which the mother of the murdered Nozdrovska replied that there had been no response for three months and that she would not testify until her granddaughter is provided with security.

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<sup>67</sup> Nozdrovska's case: the court started to question Luchynska, who was the head of the investigation in the case of the activist's murder / ZMINA, 6 October 2021: <https://zmina.info/news/sprava-nozdrovskoyi-sud-pochav-dopyt-luchynskoyi-yaka-ocholyuvala-slidstvo-u-spravi-pro-vbyvstvo-aktyvistky/>



# 6

## BRIEF REVIEW OF CASES OF PERSECUTION OF HUMAN RIGHTS DEFENDERS AND CIVIL ACTIVISTS IN 2021

## JANUARY 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>68</sup>.

As of the end of 2021, the police are investigating a case based on the facts of these events according to Part 1 of Article 296 (hooliganism) and Article 170 (obstruction of legal activities of trade unions, political parties, non-governmental organizations) of the Criminal Code of Ukraine.

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.

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

- On **January 14, 2021**, **Oleksa Koba**, a public activist from **Poltava**, reported<sup>69</sup> attempts to pressure himself as a victim in the so-called "bloody arch" case, when during an anti-construction rally on April 5, 2017, members of a security company attacked Koba and another activist, Dmitry Yudenko, and inflicted them stab wounds.

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

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

According to Oleksa Koba, in mid-January 2021, various acquaintances, in particular, sworn brothers (Koba and Yudenko are veterans), began to tell him that some people, who were called representatives of the accused, began to approach them and asked to influence the victims,

<sup>68</sup> Starokostiantyniv is not indifferent. YouTube channel, January 4, 2021: [https://www.youtube.com/watch?v=-R2sQTb\\_dwU](https://www.youtube.com/watch?v=-R2sQTb_dwU)

<sup>69</sup> Oleksa Koba. Personal Facebook page, January 14, 2021: <https://www.facebook.com/true.paddy/posts/1819656698194133>

saying that “not everything is so clear” and that the victims take the money but refuse to forgive the accused in court.

Finally, on 20 May 2021, the court made a decision in this case<sup>70</sup>: Anatoliy Priadko was acquitted due to the lack of the substance of a crime in his action, and Yevhen Usenko was sentenced to 5 years in prison. Usenko’s case was re-categorized and the charge of an attempted murder of the activist Yudenko was dropped; that is, the charges no longer mentioned a “group of individuals.”

The victims appealed the decision, but as of the end of 2021, its consideration had not started.

Oleksa Koba is an IT entrepreneur, a participant in the Euromaidan in Poltava and a veteran of the war in Donbas. He joined the protests against the construction of a structure in the center of Poltava, which blocked the passage of people (the “arch” that was originally mentioned) not from the very beginning, but was present at one of them, namely on April 5, 2017. According to local media<sup>1</sup>, the action began peacefully, but at some point, security guards with batons and knives ran out of the building under construction, starting to beat the protesters. They stabbed Oleksa Koba more than ten times and continued to beat him even when he fell.

## #discrediting

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

A video appeared in a number of local telegram<sup>1</sup>- and Instagram<sup>2</sup>- public pages (some of them are no longer accessible at the moment of the publication), calling him a “devil’s advocate” and accusing him of providing legal services to drug traffickers, showing a recording of conversation between Likhachev and a person involved in a criminal case.

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

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

At the same time, as Likhachev notes, the recording of the conversation in the video is most likely part of the covert investigative actions carried out either against him or his then-client, and



<sup>70</sup> The “bloody arch” in Poltava: the court has announced the sentence in the case, the prosecution is preparing an appeal / ZMINA, 20 May 2021: <https://zmina.info/news/poltavskiy-sud-ogolosyv-vyrok-u-spravi-kryvavoyi-arky-odnogo-z-napadnykiv-vypravdaly-inshomu-prysudyly-pyat-rokiv/>

it is questionable who “leaked” these materials to the authors of the video with the purpose to discredit him.

The video in question is a continuation of publications in December 2020 that Roman Likhachev represents the interests of the drug mafia, as described in a previous monitoring report by ZMINA Human Rights Center.<sup>1</sup> The victim connects this campaign against himself with the fact that in February 2021 the law enforcement agencies had to decide whether to continue the investigation of threats against the activist and whether to continue to provide him state protection due to the threat case (on the night of August 26, 2019 unknown delivered a wreath and an ax to the house where the Chuhuiv Human Rights Group is located, as well as a coffin to the human rights activist’s apartment<sup>2</sup>). According to Likhachev, it is difficult to say who is the author of the video, but placing it in public pages cost these people money.

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

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

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

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

- On **January 19, 2021** the **Mykolaiv public organization “LGBT Association `LIGA`”** reported continued pressure on it by unknown individuals through sending threats<sup>71</sup>.

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

The authors of the e-mail also mention last year’s incident (on December 28, 2020, activists received a letter about the alleged mining of their office, described in the monitoring report of ZMINA Human Rights Center for 2020)<sup>1</sup> and note it “being a warning”, ie actually admit their involvement in the previous attacks on LIGA.

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

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

The police of the Mykolaiv Region (inquiry sector) investigates proceedings upon receipt of the e-mail according to part 1 of Article 129 of the Criminal Code of Ukraine (threat of murder). The mentioned incident in 2020 with false mining of the organization’s office is also being investigated

<sup>71</sup> LGBT Association LIGA. Facebook page, January 19, 2021: <https://www.facebook.com/Association.LiGA/photos/a.317730514917584/3900499686640631/>

separately under part 1 of Article 259 of the Criminal Code of Ukraine (knowingly false report of a threat to public safety, destruction or damage to property).

As of the end of 2021, nobody had been brought to responsibility.

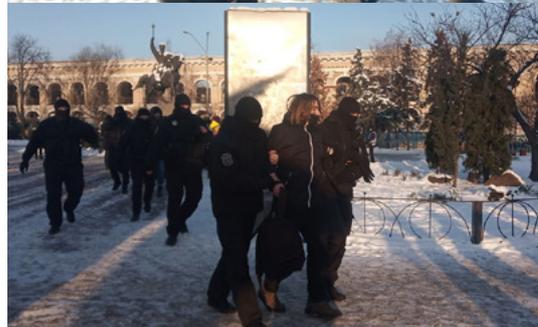
The Association of Gay, Lesbian and Bisexual “LIGA” was founded in Mykolayiv as a club of interests and an art association back in 1993, later developing its human rights and education activities. The main center is located in Mykolayiv, but the organization also has offices in Kherson, Odesa and Kyiv.

In 2020, it was subjected to systematic pressure from the right-wing radical organization “Tradition and Order”: representatives of the far right damaged the locks in the central office and the office of the Odesa branch of the “LIGA”, cover walls with homophobic posters and more<sup>72</sup>.

## #obstruction\_of\_peaceful\_assembly

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

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



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

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

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

<sup>72</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchuk, L. Yankina; ZMINA Human Rights Center. -Kyiv, 2020. – p. 102

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

On January 20, 2021, the OZON Observation Group published its conclusions on the events in Podil<sup>73</sup>, condemning the actions of the police and pointing to their illegality (only a court can prohibit peaceful assemblies), selectivity (simultaneously with this action there were other, in particular, protests of entrepreneurs on Independence Square, which was not dispersed by the police) and potential harm to further communication with the public.

Later, the aforementioned reports were considered by the Podilsky District Court of Kyiv and closed them due to the lack of the substance of a misdemeanor.

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

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

A number of human rights organizations issued a statement condemning the police’s disruption of the peaceful assembly<sup>74</sup>.

Vitaliy Dudin, the head of the Social Movement, filed a report with the State Investigation Bureau (SIB) regarding the illegal actions by the police. On 24 February 2021, the Bureau started proceedings according to Part 2 of Article 365 of the CCU (abuse of power by a law enforcement employee). In summer, the Bureau recorded the testimonies of the victims. As of the end of the year, the activists have no information about the progress of the case, but there is no information about closing the case either.

In addition, it is known that several activist victims have filed civil lawsuits. The legal grounds are Article 1174 of the Civil Code of Ukraine (harm caused by an official).

On 20 January 2022, the Shevchenkivsky District Court of Kyiv ordered to compensate moral damages to Vladyslav Lazuto, one of the people arrested during the anti-fascist rally, for the amount of 3,000 UAH<sup>75</sup> for the illegal actions by police officers.

Also on this day, another action was planned, announced by the “January 19 Committee” and the organization “Chervoni” (“The Red”, the head is Vladimir Chemerys) on Mykhailivska Square at eleven o’clock in the morning, but it did not take place. According to Chemerys, this happened due to obstruction by the police, who met the participants on Poshtova Square near the funicular and said that they would draw up reports on administrative offenses if they went up to Mykhailivska Square (the police said instead that the participants decided to stay near funicular)<sup>76</sup>.

At the same time, the right-wing radical organization “Tradition and Order” planned to hold a contr-action on Mykhailivska Square. It also did not take place, although supporters of the group still gathered on the square in separate groups and then moved around the city<sup>77</sup>.

<sup>73</sup> Ozon / Ozone – public observation. Facebook page, January 20, 2021: <https://www.facebook.com/OZON.monitoring/posts/2727837327469738>

<sup>74</sup> Human rights activists demand that authorities respond to police disruption of peaceful events of January 19 / ZMINA, January 22, 2021: <https://zmina.ua/statements/pravozahysnyky-vymagayut-vid-vlady-vidreaguvaty-na-zryv-policziyeyu-myrynh-zahodiv-19-sichnya/>

<sup>75</sup> Social Movement. Facebook page, 20 January 2022: <https://www.facebook.com/social.ruh/posts/296667562504593>

<sup>76</sup> Law enforcement officers did not allow activists to the venue of the second action against far-right violence / ZMINA, January 19, 2021: <https://zmina.info/news/u-kyjevi-ne-provely-shhe-odnu-akcziyu-proty-ultrapravogo-nasylstva-cherez-rekomendacziyi-policziyi/>

<sup>77</sup> Khodakovsky. Telegram channel, January 19, 2021: <https://t.me/BKhodakovsky/1422>

Meanwhile, according to the National Police, at the request of ZMINA Human Rights Center, on January 19, proceedings were initiated on the illegal handling of weapons. The Facebook group “Chervoni” published a video in which, among other things, you can see that men who allegedly intended to oppose Chemerys’ actions were found on the Poshtova Square with a knife and a crowbar<sup>78</sup>.

Rallies devoted to January 19 events are taking place in various countries to commemorate Russian activist Stanislav Markelov and journalist Anastasia Baburova, who were killed by Russian neo-Nazis in Moscow, and other victims of far-right violence. For several years in a row, ZMINA has been recording attacks on the participants of such actions in Kyiv by the far right and illegal actions of the police against them<sup>79</sup>.



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

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

## #physical\_attack

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

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

The police arrived on the scene, Hrybnytsky was taken to the hospital, where, in addition to the police, a man called himself an “SBU officer” arrived, who, according to the victim and witnesses (witnesses of the attack and also Hrybnytsky’s acquaintances who came to the hospital) said that there is some investigation into alleged extremism by Anton Hrybnytsky. The boy was given first aid and taken to the Halychyna Regional Police Department of Lviv. (Police confirmed to ZMINA center the arrival of such a person as a victim, but said they could not establish his identity because the guy constantly called himself by different names). Then Hrybnytsky’s guardian arrived (it was established that the victim was 15 years old) and the boy was released.



■ This photo was published by Anton Hrybnytsky after the attack

After the incident, information about the attack appeared in the telegram channel “stalkerua” (the probable administrator of which is Oleksiy Svnarenko from the right-wing radical organization “National Resistance”). The post used a photo from Hrybnytsky’s stories and stated without proof that the latter himself attacked a group of right-wing radicals<sup>80</sup>.

<sup>78</sup> Red. Facebook group, January 19, 2021: <https://www.facebook.com/groups/chervoni/permalink/3399093896861972/>

<sup>79</sup> How participants in the commemoration were illegally detained by the police and then “hunted” by the far right – testimony / ZMINA, January 22, 2018: [https://zmina.info/news/jiak\\_uchasnikiv\\_akciji\\_pamjati\\_nezakonno\\_zatrimala\\_policijia\\_a\\_potim\\_vpolovuvali\\_ultrapravi\\_svichennija-2/](https://zmina.info/news/jiak_uchasnikiv_akciji_pamjati_nezakonno_zatrimala_policijia_a_potim_vpolovuvali_ultrapravi_svichennija-2/)

<sup>80</sup> Stalkerua. Telegram channel, January 19, 2021: [https://t.me/ua\\_stalker/704](https://t.me/ua_stalker/704)

On January 26, 2021, the police of the Lviv region began proceedings under Part 2 of Art. 296 of the Criminal Code of Ukraine (group hooliganism) after the activist's relatives filed a crime report. As of the end of 2021, nobody was declared a suspect.

On March 30, 2021, Lviv human rights activist Iryna Yuzyk, who witnessed the attack and came to the hospital to provide assistance to the victim, reported that on her complaint the police identified police officers and a "SBU officer" (who also turned out to be a police officer). These turned to be a lieutenant of the patrol police Pavlo Kravets and operative officer of the criminal police department of the Lviv district police department Serhii Stabryn<sup>81</sup>. According to Yuzyk, they were reprimanded.

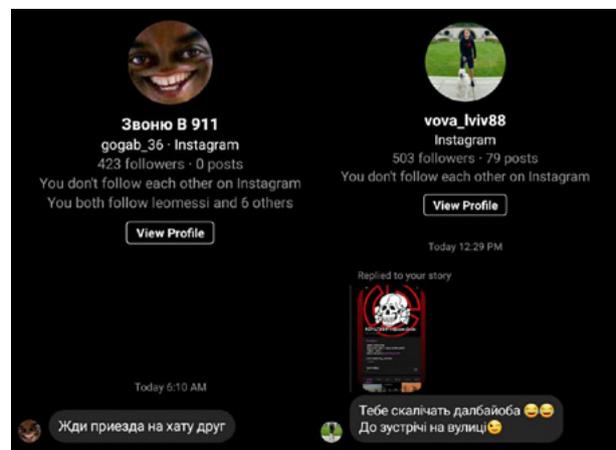
Anton Hrybnytsky is an activist of the anarchist organization "Black Flag" and the organization "Environmental Platform". He is interested in environmental issues, participates in actions on climate change, against the killing and eating of animals, etc.

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

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

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

- On **January 21, 2021**, the far-right telegram channel "Konctabir.Informblok" (blocked at the moment of the publication of the monitoring report) posted photos and contact details of **Odesa** public activist **Valentyn Tyrnavsky**, concluding that he "should be put in a cage." After Tyrnavsky complained about this channel to the social network administration and called on others to do the same, another post appeared on the "Konctabir.Informblok", unprovenly accusing him of drug trafficking, getting underage girls drunk, and killing animals.



■ Screenshots of messages with threats to Valentyn Tyrnavsky

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

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

<sup>81</sup> Iryna Yuzyk. Personal Facebook page, March 30, 2021: <https://www.facebook.com/iryna.yuzyk/posts/2126359000840226>

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

Prior to that, he took part in actions in support of LGBT people, encouraged people to get tested for HIV and took part in the Equality March in Kyiv and Odesa. It was after the Odesa Pride in 2019 that he began to be persecuted (he then appeared in the image of Jesus, which provoked a stormy reaction from the right). They came to Valentyn Tyrnavsky’s house and intimidated him through social networks. Then the lawyer of the public advice center of the Ukrainian Helsinki Human Rights Union (UHHRU) in Odesa, Yulia Lisova, through the court forced the police to open a criminal case on his complaint (the report about threats from the subscribers of right-wing radical Telegram channels was added to this existing case).

According to the UHHRU, the case was investigated without much progress<sup>82</sup>, but in autumn, the police changed Tyrnavsky’s status from a witness to a victim. As of the end of the year, nobody was declared a suspect.

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

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

## #legal\_persecution

- On **January 26, 2021**, the **Kamin-Kashyrsky** police in Volyn began proceedings on the complaint of the editor-in-chief of the “Journalists Against Corruption” news agency **Serhii Kot** against the chairman of the Commission on Journalistic Ethics Andriy Kulikov<sup>83</sup> under Articles 171 (obstruction of professional activity of journalists), Art. 206 (counteraction to lawful economic activity) and 355 (coercion to fulfilment or non-fulfillment of civil obligations) of the Criminal Code of Ukraine.

The reason for such actions was that the Commission on Journalistic Ethics made a statement on the inadmissibility of trafficking of press cards, in particular, by the IA “Journalists Against Corruption”, and called on the police to investigate its activities<sup>84</sup>, after the above mentioned news agency appealed to the commission with a complaint against the executive director of the Institute of Mass Media (IMI), Oksana Romaniuk, who also criticized them for trafficking of press cards.

<sup>82</sup> Ukrainian Helsinki Human Rights Union. Facebook page of the organization, January 27, 2021: <https://www.facebook.com/Ugsp/posts/3692496847464911>

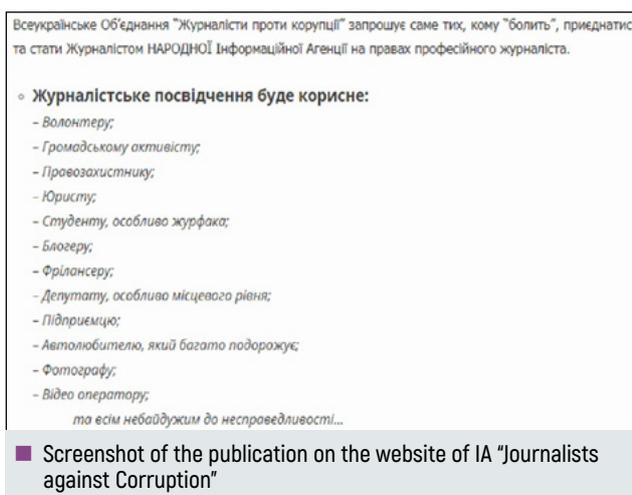
<sup>83</sup> A case was opened against Commission on Journalistic Ethics on the statement of the chairman of “Journalists against Corruption”. Andriy Kulikov is not surprised / Detector Media, February 5, 2021: <https://detector.media/community/article/184627/2021-02-05-proty-kzhe-vidkryly-spravu-za-zayavoyu-golovy-zhurnalistiv-proty-koruptsii-andriy-kulykov-ne-zdyvovanyy/>

<sup>84</sup> Statement of the Commission on Journalistic Ethics on illegal issuance of press cards and abuse of the status of journalist / Commission on Journalistic Ethics, January 27, 2021: <http://www.cje.org.ua/ua/news/zayava-komisiji-z-zhurnalistykoyi-etyky-shchodo-nezakonnoyi-vydachi-pres-kart-i-zlovzhvannya>

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

Earlier, the director of the Institute of Mass Media, Oksana Romanyuk, criticized this practice in a comment to “Media Detector”, and in response, Serhii Kot filed a police report about it, accusing it of knowingly false reporting of the crime. On December 31, 2020, the Kamin-Kashirsky police launched a corresponding investigation. ZMINA considers this investigation to be evidence of unjustified legal prosecution<sup>85</sup>.

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



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

Meanwhile, in August 2021, it became known that the case of the leadership of the Journalistic Ethics Commission was closed due to the expiration of the deadline for pre-trial investigation,<sup>86</sup> and in December 2021, it became known that the case of Oksana Romaniuk was also closed for the same reason.<sup>87</sup>

The Commission on Journalistic Ethics is an all-Ukrainian public organization, a body of self-regulatory work of journalists and editorial offices, which considers complaints of violations of professional ethical standards in the media, as well as is a platform for discussing conflict resolution based on the Code of Ethics of Ukrainian Journalists, statute and regulations of the NGO “Commission on Journalistic Ethics”.

<sup>85</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskychova, T. Pechonchik, L. Yankina; ZMINA Human Rights Center. -Kyiv, 2020. – p. 139

<sup>86</sup> The police have closed the case against the JEC: a man who was criticized for selling journalistic IDs complained about the commission / ZMINA, 11 August 2021: <https://zmina.info/news/policziya-zakryla-spravu-shhodo-kzhe-za-zayavoyu-predstavnyka-organizacziyi-yakogo-ta-krytykuvala-za-torgivlyu-zhurnalistskymy-posvidchennyamy/>

<sup>87</sup> The police have closed proceedings regarding Oksana Romaniuk for a media comment about selling journalistic IDs / ZMINA, 6 December 2021: <https://zmina.info/news/policziya-zakryla-provadhzhennya-shhodo-oksany-romanyuk-za-komentar-u-media-pro-torgivlyu-zhurnalistskymy-posvidchennyamy/>

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

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



■ Photo from Ivan Krasikov's Facebook page

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

The activist reported the incident to the law enforcement, but the Dnipropetrovsk Region police later informed ZMINA Human Rights Centre that they had registered Ivan Krasikov's case as a citizen address.

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

In favor of the second version, the activist cites the example of a number of discrediting publications about him in the winter of 2020, that he allegedly crashed into an ambulance. Krasikov later admitted in court that the information was untrue<sup>88</sup>.

Also in 2020, a number of posts were published on social networks that Krasikov had died (in one case it was allegedly about the discovery of the activist's body<sup>89</sup>, in another it was the publication about the discovery of the body of activists Ivan Krasikov and Mykola Kozhushko was illustrated by an article with the photo of the remains of several unidentified people taken in the middle plan, so that significant traces of decay could be seen in detail, although the material itself did not say that it was about him<sup>90</sup>); some contributors even offered to bring those who wanted to say goodbye to Krasikov to the funeral<sup>91</sup>.



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

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

<sup>88</sup> Kirov District Court of Dnipropetrovsk. Decision of November 27, 2020 / Opendatabot: <https://opendatabot.ua/court/93442430-ae36cdf9642adff05e3d2859ccc0f3b7>

<sup>89</sup> Masha Skvortsova. Personal Facebook page, August 9, 2020: [https://m.facebook.com/story.php?story\\_fbid=173115324268369&id=100047097063031](https://m.facebook.com/story.php?story_fbid=173115324268369&id=100047097063031)

<sup>90</sup> Masha Skvortsova. Personal Facebook page, August 8, 2020: [https://m.facebook.com/story.php?story\\_fbid=172813370965231&id=100047097063031](https://m.facebook.com/story.php?story_fbid=172813370965231&id=100047097063031)

<sup>91</sup> How "denationalized" media can "bury" you for budget money / Business censor / Column, October 27, 2020: [https://biz.censor.net/columns/3227148/kak\\_razgosudarstvennye\\_smi\\_mogut\\_pohoronit\\_vas\\_za\\_byudjetnye\\_dengi](https://biz.censor.net/columns/3227148/kak_razgosudarstvennye_smi_mogut_pohoronit_vas_za_byudjetnye_dengi)

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

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

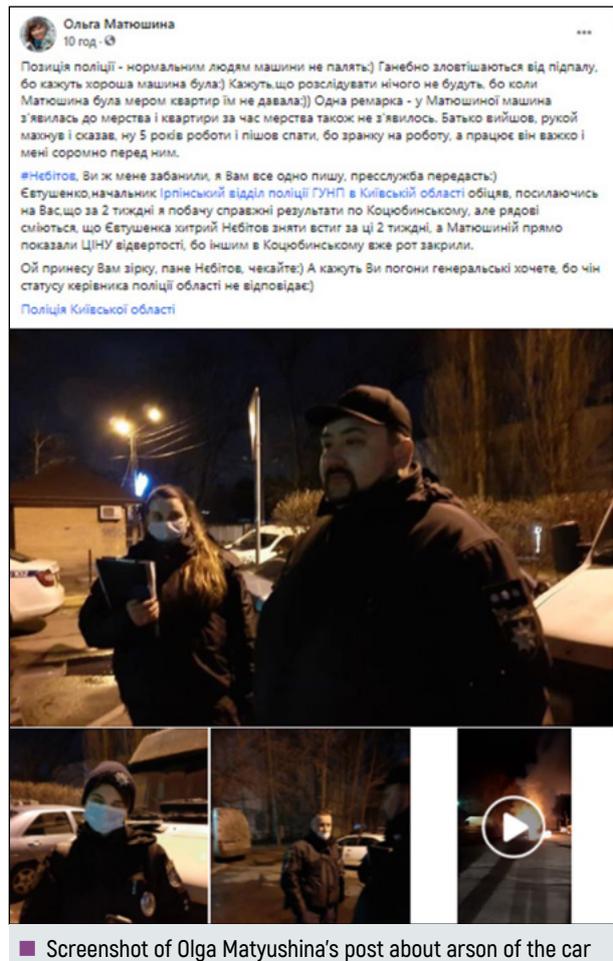
- On **January 27, 2021**, at about half past two in the morning, unknown individuals set fire to the car of the former village head of **Kotsyubynske**, public activist **Olga Matyushyna** (the car officially belongs to the activist’s father). According to her, firefighters were called by passers-by.

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

According to Matyushyna, in December 2020 she resigned as a deputy of the village council of Kotsyubynsky and was engaged in private life, child and education (at the time of the incident she was graduating from the Institute of International Relations of Taras Shevchenko National University of Kyiv). From time to time she wrote on her Facebook page about political and social life in Kotsyubynske or reposted materials, but she has not been active offline lately.

The Kyiv Region Police announced the commencement of criminal proceedings under Part 2 of Article 194 of the Criminal Code of Ukraine (intentional destruction or damage to property)<sup>92</sup>.

On February 16, 2021, the police announced the suspicion of arson to a 35-year-old previously convicted resident of Kyiv<sup>93</sup> Vitaliy Fedorenko. According to the victim, this man is the organizer of the crime, and the probable perpetrator is also known to her, but he has not been notified of



<sup>92</sup> The police of Kyiv region opened a criminal case on the fact of a car fire in the village of Kotsyubynske / Main Directorate of the National Police in Kyiv region, January 27, 2021: <https://kv.npu.gov.ua/news/Informacziya/za-faktom-zagoryannya-avtomobilya-v-selishhi-koczyubinske-policzziya-kijivshhini-vidkrila-kriminalne-provadhennya/>

<sup>93</sup> Kyiv Region Police identified an perpetrator involved in the organization and implementation of a car fire in the village of Kotsyubynske and announced him the suspicion / Main Directorate of the National Police in Kyiv Region, February 16, 2021: <https://kv.npu.gov.ua/news/Informacziya/policejski-kijivshhini-vstanovili-zlovmsnika-prichetnogo-do-organizacziyi-ta-zdijsnennya-pidpalu-avto-u-selishhi-koczyubinske-ta-povidomili-jomu-pro-pidozru/>

suspicion, although the police submitted the corresponding document for the Prosecutor's Office's approval several times.<sup>94</sup>

As of the end of 2021, Fedorenko's case is being considered by the Irpin City Court of the Kyiv Region.

Olga Matyushyna is a public activist from the village of Kotsyubynske in the Kyiv region, a former head of the village (elected in 2015). She opposed the construction on the territory of the Bilychansky Forest, located near Kotsyubynske and thanks to the efforts of activists included in the Holosiivskyi National Nature Park since 2014, and promoted the annexation of the village to Kyiv<sup>95</sup> (in July 2020, the Verkhovna Rada refused to do so). As a result, some local deputies accused her of allegedly wanting to open access to the Bilychansky Forest to metropolitan developers, and discrediting materials about her appeared on the website "Pravda Irpenia"<sup>96</sup>, where, as ZMINA reported, in 2020 there was also a discrediting campaign against the main editor of the website "Rukh Chesno" Irina Fedoriv<sup>97</sup>.

In 2016, unidentified persons attacked Olga Matyushyna<sup>98</sup>.

## #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).

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>99</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>100</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>101</sup>, appealed to the State Labor Office regarding the lack of transparency in this procedure, etc. The activist filed a claim

<sup>94</sup> "A time of struggle between the idealistic and the crafty": Matiushyna, former head of Kotsyubynske, about corruption, decentralization troubles and pressure on activists / ZMINA, 18 October 2021: <https://zmina.info/articles/spravy-olgy-matyushynoyi-chomu-vlada-koczyubynskogo-tak-boyitsya-aktyvistku/>

<sup>95</sup> #Women's Affairs: Olga Matyushyna – about the "coups" in Kotsyubynske, the accession to Kyiv and the laws of physics / Radio Svoboda, September 10, 2020: <https://www.radiosvoboda.org/a/news-zhinocha-sptava-olha-matiushyna/30829480.html>

<sup>96</sup> "Activists" of Kotsyubynske keep silent about the fact of cutting down the Bilychansky forest / Pravda Irpenia, November 29, 2018: <https://irpin.news/kocjubynski-aktivisti-zamovchuyut-fakt-virubki-bilichanskogo-lisu/>

<sup>97</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchik, L. Yankina; ZMINA Human Rights Center. -Kyiv, 2020. – p. 53

<sup>98</sup> 2 Unknown people attacked the activist and the village head of Kotsyubynsky. The activist was severely beaten / ZMINA, November 2, 2016: [https://zmina.info/news/nevidomi\\_napali\\_na\\_aktivistku\\_ta\\_selishhnu\\_golovu\\_kocjubynskogo\\_aktivistku\\_silno\\_pobili-2/](https://zmina.info/news/nevidomi_napali_na_aktivistku_ta_selishhnu_golovu_kocjubynskogo_aktivistku_silno_pobili-2/)

<sup>99</sup> Free Union of the Okhmatdyt Children's Hospital. 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>100</sup> Vasyl Shtybe. 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>101</sup> Free Union of the Okhmatdyt Children's Hospital. 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)

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>102</sup>.

On 18 July 2021, the decision was made to restore Vasyl Shtybel at his job:<sup>103</sup> the court determined that the employer acted arbitrarily and did not examine all the circumstances before making a decision.

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).

## FEBRUARY 2021

### #physical\_attack

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

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

According to Kyrpychenko, Bugayov saw him at the pub and started shouting something insulting about him, his appearance and his activities, in particular, that Kyrpychenko allegedly criticized the mayor. After that, one of the men from this company approached and hit Kyrpychenko in the face (this was recorded on video)<sup>104</sup>). According to Kyrpychenko, the whole company was drunk. The activist called the police. When police arrived, he went outside with a police officer to file a police report, and when he returned, he saw that his friend had his nose smashed (probably by the same assailant who attacked Kyrpychenko), however the latter refused to provide explanations or file a police report.

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

<sup>102</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 / ZMINA, July 13, 2021: <https://zmina.info/articles/u-lvovi-dytyachogo-likarya-zvilnyly-z-roboty-vin-vvazhaye-cze-pomstoyu-za-gromadsku-diyalnist-i-namagayetsya-ponovytytsya-cherez-sud/>

<sup>103</sup> The court has restored the illegally fired doctor of the Lviv Okhmatdyt hospital who fought corruption on his job / ZMINA, 5 August 2021: <https://zmina.info/news/sud-ponovyv-na-posadi-nezakonno-zvilnenogo-likarya-lvivskogo-okhmatdytu-yakyj-borovsya-z-korupczyeyu-ta-zlovzhvannyamy/>

<sup>104</sup> OrangeTV. YouTube channel, February 4, 2021: <https://www.youtube.com/watch?v=iZlFuJamBol>

when the police left, the attacker returned with several other people, went up to his office and beat him again, after which someone in the building, who saw the situation, called the police again<sup>105</sup>.

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

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



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

The case of the attack on Vadym Kyrpychenko, which took place on 10 February, was handed over to the court after re-categorizing it according to Article 345-1 (a threat or violence against a journalist) of the Criminal Code of Ukraine, but nobody was brought to responsibility because the victim himself dropped the charges in September, according to him, due to continuing pressure on him and public condemnation of his activities at the City Council.

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

On December 23, 2020, he was detained while trying to hold an action at a session of the Pyriatyn City Council. A report was drawn up against him under the article on malicious disobedience to a lawful request of a police officer. This incident was included in the monitoring report of ZMINA Center for Human Rights for 2020 as having signs of unjustified legal prosecution<sup>106</sup>.

On 17 March 2021, the Pyriatyn Court made a decision in this case, fining the activist for 51 UAH.<sup>107</sup> According to Vadym Kyrpychenko, the judge admitted that he had the right to come to a local self-government session meeting with a wreath, but in the other part of the charges, regarding the swearing, the judge only took into account the testimony of the supposed victims and did not take into account the video which showed Kyrpychenko demanding to let him in but not swearing.

<sup>105</sup> Pyriatyn activist Vadym Kyrpychenko stated about beatings and threats / ZMINA, February 10, 2021: <https://zmina.info/news/pyriatynskiy-aktivist-vadym-kyrpychenko-zayavyv-pro-pobyttya-i-pogrozy/>

<sup>106</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchuk, L. Yankina; ZMINA Human Rights Center. -Kyiv, 2020. – p. 136.

<sup>107</sup> Pyriatyn court has fined the activist Kyrpychenko, who wasn't allowed to enter a city council session, for petty hooliganism / ZMINA, 17 March 2021: <https://zmina.info/news/sud-u-pyriatyni-oshtrafuvav-za-dribne-huliganstvo-aktivista-kyrpychenka-yakogo-ne-puskaly-na-sesiyu-miskrady/>

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

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

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

Dmytro Yegorenko connects the incident with his public activity against the sale of cigarettes without excise stamps<sup>108</sup>. According to him, on November 11, 2020, he video recorded the fact of such a trade in the Slobidsky market in Odesa and called the police. However, when law enforcement officers arrived, it turned out that the saleswoman had collected the goods and walked away. He later called the police several more times or filed police reports. According to Yegorenko, every time the police came on call, they did not find vendors there, but if for some reason the patrol crew did not come, they continued to trade (so he suspects leaks of information from the police).

On December 22, 2020, Dmytro Yegorenko again filmed a woman selling such cigarettes, and when he left the market, he was overtaken by two people, who threw a hood from his jacket over his head and punched him several times in the back of the head. Egorenko resisted and tried to take a picture of one of the attackers, but they fled. According to the victim, he filed a police report and a proceeding was opened under Article 125 of the Criminal Code of Ukraine (intentional infliction of minor injuries). Further, the case was closed, after which the activist appealed it in court (there is a decision of the Suvorov district court of Odesa dated February 1, 2021, which revoked the decision to close the proceeding).

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

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

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

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

On 30 September 2021, Odesa Police closed the case based on the fact of the damage to the car of Yehorenko's wife due to the lack of the substance of a crime, because she as the car's owner had filed a statement that she had no claims against anyone and did not want to continue participating in the pre-trial investigation (due to the fact that the amount of the damages, 108,037 UAH, does not exceed the non-taxable minimum citizen income by 250 or more times).

<sup>108</sup> Alone against the system. How cigarette dealers together with the police destroy a person's life in Odesa / Evgeny Plinsky. YouTube channel: <https://www.youtube.com/watch?v=3fM0oW80y7o>

The activist challenged this decision, and on 29 October 2021 the court made a decision to resume the investigation. It is currently ongoing.

Dmytro Yegorenko is an entrepreneur from Odesa. He does not belong to public organizations or initiatives. According to Yegorenko, he conducts all this activity simply as a citizen who noticed the offense<sup>109</sup>. After the publicity by activists, media also took interest in the problem of cigarette trade without excise stamps, but journalists were also attacked by such “entrepreneurs”<sup>110</sup>.

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

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

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

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



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

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

The police initiated proceedings under Part 2 of Article 194 (intentional destruction or damage to property) of the Criminal Code of Ukraine. After conducting investigative actions, law enforcement officers also decided to open criminal proceedings under Part 2 of Art. 15, part 2 of Art. 115 of the CCU (attempted premeditated murder)<sup>111</sup>. As of the end of the year, nobody had been declared a suspect.

Mykhailo Zubkov and Natalia Shybayeva are active participants in the action “No to sand trucks” organized by residents of Vilkhivka and Sorokivka villages in the Kharkiv region with a demand to build a bypass road so that heavy machinery going to sand quarries does not pass through villages (this is the only road to the city). For a long time, residents appealed to local and central authorities with such demands, and at the end of January they began to protest, which eventually resulted in the closure of the road (it was blocked for four days). The catalyst for the protest was the news that, in addition to the current quarry of Kharkivnerudprom LLC, it is planned to open another one belonging to Krynytsia Corporation<sup>112</sup>.

<sup>109</sup> Attack and damaged car: how a resident of Odesa fights against an illegal point of sale of cigarettes / Ukrainian Helsinki Human Rights Union, February 10, 2021: <https://helsinki.org.ua/articles/napad-ta-ponivechene-avto-iak-odesyt-boretsia-proty-nelehalnoi-tochky-prodazhu-tsyharok/>

<sup>110</sup> Odesa journalists were attacked during the filming of a story about the sale of excise-free cigarettes / Graty, February 11, 2021: <https://graty.me/news/na-odesskih-zhurnalistov-napali-vo-vremya-semki-syuzheta-o-torgovle-bezakcziznymi-sigaretami/>

<sup>111</sup> Police initiated two criminal proceedings on the fact of incident in the village of Sorokivka in Kharkivshchyna (UPDATED) / Police of Kharkiv region, February 5, 2021: <https://hk.npu.gov.ua/news/vbivstva/policziya-vidkrila-dva-kriminalnix-provadhennya-za-faktom-podiji-u-seli-sorokivka-na-xarkivshhini-onovleno/>

<sup>112</sup> Zubkov Mikhail. Facebook page, February 2, 2021: <https://www.facebook.com/photo?fbid=10219287063750762&set=pcb.850456672464138>

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

## #discrediting

- On **February 15, 2021**, several publications of the column, first published in Lenta UA under the headline "A log in the eye: why "sorosyata" tolerate corruption in their sponsee" about anti-corruption activist **Vitaly Shabunin** were recorded<sup>113</sup>.

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

Because of this, the author accuses Vitaliy Shabunin (whom he calls "one of the main "sorosyats" in Ukraine") of manipulating information and, in order to make another argument in support of this idea, says there are no public investigations and statements by the Anti-Corruption Center against Artem Sytnyk, the head of the National Anti-Corruption Bureau of Ukraine (NABU), criticizing the latter, and also says that Shabunin allegedly does not appear in court in the case under the article of the Criminal Code of Ukraine on the threat or violence against journalist Vsevolod Filimonenko (in 2018, Shabunin hit Filimonenko in the face, and the latter used a gas spray against him<sup>114</sup>).

The material was reprinted at least twice, by the media outlet "Bagnet" under the headline "Shabunin went on the path of manipulation for the sake of scandal"<sup>115</sup> and in the media outlet "Rupor" under the headline "Shabunin and Avakov's eagles": how a fighter against corruption ended up in a loud scandal"<sup>116</sup>.

ПОЛИТИКА ★ СКАНДАЛ

## ШАБУНИН ПРОМАХНУЛСЯ: ПОЧЕМУ БОРЕЦ С КОРРУПЦИЕЙ ПОДДЕРЖАЛ ВАНДАЛОВ ПОД ОФИСОМ ПРЕЗИДЕНТА

09:25 22 мар. 634 Читайте на: УКР РУС



■ Screenshot of one of the mentioned publications

<sup>113</sup> "A log in the eye: why "sorosyata" tolerate corruption in their sponsee" / Lenta UA, February 15, 2020: <https://lenta.ua/brevno-v-glazu-pochemu-sorosyata-terpyat-korruptsiyu-u-svoego-podshefnogo-86496/>

<sup>114</sup> The trial of Shabunin: about what witnesses from Filimonenko told / Radio Svoboda, May 3, 2018: <https://www.radiosvoboda.org/a/29207137.html>

<sup>115</sup> Shabunin went on the path of manipulation for the sake of scandal / Bagnet, February 15, 2021: <http://www.bagnet.org/news/society/1303648/shabunin-radi-skandala-poshel-po-puti-manipulyatsii>

<sup>116</sup> Shabunin and Avakov's eagles": how a fighter against corruption ended up in a loud scandal / Rupor, February 15, 2021: <https://www.rupor.info/news/169737/shabunin-i-orly-avakova-kak-borets-s-korruptsiev-zagremel-v-gromkiy-skandal/>

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

The mentioned material appears on the same day when Vitaliy Shabunin announced on his Facebook page that the Cabinet of Ministers had considered a bill on NABU at an extraordinary meeting, to which one of the amendments added a norm according to which the current head of the institution Artem Sytnyk should be fired<sup>117</sup>.

At the same time, the phrase of Vitaliy Shabunin in question was taken from the activist’s video blog posted on the website of TV channel “24” on February 11<sup>118</sup>. There, Shabunin quotes news from the State Bureau of Investigation website about their investigations into abuses by other law enforcement officials, and concludes that he believes in the necessity of the resignation of the current Interior Minister Arsen Avakov, during whose tenure it all took place.

The informational reason for creating this blog was the information posted on the State Bureau of Investigation website about the torture of a man in Cherkasy on February 7, 2021. Thus, the policemen are suspected of beating the victim with a chair and a hose from a fire extinguisher, causing him significant damage, including knocked out front teeth<sup>119</sup>. However, Shabunin also mentions previous cases, including the beating and rape of a woman in Kagarlyk who was summoned to the police station as a witness.

Later, on March 22, Lenta UA published another article about Vitaliy Shabunin with the title “Shabunin missed: why a corruption fighter supported vandals under the President’s Office”<sup>120</sup> by the same author, Ivan Sergienko. The next day the article was also again reprinted to “Rupor” under the headline “Force attacks on power and opposition games by Shabunin: why the anti-corruption activist supported the protesters under the President’s Office”<sup>121</sup>.

The text cannot be unambiguously described as a fake, as it consists of evaluative judgments and speculations as to why Shabunin posted on his private Facebook page an announcement of a March 20 rally in support of Serhii Sternenko, and then did not comment on its outcome. It is known that Shabunin was never announced among the organizers of this action, so it is unclear why he should comment on it. In general, the material looks as if it was written just to mention the name of Vitaliy Shabunin in a negative way. Background to the article mentions the case relating to the statement by non-partisan MP Andriy Derkach<sup>122</sup> about the alleged embezzlement of American aid. However, this was formulated in the way as if the media investigated and established the crime and Shabunin’s involvement (evidence mentioned in the materials is not stated in the text and the court also at the time of publication did not make any decisions, ie the facts have not been established).

<sup>117</sup> Vitaliy Shabunin. Personal Facebook page, February 15, 2021: <https://www.facebook.com/vitaliy.shabunin/posts/10158038974659537>

<sup>118</sup> Covered drug dealers and beat with batons to death: the ugly deeds of the Avakov’s “eagles” / 24 news, February 11, 2021: [https://novyny.24tv.ua/skandalni-vchinki-orliv-arsena-avakova-ukrayina-novini\\_n1540184](https://novyny.24tv.ua/skandalni-vchinki-orliv-arsena-avakova-ukrayina-novini_n1540184)

<sup>119</sup> Beating with an iron chair and a hose from a fire extinguisher – two Cherkasy policemen suspected of torture (VIDEO) / State Bureau of Investigation, February 8, 2021: <https://dbr.gov.ua/news/pobittya-zaliznim-stilcem-ta-shlangom-vid-vognegasnika-dvoh-cherkaskih-policejskih-pidozryuyut-u-katuvanni>

<sup>120</sup> Shabunin missed: why a corruption fighter supported vandals under the president’s office / Lenta UA, March 22, 2021: <https://lenta.ua/shabunin-promahnulsya-pochemu-borets-s-korruptsiy-podderzhal-vandalov-pod-ofisom-prezidenta-91451/>

<sup>121</sup> Force attacks on power and opposition games by Shabunin: why the anti-corruption activist supported the protesters under the President’s Office / Rupert, March 23, 2021: <https://www.rupor.info/news/171486/silovye-ataki-na-vlast-i-igry-v-oppozitsiyu-so-storony-shabunina-pochemu-antikorruptsiy-podderzhal-protestuyushchih-pod-op>

<sup>122</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchik, L. Yankina; ZMINA Human Rights Center. – Kyiv, 2020. – p. 57.

All this allows ZMINA Human Rights Center to make assumptions about the launch of a discrediting campaign against Vitaliy Shabunin, in continuation of the campaign recorded by the center's researchers in 2020<sup>123</sup>.

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

## # physical\_attack

- On **February 16, 2021**, in the premises of the **Rubizhne** City Council in the Luhansk region, public activist **Olga Felenko** was attacked by the mayor Serhii Khortiv. According to the woman, he hit her in the stomach, and then snatched the phone from her hands and threw it against the wall. This conflict was partially recorded on video<sup>124</sup>.

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

According to the victim, on the day of the incident, she once again came to the City Council to clarify some issues related to the land plot occupied by the market (after all it was transferred to communal ownership, and now it is managed by the utility company), and met there other activists who came on other issues (including the closure of school<sup>125</sup>).

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

As Channel 5 journalists found out<sup>126</sup>, several other activists from Rubizhne had previously reported violence by Serhii Khortiv.

Olga Felenko expresses fears of continued pressure on her. According to her, in 2018 the store belonging to her was set on fire (it is also located in the market mentioned at the beginning), and on the night of February 26, 2021, two more trade pavilions in the same market were on fire<sup>127</sup>. The media report<sup>128</sup>, that at least one of them belongs to a local deputy from "Nash Krai" (where Khortiv also belongs). However, this deputy (Oleksandr Kovalenko), according to Felenko, did not support the initiative to transfer the market to private ownership.

<sup>123</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchik, L. Yankina; ZMINA Human Rights Center. – Kyiv, 2020. – p. 72

<sup>124</sup> Fine Rubizhne. Facebook group, February 16, 2021: <https://www.facebook.com/groups/374580119589298/permalink/1337019843345316/>

<sup>125</sup> Closure of schools in the Luhansk region on the conscience of Shakhov and his haked field" / 6451.com.ua. Lisichansk city website, February 26, 2021: <https://www.6451.com.ua/news/3033171/zakrytie-skol-v-luganskoj-oblasti-na-sovesti-sahova-i-ego-gologo-pola>

<sup>126</sup> In Rubizhne the mayor-hooligan systematically runs with fists on activists – Details / Channel 5, February 19, 2021: <https://www.5.ua/regiony/u-rubizhnomu-miskyi-holova-deboshyr-systematychno-kydaietsia-z-kulakamy-na-aktyvistiv-podrobytsi-237276.html>

<sup>127</sup> In Luhansk region, police are investigating the fact of ignition of trade pavilions / Official site of the National Police of Luhansk region, February 26, 2021: <https://g.npu.gov.ua/news/Informacziya/na-luganshhini-policzejski-rozsliduyut-fakt-zajmannya-torgivelnix-paviljoniv/>

<sup>128</sup> Fear and hatred in Rubizhne: trade pavilions continue to burn in the central market / 6451.com.ua. Site of the city of Lisichansk, February 26, 2021: <https://www.6451.com.ua/news/3034406/strah-i-nenavist-v-rubeznom-na-centralnom-rynke-prodolzaut-goret-torgovyve-pavilyony>

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

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

Luhansk police have launched proceedings under part 1 of Article 125 of the Criminal Code of Ukraine (intentional infliction of light bodily injuries) on the fact of the attack on Olga Felenko.

In September, the Rubizhne Police informed ZMINA Human Rights Centre that a decision was made to close the case and nobody was declared a suspect. At the same time, as the Office of the Prosecutor-General informed us, on 24 November 2021, the investigation of this case was resumed again.

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

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

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

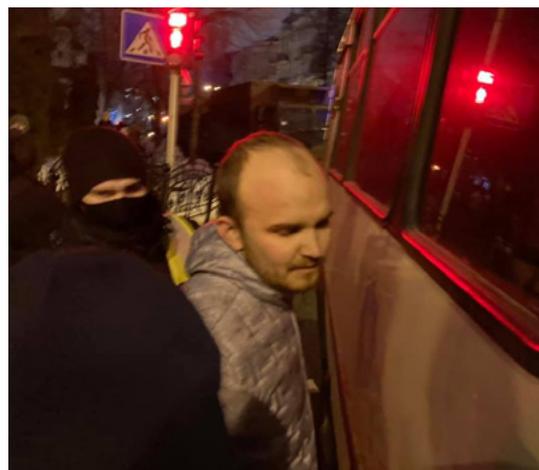
## #obstruction\_of\_peaceful\_assembly

## #illegal\_detention\_or\_search

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

The police announced the beginning of proceedings under Art. 342 (resistance to a law enforcement official) of the Criminal Code of Ukraine<sup>129</sup>, but as of the end of March it is unknown that anyone was declared a suspect within it.

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



■ Detention of Ivan Basyuk (Photo: Tetyana Bezruk)

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

<sup>129</sup> Criminal proceedings have been instituted over the clashes on Bankova Street in Kyiv / Kyiv Police Department, February 23, 2021: <https://kyiv.npu.gov.ua/news/publicna-bezpeka-ta-poryadok/za-faktom-sutichok-na-vuliczi-bankovij-u-kijevi-rozpochato-kriminalne-provadžhennya/>

According to Kyiv police, the protesters used flares and gas sprays, resulting in eye burns to 27 officers of the police and the National Guard<sup>130</sup>.

According to OZON group observers<sup>131</sup>, the detentions began after one of the representatives of the National Guard was hit by a lighted flare into a bulletproof vest. According to these data, the protesters threw snowballs, firecrackers and flares at the security forces, and it was recorded that the latter sometimes threw these objects back, from time to time, however, also hitting the cordon of police and National Guards. Separately, observers stressed that the police did not communicate enough with the protesters, did not explain why they were not allowed to pass, what actions were expected of them, and did not explain the reasons for their detention later.

The detention of the activists was quite severe, it was preceded by a pushing (journalists of the media outlet “Graty” filmed people in civilian clothes with injuries, but those in the video refuse to comment<sup>132</sup>).

According to one of the detainees, **Ivan Basyuk**, he did not commit any illegal acts, but was simply in the crowd when he was attacked from behind by special services, his arms were twisted and he was taken to a paddy wagon without explaining anything. Basyuk says people were snatched from the crowd at random. According to the activist, he had not seen or participated in clashes or quarrels with security officers before his detention. There were 12 people in the paddy wagon with Basyuk, some of whom, as he saw, had their outer clothing torn off. However he himself was not beaten<sup>133</sup>. Basyuk says that he and other protesters were brought to the Pechersk regional police department, held in the assembly hall and released without incriminating anything.

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

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

Then, according to the activist, the police recorded his passport data, mobile IMEI number, as well as photographed him from different angles (took 5-6 photos, asked to wear a jacket), gave three summonses as a witness in a criminal case for three days and released . All this time, his

<sup>130</sup> 27 law enforcement officers were injured while maintaining law and order on Bankova Street / Kyiv Police, February 23, 2021: <https://kyiv.npu.gov.ua/news/Informacziya/pid-chas-zabezpechennya-pravoporyadku-na-vuliczi-bankovij-postrazhdalo-27-pravooxoroncziw/>

<sup>131</sup> Action in support of Serhii Sternenko. Observation report, Kyiv, February 23, 2021. Website: <http://ozon.monitoring.tilda.ws/page17578615.html>

<sup>132</sup> Graty. Facebook page of the publication, February 23, 2021: <https://www.facebook.com/graty.me/posts/464894371540053>

<sup>133</sup> More than a dozen people were detained in Kyiv for protests in support of Sternenko / ZMINA, February 23, 2021: <https://zmina.info/news/u-kyievi-na-akcziyi-pid-op-na-pidtrymku-sternenka-zatrymaly-bilshе-desyatka-lyudej/>

lawyer Mykola Orekhovsky was not allowed into the regional department. As of February 24, from possible injuries he had a bump on his head, which hurts, but in general he assesses his condition satisfactorily.

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

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

On 31 May 2021, the Odesa Court of Appeal acquitted both of them in the case of the 2015 armed attack on Serhiy Shcherbych, a member of the Komintern District Council of Odesa Region, but the sentence according to Article 146 of the Criminal Code of Ukraine—illegal detention or kidnapping—remained in force (the indicted were exempted from punishment due to the statute of limitations).<sup>134</sup>

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

## #obstruction\_of\_peaceful\_assembly

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

The eyewitness Oleksandr Shvetsov posted a video of the scene on his Facebook page<sup>135</sup>.

According to Valery Arushanyan, the rally was peaceful, but when the participants decided to symbolically set fire to the tire, the police, without explaining anything, twisted two above mentioned activists and took them to the car, then brought them to the department and drew up a report on an



■ A photo from Valery Arushanian's Facebook page after one of the hearings to challenge the misdemeanor report

<sup>134</sup> Appeal decision in Shcherbych's case: has justice arrived for Serhiy Sternenko? / ZMINA, 1 June 2021: <https://zmina.info/articles/apelyacziyniy-vyrok-u-spravi-shcherbycha-chy-nastala-spravedlyvist-dlya-sergiya-sternenka/>

<sup>135</sup> Oleksandr Shvetsov. Personal Facebook page, February 23, 2021: <https://www.facebook.com/oleksandr.shvetsov/videos/3962215827175995/>

administrative offense under Article 185 Code of Ukraine on Administrative Offenses (malicious disobedience to a lawful request of a police officer).

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

In their turn, police said they were establishing the circumstances of the incident, and that law enforcement officers remarked to the protesters, and then tried to seize the tire, but the protesters prevented them<sup>136</sup>.

In May 2021, it became known that the court acquitted both of the arrested protesters due to the fact that it did not find the signs of a misdemeanor in their actions.<sup>137</sup>

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

## #privacy\_violation

- On **February 26, 2021**, at about 11 a.m. in **Kyiv**, the police came to the office of the DEJURE Foundation think tank, looking for a public activist, lawyer **Roman Maselko**. The police started to read him a protocol on an administrative offense under the article on conflict of interest (Article 172-7 of the Code of Administrative Offenses), but did not finish. A video broadcast conducted by activists on Facebook<sup>138</sup>, showed that at some point a police officer who was reading it was approached by his colleague and told him to wrap it up, and they both left.

On January 28, 2021, according to the data published that day<sup>139</sup>, judge Tetyana Skochok addressed the police with a corresponding statement. It turned out that she considered the complaint against the refusal of the Pechersk court to respond to Roman Maselko's information request and rejected the complaint. And whereas later, in December 2020, the Public Integrity Council declared her dishonesty, the judge linked it to Maselko's participation in the council (who should have resigned and not participated in the consideration of the case of this judge) and saw this as revenge on his part.

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

<sup>136</sup> In Zhytomyr, police establish the circumstances of the incident during a mass event / Main Directorate of the National Police in Zhytomyr region, February 23, 2021: <https://zt.npu.gov.ua/news/policziya-informuje-u-zhitomiri-policzejski-vstanovlyuyut-obstavini-incidentu-pid-chas-masovogo-zaxodu/>

<sup>137</sup> Zhytomyr court has acquitted both activists accused of "persistent disobedience" during a rally in support of Sternenko / ZMINA, 19 May 2021: <https://zmina.info/news/sud-u-zhytomyri-vypravdav-oboh-aktyvistiv-yakyh-zvynuvachuvaly-u-zlisnij-nepokori-pid-chas-akcziyi-na-pidtrymku-sternenka/>

<sup>138</sup> Dejure Foundation. Facebook page, February 26, 2021: [https://www.facebook.com/watch/live/?v=1397288477274851&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=1397288477274851&ref=watch_permalink)

<sup>139</sup> Why were the police looking for Roman Maselko? / Dejure, February 26, 2021: <https://dejure.foundation/news/chomu-politsia-shukala-romana-maselka>

Separately, representatives of the DEJURE Foundation point out that it remains unclear how the police established Roman Maselko's whereabouts. Yes, on the one hand, he really is a member of the center's board. At the same time, he could be at other addresses of the organizations he belongs to. And the police, when they were told that Maselko was not in the office (he says he came at eight in the morning and did not leave the office, so they could not see him), said that they knew for sure that he was present. On the broadcast, they explain their confidence by "operational luck." Roman Maselko himself expresses suspicion that he was under secret investigative actions (tracked the mobile phone number or watched him), but the use of operational tools (external surveillance, tracking of mobile phones) in administrative proceedings is illegal<sup>140</sup>.

Anti-corruption activist Serhii Mytkalyk expressed the opinion that the purpose of drawing up the said protocol was to include Roman Maselko in the register of corrupt officials, as had been done earlier with Vitaliy Shabunin and Artem Sytnyk<sup>141</sup>.

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

Maselko filed a complaint with the State Bureau of Investigation about possible illegal surveillance of him by the police. However, the latter did not start the proceedings, so he appealed against inaction in the Pechersk court of Kyiv. On March 30, it became known that the Pechersk court had ordered the State Bureau of Investigation to initiate proceedings on the activist's application<sup>142</sup>.

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

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

## MARCH 2021

### #discrediting

- On **March 7, 2021**, an announcement appeared on the Facebook page of the Ukrainian LGBT Soldiers and our Allies community about the intention to create an LGBT-friendly squad in the Armed Forces of Ukraine by recruiting it from the LGBT community and their allies. They were asked to contact community members and receive more precise instructions on the procedure (the name of the unit was not named)<sup>143</sup>.

As the founder of the initiative, **Viktor Pylypenko**, explained to ZMINA Human Rights Center, it was an informal agreement with the leadership of a specific unit that had no prejudices against

<sup>140</sup> We demand to punish law enforcement officers for illegal surveillance of public activists / ZMINA, March 4, 2021: <https://zmina.ua/statements/vymagayemo-pokaraty-pravoohoroncziv-za-nezakonne-stezhennya-za-gromadskymy-aktyvistamy/>

<sup>141</sup> Sergey Mytkalyk. Personal Facebook page, February 26, 2021: <https://www.facebook.com/smitkalik/posts/4013313622041856>

<sup>142</sup> The court ordered the State Bureau of Investigation to investigate the illegal surveillance of Roman Maselko / Dejure, March 30, 2021: <https://dejure.foundation/tpost/vo25xm1ja1-sud-zobovnyazav-dbr-rozsliduvati-fakt-neza>

<sup>143</sup> Ukrainian LGBT Soldiers and our Allies. Facebook page of the initiative, March 7, 2021: <https://www.facebook.com/LGBTmilitary/posts/443849960368802>

the LGBT military. Some media outlets reported on the initiative, and TV channel 24<sup>144</sup> took a comment from Bohdan Senyk, a spokesman for the General Staff of the Armed Forces of Ukraine, who said that the General Staff of the Armed Forces had not initiated anything and pointed to alleged LGBT ties with Moscow. The alleged proof is that the organization's website is hosted on a server physically located in Russia. The article also quoted a post by Serhii Medvedko (a representative of the Union of Veterans of the War with Russia, formerly a member of the far-right C14) that "the statement about the creation of LGBT units in the Armed Forces is being forced by people from Moscow."

Following these statements, the LGBT Soldiers explained that the reason for this situation was that their site was made with the help of the Russian site designer Tilda, and said that they had transferred the site to a Ukrainian server. As of March 9, the LGBT Soldiers website is actually hosted on a Ukrainian server (IP 185.68.16.12). At the same time, according to the resource Riskiq, which allows to view the DNS record history, until March 7, the site was at the IP address 185.165.123.36 (Russia).

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

Meanwhile, the story of the LGBT unit and the Russian server continued. It was used by members of the Right Veterans Coalition to mobilize supporters to vote for their candidates for a public council at the Ministry of Veterans Affairs: "At the same time, our ideological enemies, who in the war were less than fingers on the hand, are actively getting involved into the veteran environment. They create non-existent LGBT battalions, write "veterans for cannabis" and other nuts. We must ruin this feast of life"<sup>145</sup>.

At the same time, the harassment of LGBT Veterans<sup>146</sup> and Viktor Pylypenko himself<sup>147</sup> started in the marginalized far-right Telegram public pages (there are unproven insulting messages about him and his personal life, but no threats have been recorded).

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

In 2019, two members of the Union, Viktor Pylypenko and Vasyl Davydenko, were physically attacked<sup>148</sup>.

<sup>144</sup> Disperse betrayal and discredit the Armed Forces: the General Staff denied the creation of "LGBT units" / 24 News, March 7, 2021: [https://novyny.24tv.ua/lgbt-pidrozdili-zsu-rizka-reaktsiya-novini-rosiyi-i-ukrayini\\_n1562168](https://novyny.24tv.ua/lgbt-pidrozdili-zsu-rizka-reaktsiya-novini-rosiyi-i-ukrayini_n1562168)

<sup>145</sup> Andriy Tarasenko. Facebook page, March 9, 2021: [https://www.facebook.com/permalink.php?story\\_fbid=3750101888439097&id=100003179677216](https://www.facebook.com/permalink.php?story_fbid=3750101888439097&id=100003179677216)

<sup>146</sup> LGBT guideline. Telegram channel, March 7, 2021: <https://t.me/stopthefaggots/227>

<sup>147</sup> Who announced the LGBT squad in the army? / J.K. Telegram channel, March 7, 2021: <https://telegra.ph/Hto-ogolosiv-pro-LGBT-vzvod-v-arm%D1%96i-03-07>

<sup>148</sup> "Then he wrote that I must repent": how homophobic attacks in Ukraine are investigated / Radio Svoboda, October 15, 2019: <https://www.radiosvoboda.org/a/yak-rozslidujutsia-homofobni-napady-v-ukraini/30218028.html>

## #physical\_attack

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

One of the victims, journalist **Polina Vernygor**, says that after the march on Poshtova Square she with friends (there were only six of them) decided to go further to Kontraktova Square, trying to bypass right-wing radicals so as not to run into those of them who might be nearby. According to Vernygor, the activists had folded posters, but when they met the film crew, the latter asked activists to unfold them to take picture. When the journalists left, the activists were attacked by a group of young men in balaclavas. According to Vernygor, when they still were recording the comment, she saw one of them, but did not pay attention. And when it all started, she did not understand at first that they were trying to surround them: a few guys went forward, and then a few more came up behind, began to grab her hands, shouting insults and trying to take away the posters. According to the victim, her friend's poster was taken away, and when they started taking the poster from her, she started shouting and calling for help. The attackers saw passers-by approaching them and fled.



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

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

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

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

The National Resistance claimed responsibility for the incident. This organization is headed by Oleksiy Svinarenko, who is allegedly involved in the administration of the telegram channel "Volier", about which human rights activists issued an open statement in 2020 through the channel's disclosure of personal data of individual activists and calls for violence<sup>149</sup>).

<sup>149</sup> Statement on the inadmissibility of pressure on human rights defenders by far-right organizations / ZMINA, March 3, 2020: <https://zmina.ua/statements/zayava-pro-neprypustymist-tysku-na-pravozahysnykiv-z-boku-ultrapravyh-organizacij/>

They published a post about it on their telegram channel<sup>150</sup>, but hid people's faces in the photo.

On March 8, Polina VERNYGOR filed a police report about the attack on her, but no proceedings were instituted. The activist then challenged the police's inaction in court. On March 18 it became known about the beginning of proceedings under part 2 of Art. 296 of the Criminal Code of Ukraine (hooliganism committed by a group of persons)<sup>151</sup>. As of the end of 2021, nobody had been declared a suspect.

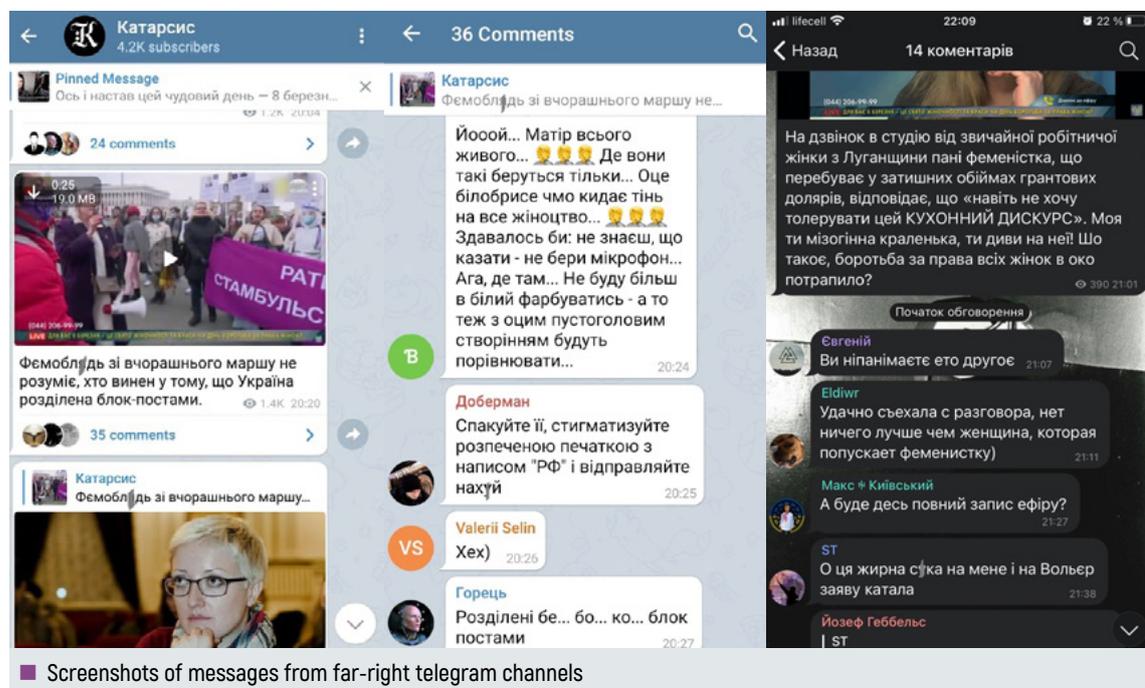
It is known that on March 8 in Kyiv the annual Women's march which, according to organizers, gathered more than 4 thousand people. The procession started on Mykhailivska Square, then the participants went to the Poshtova Square via Independence Square and Khreschatyk, after which they parted. The action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

According to Olena Shevchenko, co-organizer of the Women's March, before the rally, police did not allow to unfold a banner promoting ratification of the Istanbul Convention against Domestic Violence near the monument to Princess Olga. When the feminists left, the far-right Tradition and Order group took this place<sup>152</sup>.

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

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

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



■ Screenshots of messages from far-right telegram channels

<sup>150</sup> National resistance. Telegram channel, March 8, 2021: [https://t.me/national\\_resistance\\_ua/143](https://t.me/national_resistance_ua/143)

<sup>151</sup> Kyiv police opened proceedings against the participant of the Women's March / ZMINA, March 18, 2021: <https://zmina.info/news/kyivvska-policzija-vidkryla-provazhennya-shhodo-napadu-na-uchasnyczyu-marshu-zhinok/>

<sup>152</sup> In Kyiv, the police did not allow the participants of the Women's March to unfurl a banner for the Istanbul Convention near the monument to Princess Olga / ZMINA, March 9, 2021: <https://zmina.info/news/u-kyievi-politsiya-ne-dala-uchasnykiv-marshu-zhinkam-rozrobyty-baner-dlya-stambul%ca%b9s%ca%b9koyi-konventsii-bilya-pam%ca%bayatnyka-knyaziv-ol%ca%b9zi/>

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

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

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

The activists did not contact the police.

The talk show “Open Text” with host Oleksandr Vasyliyev was criticized by media experts for substituting a balance of opinions by providing a platform for manipulation, dissemination of false information and hate speech<sup>153</sup>.

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

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

## #discrediting

- On **March 9, 2021**, Inna Usachova (Inka Ukrainka), a representative of the **Kherson** Self-Defense Initiative, wrote in the self-titled Facebook group that she had filed a police report about the alleged distribution of pornography by **Maryna Usmanova**, the director of the Kherson feminist LGBT-inclusive organization “Insha”<sup>154</sup>.

The reason for this, according to the applicant, was the photographs depicting Usmanova. According to ZMINA Human Rights Center, Maryna Usmanova took part in the project of the photographer Stanislav Ostrous “When Dan was born, mom was told ‘You have a girl’...”, where she really starred nude with another person and wrote the text. It is not about sex at all, but tells the story of a man who makes a transgender transition and feels lonely and rejected by both men and women. Now these photos are posted on the artist’s website in the “Projects” section<sup>155</sup>.

<sup>153</sup> Balance of thoughts or meeting of the victim with the abuser: Yankina is harassed after the broadcast / Povaha, March 11, 2021: <https://povaha.org.ua/balans-dumok-chy-zustrich-poterpiloji-z-ab-yuzerom-yankinu-tskuyut-pislya-efiru/>

<sup>154</sup> Self-defense of Kherson. Facebook group, March 9, 2021: <https://www.facebook.com/groups/138497833285450/permalink/1069499896851901/>

<sup>155</sup> When Dan was born, mom was told «you have a girl» / Stanislav Ostrous, web-site of the photographer: <https://ostrous.com/when-dan-was-born-mom-was-told-you-have-a-girl/>

Earlier, on March 6, Inna Usachova called the police to the lecture about Rosa Luxemburg, dedicated to the 150th anniversary of the said figure, and accused Marina Usmanova of violating the law on decommunization<sup>156</sup>. According to Usmanova, the police took an explanation from her, but she does not know whether proceedings have been opened on this police report.

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

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

## #physical\_attack

- On **March 16, 2021**, on the 54th day of blocking the road in protest of heavy traffic through the villages of **Sorokivka** and **Vilkhivka** in Kharkiv region, the participants of the blockade were attacked<sup>157</sup>.

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

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

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

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

Kharkiv Region Police said they had recorded the incident. It is unknown whether proceedings have been initiated.

The victim refuses to contact human rights activists and journalists.

The “No to sand trucks» campaign has been going on in Sorokivka since January 2021. During this time, the participants were threatened, and on February 5, unknown individuals threw a grenade at the house of Natalia Shybayeva and her husband Mykhailo Zubkov.

<sup>156</sup> Self-defense of Kherson. Facebook group, March 6, 2021: <https://www.facebook.com/groups/138497833285450/permalink/1067904470344777/>

<sup>157</sup> Everything about everyone Olkhovskaya OTG. Facebook group, March 16, 2021: <https://www.facebook.com/groups/773477573495382/permalink/876174043225734/>

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

## #discrediting

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

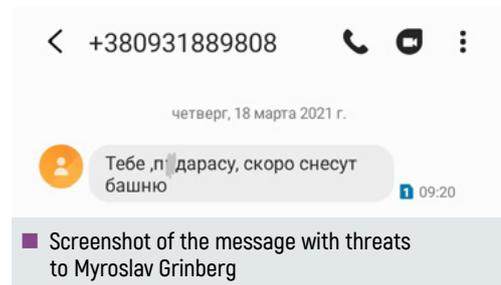
According to Grinberg, he received a phone call and the interlocutor asked how Grinberg “feels when helping Muscovites.” There were also several calls from unknown phones, but they hung up without saying a word. The activist was forced to block his phone for calls from unknown numbers.

In addition, the Facebook page “Avangard Cultural Union” published a post<sup>158</sup>, in which, without providing any evidence, the opinion is expressed that Grinberg is a pedophile. According to the activist, the authors of the post are trying to harm his educational activities, because he works with children.

The attack on Myroslav Grinberg began after he published “Symbols of Hate” on the Reporting radicalism website<sup>159</sup>. In addition to the swastika, separate runes and some other symbols of Nazi Germany, the logos of modern Azov regiments, paramilitary associations “National Squads”, the group “Tradition and Order” and others were also mentioned.

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

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



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

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

The incident was recorded on video from surveillance cameras installed on the house<sup>160</sup>. Video shows two men (one in a black jacket, the other in a white jacket, faces closed) setting fire to the fence and then throwing something into the house, herewith one of them got gloves or a jacket sleeve on fire due to carelessness. After that, the attackers fled.

There are no victims in the house, the building itself also survived. But, according to Sotsenko, the noise woke up and frightened his children. That same night, the activist and his colleagues

<sup>158</sup> Avangarde cultural union. Facebook page, March 17, 2021: [https://www.facebook.com/permalink.php?story\\_fbid=267216051556613&id=100779498200270](https://www.facebook.com/permalink.php?story_fbid=267216051556613&id=100779498200270)

<sup>159</sup> Symbols of Hate / Reporting radicalism, initiative website: <https://reportingradicalism.org/ua/symvol-y-nenavysti>

<sup>160</sup> KDS. YouTube channel, March 17, 2021: <https://www.youtube.com/watch?v=3vAOEYhlyslJ>

drove around the city, hoping to find the attackers on unique characteristics, but did not find them. Sotsenko suggests that the arsonists are not local, since the way they behaved and where they fled probably indicates that they were poorly oriented in the area.

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

Sotsenko filed a police report on the day of the incident. On March 17 he was told that proceedings had begun, but the report was not issued as of the evening of March 18 due to the information about the mining of the police station that day. Meanwhile, on March 18, on the website the police reported that began proceedings under Art. 194 of the Criminal Code of Ukraine (intentional destruction or damage to property)<sup>161</sup>.

As of December 2021, the investigation was ongoing and nobody had been declared a suspect.

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

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

## #illegal\_detention\_or\_search

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

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

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

However, during the interrogation of Serhii Ruban and Iryna Lvova, they asked about the reported mining only in briefly (according to Ruban, he was asked where he was at that time, and he answered that he was at work), and instead asked about his friend Aleksey Bolenkov (Max Bilorus), who is not involved in this case and with whom the police have not yet contacted. According to Ruban,

<sup>161</sup> Police of Slovyansk identify persons who set fire to the fence near the house of a journalist / Donetsk Police Department, March 18, 2021: <https://dn.npu.gov.ua/news/Informacziya/slovyanski-policzejski-vstanovlyuyut-osib-yaki-pidpalili-parkan-bilya-budinku-zhurnalista/>

the police insisted on talking to him and his wife alone (without a lawyer), and when they refused, they were handed another summons for questioning as witnesses, but in another case on other days (this interrogation did not happen at all).

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

Max Bilorus, a Belarusian anarchist and anti-fascist, who moved to Ukraine during the Maidan events and took part in protests (particularly when students occupied the Ministry of Education). He says that for some time he had something to do with Revdia, but because of ideological contradictions he stopped communicating with them. He heads the LaRevolte cooperative<sup>162</sup>, which is positioned as an experiment in creating an ethical clothing brand.

He says that he took part in a rally near the Turkish embassy, some of whose participants later claimed to be under surveillance by the police and hacking of telegram accounts<sup>163</sup>; actions of KyivPride (together with Ruban) near the Cabinet of Ministers against police arbitrariness<sup>164</sup>, where they were accidentally detained together with young men who came to disrupt the action (as they were told by the police, because of their suspicious appearance, but then they were not charged, only recorded and released).

## #legal\_persecution

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



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

According to the OZON public observation group, 700-900 people took part in the action<sup>165</sup>. In general, human rights activists in the report assess the meeting as peaceful. This was stated by the organizers in the announcement, at the beginning of the rally and in comments to journalists, however there was stated that among the protesters was a group of people who lit flares and firecrackers, showered the walls of the President’s Office and pavement with paint, painted walls and some windows of the building with graffiti, set fire to the door to the building, smashed a glass

<sup>162</sup> La Révolte. Telegram channel, June 7, 2019: <https://telegra.ph/Krushy—Sozidaj-06-07>

<sup>163</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchuk, L. Yankina; ZMINA Human Rights Center. -Kyiv, 2020. – p. 75

<sup>164</sup> Young men with knives who wanted to disrupt the action of human rights activists against police arbitrariness were detained / ZMINA, June 5, 2020: <https://zmina.info/news/molodykiv-z-nozhamy-yaki-hotily-zirvaty-akcziyu-pravozahysnykiv-proty-policzejskogo-svavillya-zatrymaly/>

<sup>165</sup> Events on March 20, 2021 near the Office of the President. Report on the results of public monitoring by OZON monitors: <http://ozon-monitoring.org.ua/sternenko20032021>

on it and threw flare inside, as well as directed fire with the help of sprays on the sign “President of Ukraine”.

In addition, some photos and videos from the scene show signs of fire on the upper floors of the building, where flares were also thrown<sup>166</sup>. Someone painted a swastika on the wall of the President’s Office. As established by OZON observers and later confirmed by the National Police, this happened after the official end of the rally, between nine and half past nine in the evening.



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

On March 30, during an extraordinary sitting of the Verkhovna Rada, at which deputies condemned the above mentioned events<sup>167</sup>, the National Police Chief Ihor Klymenko announced that the suspicions had been handed over to seven people. According to ZMINA, these are Vladislav Granetsky-Stafiyuchuk (pseudonym Vlad Sord, his membership in public associations is unknown), Serhii Filimonov (“Honor”), Oleksiy Bilkovsky (“Honor”), Yevhen Strokan (“Unknown Patriot”) , David Gadzhimuradov (“Honor”), Roman Ratushny (“Protect Protasiv Yar”) and Artem Lisovets (“Unknown Patriot”).

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

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

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

On March 29, ZMINA, along with 14 other human rights organizations, issued a statement in support of Roman Ratushny, an activist of “Protect Protasiv Yar”, who is charged under both articles, based on police testimony and screenshots of a video taken in the dark, which makes it objectively difficult to distinguish anything and to recognize anyone<sup>168</sup>.

Ratushny himself confirms that he took part in the rally, but denies his involvement in the actions incriminated to him. Among other things, the activist notes that one of the police witnesses described seeing a man in a black jacket with a hood, while he stated that he was in a dark jacket without a hood (in the video from the broadcast of the “Resistance to Surrender” made at the Pechersk regional department , where one of the detainees, Vladislav Granetsky-Stafiyuchuk, was brought, you can see a man who looks like Roman Ratushny in a green jacket without a hood. The latter confirms that he is in the video)<sup>169</sup>.

<sup>166</sup> Oleksandra Matviychuk. Personal Facebook page, March 20, 2021: <https://www.facebook.com/oleksandra.matviychuk/posts/10157942317462304>

<sup>167</sup> Draft Resolution on condemnation of the events that took place on March 20, 2021 near the Office of the President of Ukraine / Verkhovna Rada, March 22, 2021: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=71501](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=71501)

<sup>168</sup> Public demands to stop the pressure and unjustified persecution of the activist Roman Ratushny / ZMINA, March 29, 2021: <https://zmina.ua/statements/gromadskist-vymagaye-prypnyty-tysk-i-nevmotyovane-peresliduvannya-aktyvista-romana-ratushnogo/>

<sup>169</sup> Resistance to surrender. Facebook page, recording of the broadcast: [https://www.facebook.com/watch/live/?v=1090524084775669&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=1090524084775669&ref=watch_permalink)

As of December 2021, Ratushny's case was handed over to the court, but hearings had not started yet.

Action "Can't you hear? You will see!" took place under the walls of the President's Office for the birthday of Serhii Sternenko, who was under arrest in a pre-trial detention center at the time of the action. We recall that on February 23, the Primorsky district court found Sergey Sternenko and Ruslan Demchuk guilty in case of abduction in 2015 of the deputy of the Kominternivsk regional council of the Odesa region Sergey Shcherbych. They were sentenced to seven years and three months in prison with confiscation of half of their property. Later, this was partially successfully challenged in the court of appeal: charges of an armed attack against both activists were dropped, and Sternenko's sentence for illegal ownership of weapons was mitigated, while the third point, regarding the actual kidnapping of Shcherbych, was left unchanged (however, the statute of limitations had already expired for this charge). Thus, both activists are currently free, but they have filed a cassation appeal (there is no decision regarding the appeal at the moment).

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

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

Korban, in his turn, denied in a comment to "Rukh Chesno" that it was his account. As for Andrii Smyrnov, he said in a comment to Radio Svoboda that he had talked to Ratushny as a lawyer of the developer and aimed at resolving the conflict<sup>170</sup>.

At the same time, there are still hearings in the courts of various instances concerning Protasiv Yar, in which Roman Ratushny participates as an applicant<sup>171</sup>.

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

## #physical\_attack

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

<sup>170</sup> The Deputy Head of the President's Office commented on the audio recording of the conversation with the activist, due to which he is hiding / Radio Svoboda, December 4, 2019: <https://www.radiosvoboda.org/a/news-smyrnov-ratushnyi-zabudova-protasiv-yar/30307249.html>

<sup>171</sup> The court invalidated the sublease agreement for the plot in Protasiv Yar / ZMINA, March 25, 2021: <https://zmina.info/news/sud-vyznav-nedijsnym-dogovir-suborendy-dilyanky-korbana-u-protasovomu-yaru/>

The video posted on the Self-Defense telegram channel<sup>172</sup>, shows that when the National Guard column (in yellow) arrived, the protesters started shouting “Hey, come on, get out of here”, and the police (in black) started push back the protesters. Then a moment appears in the video, where it is seen that people in dark uniforms (the inscription on the back reflects light, so it is probably the police) kick the lying man.

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

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

On 15 June 2021, the SIB launched proceedings based on signs of Part 2 of Article 365 (abuse of power or functional authority accompanied by violence) of the Criminal Code of Ukraine; however, according to Kyrylo Negaturov, the case features him as a witness rather than a victim. The activist says that he was contacted by a detective once in summer, and since then he has not been informed about any progress in the investigation.

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

## #discrediting

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

In all the mentioned materials, Ratushny is called the organizer of the action together with Mykola Vyhovsky (Rukh Chesno), Nazariy Kravchenko (Proof of Evidence, Honor) and Serhii Filimonov (Honor)<sup>173</sup>. In one of the materials<sup>174</sup> he is also called the Kyiv mayor’s adviser, which does not correspond to reality.

According to the OZON observation group, the inscription appeared between 21:00 and 21:38, after the organizers announced the end of the action. The head of the Center for Civil Liberties, Oleksandra Matviychuk, made a statement about the provocation<sup>175</sup> (although, given that the protesters were still there at the time, it could have been someone’s private initiative).

<sup>172</sup> Self-defense. Telegram channel, March 21, 2021: [https://t.me/selfdefense\\_sternenko/76](https://t.me/selfdefense_sternenko/76)

<sup>173</sup> It became known who drew a swastika on the walls of the Office of the President (photo) / Dneprovskaya Panorama, 22 March 2021: <https://dnpr.com.ua/post/stalo-izvestno-kto-narisoval-svastiku-na-stenah-ofisa-prezidenta-foto>

<sup>174</sup> The pogrom of Zelensky’s office: the swastika on the walls of the OP was painted by Klitschko’s adviser Roman Ratushny / Dnipro The main thing, March 22, 2021: <https://glavnoe.dp.ua/articles/pohrom-ofysa-zelenskoho-svastyky-na-stenakh-op-rysoval-sovetnyk-klychko-roman-ratushnyi/>

<sup>175</sup> Oleksandra Matviychuk. Personal Facebook page, March 22, 2021: <https://www.facebook.com/oleksandra.matviychuk/posts/10157945117727304>

Later, on March 29, Vesti published an article entitled “The media associate Ratushny and Filimonov with neo-Nazis from the Russian Federation”<sup>176</sup>, where, This article, without citing a source which allegedly established such a connection, unprovenly states that the activities of Roman Ratushny and Serhii Filimonov are financed by the leader of the far-right group “Wotanyugend”, Oleksiy Levkin.

The text refers to the Bellingcat investigation<sup>177</sup>, which points to Levkin’s connection to the Azov Regiment, in which Filimonov served. However, his name is not mentioned in this regard. Moreover, the name of Roman Ratushny, who has nothing to do with the Azov Regiment, the army or right-wing movements, is in no way mentioned.

On March 30, without reference to Vesti, the text was almost literally republished by “Bagnet”<sup>178</sup> under the headline “Russian neo-Nazis from Wotanyugend finance Ratushny and Filimonov.” There is a link to the web-site from-ua.com, but this link does not open.

On March 31, this text was republished again, on the telegram channel “Ukraine Now”<sup>179</sup> with reference to “Bagnet”.

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

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

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

As **Natalia Onipko**, the head of the Zaporuka charity foundation, which started the center, informed ZMINA, the fire started at half past twelve at night. One of the builders found a flame in front of the building and woke up the others (only three people were in the building at the time of the incident). At first they tried to extinguish it on their own, but it turned out that the electricity went out and the pump did not work. Then they saw that a neighbor was watching them through the fence and eventually called the fire department.



■ Photo provided by Natalia Onipko

<sup>176</sup> The media associate Ratushny and Filimonov with neo-Nazis from the Russian Federation / Vesti, March 29, 2021: <https://vesti.ua/strana/smi-svyazyvayut-ratushnogo-i-filimonova-s-neonatsistami-iz-ru>

<sup>177</sup> A “tough” group of the Russian neo-Nazis settled in Ukraine / Bellingcat, October 14, 2019: <https://ru.bellingcat.com/novosti/ukraine/2019/10/14/hardcore-russian-nazis-in-kyiv/>

<sup>178</sup> Russian neo-nazis from Wotanyugend financing Ratushny and Filimonov / Bagnet, March 30, 2021: <http://www.bagnet.org/news/accidents/1306839/rossiyskie-neonatsisty-iz-organizatsii-votanyugend-finansiruyut-ratushnogo-i-filimonova>

<sup>179</sup> Ukraine now. Telegram channel, March 31, 2021: [https://t.me/u\\_now/10861](https://t.me/u_now/10861)

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

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

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

In July 2020, one of the neighbors cut off a lock on the construction site gate with a angle grinder. At that time, activists reported to the police the damage to property, but the latter registered the report as a citizen's appeal<sup>180</sup>.

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

## 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>181</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>182</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").

<sup>180</sup> The situation of human rights defenders and civic activists in Ukraine in 2020: analytical report / O. Vynogradova, A. Moskvychova, T. Pechonchyk, L. Yankina; ZMINA Human Rights Center. -Kyiv, 2020. – p. 96

<sup>181</sup> Rubezhanskaya Sanitarium School Stays. Facebook group, April 1, 2021: <https://www.facebook.com/groups/1691875807661589/permalink/1726266274222542/>

<sup>182</sup> "Kids will be left without medical help." Protesters are blocking the road in Luhansk Region / Suspilne, April 2, 2021: <https://suspilne.media/119208-diti-zalisatsa-bez-medicnoi-dopomogi-na-lugansini-protestuvalniki-perekрили-dorogu/>

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>183</sup>.

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>184</sup>.



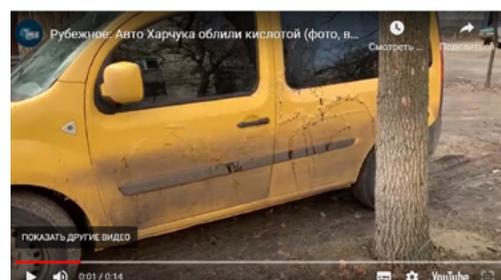
Photo from Valeriy Kharchuk's Facebook page

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>185</sup>.

As of the end of 2021, nobody had been declared a suspect.

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



A screenshot from a video made by Trybun

<sup>183</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 / 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>

<sup>184</sup> In Rubizhne, the police are investigating the combustion of a car / National Police. Luhansk Region, April 5, 2021: <https://lg.npu.gov.ua/news/Informacziya/v-m-rubizhnomu-policzejski-rozsliduyut-fakt-zagoryannya-avtomobilya/>

<sup>185</sup> Rubizhne: Acid thrown at Kharchuk's car (photo, video) / Trybun, March 15, 2021: <https://tribun.com.ua/78674>

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.

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.

## #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>186</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 rightwing political parties. However, this time, a copy of the email was sent out to Mykolayiv media.



■ One of the photos attached to the email with threats received by 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>187</sup>. As of December 2021, the investigation was ongoing and nobody was declared a suspect.

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.

<sup>186</sup> LGBT Association LIGA. Facebook page, April 8, 2021: <https://www.facebook.com/Association.LiGA/posts/4129498633740734>

<sup>187</sup> LGBT Association LIGA. Facebook page, May 19, 2021: <https://www.facebook.com/Association.LiGA/posts/4254366714587258>

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

## #discreditation

- On **April 13, 2021**, unidentified individuals spraypainted 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>188</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.

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>189</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.



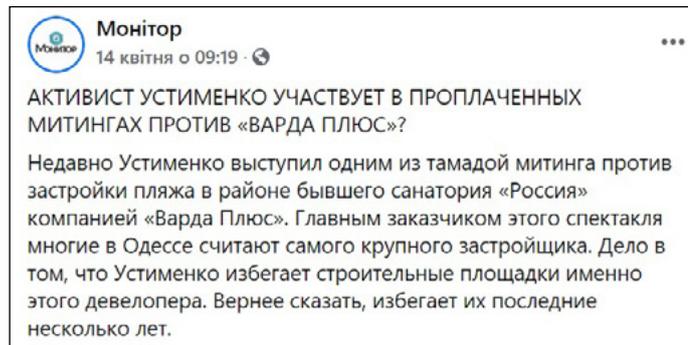
■ A screenshot from a video published by Kateryna Onopriyenko on her Facebook page on 13 April 2021

<sup>188</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)

<sup>189</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)

## #discreditation

- On **April 14, 2021**, Monitor, a local publication in **Odesa**, published a post<sup>190</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."



- A screenshot of a publication in Monitor

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>191</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.

Before the discrediting post was published, on April 10, there was a rally against the construction which blocks a beach for Odesa residents<sup>192</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>193</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 SelfDefense, 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>194</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>195</sup>.

<sup>190</sup> Monitor. Facebook page, April 14, 2021: <https://www.facebook.com/monitorodesa/posts/2895468794105336>

<sup>191</sup> A decision with court consequences: How Odesa councilors gave a part of the French boulevard to developers / 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/>

<sup>192</sup> Landscaping in Odesa: Illegal construction has started on the coast on the Health Track – photo / 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>193</sup> Who is Vitaliy Ustymenko? / Od-news, July 15, 2017: <http://odnews.info/2465-kto-takoy-vitaliy-ustymenko.html>

<sup>194</sup> A fight in the centre of Odesa: Euromaidan activists want to punish a man who beat up a journalist (updated, photos) / 368.media, May 29, 2015: <https://368.media/2015/05/29/draka/>

<sup>195</sup> Odesa Self-Defense and TV journalists exchanged accusations due to the fight in Napoleon / Mayak, June 2, 2015: <https://mayak.org.ua/news/samooborona-odessy-i-jurnalisty-telekanala-obmenyalis-obvineniyami-iz-za-draki-v-napoleone/>

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>196</sup>.

In December 2020, the Prymorsky District Court of Odesa sentenced them to four years in prison and released them in the courthouse<sup>197</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.”

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>198</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 of the Anarchists of Belarus YouTube channel)

Later, the STALKERUA<sup>199</sup> Telegram channel, which belongs to the far-right radical Oleksiy Svyntarenko, 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.

<sup>196</sup> How the attackers of Vitaliy Ustymenko, the Automaidan leader, are tried in Odesa / ZMINA, August 26, 2020: <https://zmina.info/articles/yak-v-odesi-sudyat-napadnykiv-na-kerivnyka-avtomajdanu-vitaliya-ustymenka/>

<sup>197</sup> The attackers of the Odesa activist Ustymenko are released in the courtroom / ZMINA, December 7, 2020: <https://zmina.info/news/napadnyky-na-odeskogo-aktyvista-ustymenka-vyjsly-na-volyu-v-zali-sudu/>

<sup>198</sup> No borders project. Facebook page, April 21, 2021: <https://www.facebook.com/nobordersua/posts/3872699829432573>

<sup>199</sup> STALKERUA. Telegram channel, April 21, 2021: [https://t.me/ua\\_stalker/873](https://t.me/ua_stalker/873)

It should be noted that Svyrenko refers to another Telegram channel, Pramen<sup>200</sup> but the latter does not mention Kondratovych.

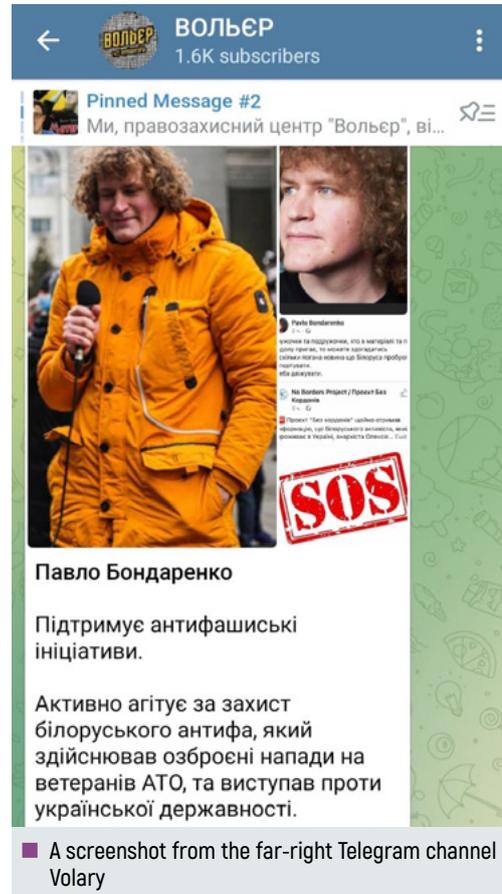
In addition to the aforementioned messages about Belarus activists, the far-right Telegram channel Volary published a message about the Ukrainian activist **Pavlo Bondarenko** (who participates in the rallies of the Who Ordered the Murder of Katia Handziuk? initiative and in support of Serhiy Sternenko) 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 Svyrenko) and tried to provoke the claimant to start a fight.

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>201</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>202</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



■ A screenshot from the far-right Telegram channel Volary



■ Court hearing in the case following Aleksey-Bolenkov's lawsuit on 22 June (photo: Yelyzaveta Sokurenko)

<sup>200</sup> Pramen. Telegram channel, April 21, 2021: <https://t.me/pramenby/4416>

<sup>201</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>202</sup> Dmytro Verbych. Personal Facebook page, April 21, 2021: <https://www.facebook.com/verbych22/posts/3746367328818641>

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.

Despite this, on 22 June 2021, Judge Dmytro Maltsev rejected Aleksey Bolenkov's complaint.<sup>203</sup>

This was also challenged. On 21 July 2021, the Sixth Administrative Court of Appeal canceled the decision of the Shevchenkivsky Court and satisfied Aleksey Bolenkov's complaint against the Security Service's decision, so he could stay in Ukraine.<sup>204</sup>

Later, the Security Service of Ukraine filed two cassation appeals with the Supreme Court, but the latter refused to open appeal proceedings on the agency's request: first the Court pointed out that the claimant had not specified or justified their reasons for appealing to the Supreme Court,<sup>205</sup> and then that the SSU missed the proper deadline for filing such an appeal without a good reason.<sup>206</sup>

The Belarusian activist Alexey Bolenkov moved to Ukraine during the Revolution of Dignity, has lived 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>207</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.

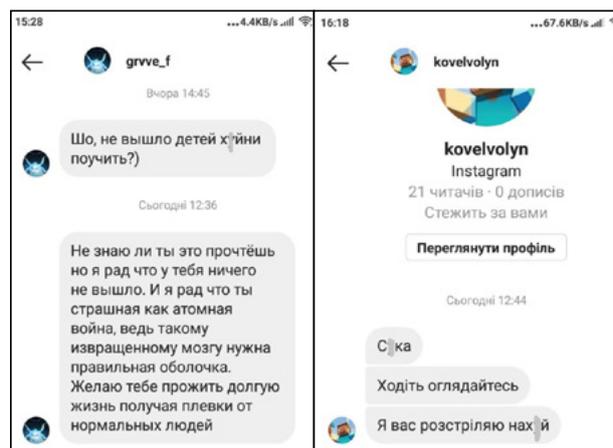
## MAY 2021

#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>208</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



■ A screenshot of messages with the threats that were sent

<sup>203</sup> The court has postponed a decision regarding the complaint about the attempt to deport the Belarusian activist Bolenkov from Ukraine once again / ZMINA, June 18, 2021: <https://zmina.info/news/kyivskyj-sud-ne-skasuvav-rishennya-sbu-pro-prymusove-povremennya-do-bilorusi-aktyvista-bolenkova/>

<sup>204</sup> The court has satisfied a complaint of the Belarusian activist Aleksey Bolenkov, who was about to be deported from Ukraine / ZMINA, 21 July 2021: <https://zmina.info/news/sud-zadovolnyv-skargu-biloruskogo-aktyvista-oleksandra-bolenkova/>

<sup>205</sup> Supreme Court of Ukraine. Decision of 6 September 2021: <https://reyestr.court.gov.ua/Review/99392402>

<sup>206</sup> Supreme Court of Ukraine. Decision of 20 October 2021: <https://reyestr.court.gov.ua/Review/100440021>; Supreme Court of Ukraine. Decision of 18 November 2021: <https://reyestr.court.gov.ua/Review/101191081>

<sup>207</sup> La Revolte. Telegram channel, June 7, 2021: <https://telegra.ph/Krushy—Sozidaj-06-07>

<sup>208</sup> Feminist workshop. Facebook page, May 11, 2021: <https://www.facebook.com/feministworkshop/posts/3980773381968416>

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>209</sup>.

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.

## #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>210</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

<sup>209</sup> Department of Education of the Lviv City Council. Official Facebook page, May 9, 2021: <https://www.facebook.com/EducationOfficeLviv/posts/1680347285498969>

<sup>210</sup> The initiator of the creation of the Dacha Center for children with cancer has been summoned for interrogation regarding allegedly unapproved construction / ZMINA, May 25, 2021: <https://zmina.info/news/inicijatorku-stvorenniya-czentru-dlya-onkohvoryh-ditej-dacha-vyklykaly-na-dopytshhodo-nibyto-samochnynogo-budivnyctva/>

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.

On 22 July, the Solomyanske Police Department made the decision to close the proceedings due to the lack of signs of a crime in the action because it had received all the required permits from Onipko.

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

The event was held both online and offline at the same time; the offline event was a closed prescreening where the film's protagonists (LGBT activists) and journalists were present<sup>211</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>212</sup>.

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

<sup>211</sup> Kyiv pride. Facebook page, May 27, 2021: <https://www.facebook.com/kyivpride/posts/3789216584521876>

<sup>212</sup> Khodakovsky. Telegram channel, May 27, 2021: <https://t.me/BKhodakovsky/1807>

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>213</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>214</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 arri

ed 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.

Later, it became known that the case regarding Ustinovsky's report had been closed. He challenged this decision in court. On 22 December 2021, the Irpin City Court obligated the police to resume investigation of the case. At the same time, according to the victim, the police have not contacted him since then, and he knows nothing about any further progress of the investigation.

As for the proceedings regarding the reports by Sliusarenko and Khvostenko, Ustinovsky notes that there have been no investigative actions involving himself and he has not been declared a suspect.

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>215</sup>, so that the community could stay informed about the decisions that are made on their behalf.

## #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.

<sup>213</sup> *Budmo, Gay!*: A film that starts a dialogue about dignity in Ukrainian society / Ukrayinska Pravda. Life, May 27, 2021: <https://life.pravda.com.ua/columns/2021/05/27/245021/>

<sup>214</sup> A video of the attack by a Kotsiubynske Village Council member on a member of UDAR has been published / Ukrayinska Pravda, June 11, 2021: <https://blogs.pravda.com.ua/authors/fedoriv/60c31bd57429b/>

<sup>215</sup> Yuriy Ustinovsky. YouTube channel: [https://www.youtube.com/channel/UCLL\\_t61JRa\\_5AIFVdjHDr8Q](https://www.youtube.com/channel/UCLL_t61JRa_5AIFVdjHDr8Q)

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 Zeldich 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 construction, was reported by Nashi Groshi53 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

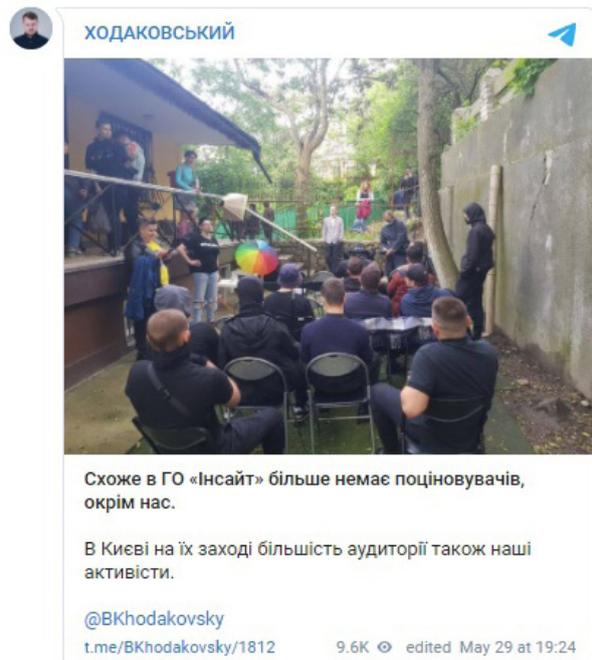
- On **May 29, 2021**, in **Kyiv**, a group of young men climbed over the fence and illegally entered the celebration of the end of an educational event in the yard of the office of the LGBTIQ organization Insight; the young men tried to disrupt the celebration.

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.<sup>216</sup>

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>217</sup> and the Telegram channels<sup>218</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.



- A screenshot of a post from the Telegram channel of Bohdan Khodakovsky, the leader of the far-right group Tradition and Order

<sup>216</sup> Podil district court of Kyiv. Decision of 11 June 2021: <https://reyestr.court.gov.ua/Review/97641956>

<sup>217</sup> Tradition and Order. YouTube channel, May 30, 2021: <https://www.youtube.com/watch?v=bW61sxMwS5k>

<sup>218</sup> Kuzmych. Telegram channel, May 29, 2021: <https://t.me/cusemoi/11>

## #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>219</sup>.



■ Photo from the Facebook page of the user Zhan Samo

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.

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

Meanwhile, as Shevchenko found out later, a special police unit arrived at the hotel, but the far-right group had already left<sup>220</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.

<sup>219</sup> On Saturday, far-right radicals disrupted two events and attacked the office of an LGBT organization in Odesa and Kyiv / ZMINA, May 31, 2021: <https://zmina.info/news/u-subotu-v-riznyh-mistah-ukrayiny-zirvaly-feministychni-dyskusiyyi-a-takozh-napaly-na-lgbt-organizacziyu/>

<sup>220</sup> Olena Shevchenko. Personal Facebook page, May 29, 2021: <https://www.facebook.com/olena.shevchenko.5876/posts/4565362196827041>

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>221</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 farright 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 video surveillance camera near the office of the LGBT Association Liga in Odesa

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).

<sup>221</sup> Khodakovsky. Telegram channel, May 29, 2021: <https://t.me/BKhodakovsky/1809>

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 police have opened a case according to Article 353 (intentional destruction or damage of property). As of the end of the year, nobody had been declared a suspect.

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 cars, 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>222</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 Mykhailiyk, another Odesa activist, who was live streaming the events described here<sup>223</sup>.

The rally at the Marazli Dacha was covered by the Odesa publication Dumskaya: 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<sup>224</sup>.

<sup>222</sup> The police tried to write a misdemeanor report on the Odesa activist Vitaliy Ustymenko, – photo, video / 048UA. The website of Odesa, June 13, 2021: <https://www.048.ua/news/3128336/policia-pytalas-sostavit-adminprotokol-na-odesskogo-aktivista-vitalia-ustimenko-foto-video>

<sup>223</sup> Oleh Mykhailiyk. Personal Facebook page, June 12, 2021: <https://www.facebook.com/oleg.myhailiyk/videos/620092762300549/>

<sup>224</sup> A Saturday cleaning at Marazli Dacha ended with a scandal / Dumskaya, May 1, 2021: <https://dumskaya.net/news/subbotnik-na-dache-marazli-aktivisty-dvuh-organi-142473/>

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>225</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>226</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>227</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>228</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).

## #illegal\_detention\_or\_searc

## #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

<sup>225</sup> Vitaliy Ustymenko. 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>226</sup> High-rises of concrete and glass instead of Marazli Dacha: How Odesa residents are fighting the development of the historical complex / 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>227</sup> Marazli Dacha fights back. Facebook page: <https://www.facebook.com/dachamarazli/>

<sup>228</sup> Marazli Dacha in Odesa. The court has blocked construction around architectural monuments / Suspilne, February 5, 2021: <https://suspilne.media/102477-daca-marazli-v-odesi-sud-zablokuvav-budivnictvo-dovkola-pamatok-arhitekturi/>

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).

On 7 September 2021, the Kupyansk City District Court of Kharkiv Region considered this misdemeanor report and closed the case against Yulia Ivashchenko due to the lack of signs of a misdemeanor.<sup>229</sup> The court examined a video from the site of the events and took into account a number of procedural violations: the report was written more than 24 hours after the perpetrator was identified, the suspect's rights were not explained to her, the police officer wrote the document without witnesses right on a bench next to the police building where Ivashchenko was summoned by phone.

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>230</sup>.

## #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 arson damaged the building and the car parked inside, which belonged to the activist's daughter.<sup>231</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.

<sup>229</sup> In Kharkiv Region, an activist who protested against school closures was acquitted by the court of the charge of persistently disobeying the police / ZMINA, 10 September 2021: <https://zmina.info/news/na-kharkivshchyni-aktyvistku-yaka-vyhodyla-na-protesty-proty-zakryttya-shkil-vyznaly-ne-vynnoyu-u-zlisluj-nepokori-policziyi/>

<sup>230</sup> 6 In Kharkiv Region, activists were arrested during the "people in civilian clothes" demonstration / Ukrainian Helsinki Human Rights Union, July 1, 2021: <https://helsinki.org.ua/articles/na-kharkivshchyni-pid-chas-aktsii-liudy-u-tsyvilnomu-zatrymaly-aktyvistiv/>

<sup>231</sup> Oleh Mykhailyk. Personal Facebook page, June 21, 2021: <https://www.facebook.com/oleg.myhailyk/videos/625374938438998>

Due to these events, Odesa Region Police started proceedings according to Part 2, Article 194 (intentional destruction or damage of property) of the CCU. As of December 2021, nobody was declared a suspect.

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>232</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 **19 June 2021**, in **Kremenchuk**, Poltava Region, an unidentified individual set fire to the car of **Hennadiy Tertychny**, an anti-corruption and environmental activist. According to the victim, he heard the alarm, looked out the window and saw the criminal fleeing the scene.

Tertychny reports that the car was covered in some kind of flammable liquid, so the fire was difficult to extinguish, and the car has been seriously damaged.

The police and a fire brigade were called to the scene. The victim claims that the police initially did not want to open a case, but eventually he managed to make them start an investigation into two cases<sup>233</sup>: according to Part 1 of Article 129 (threat of murder) and Part 2 of Article 194 (destruction or damage of property) of the Criminal Code of Ukraine.

After a while, he was informed that the law enforcement had identified the arsonist (but he cannot say who they were because he was not told their identity, according to him) and that they have suspicions regarding the person who ordered the arson. However, soon after this conversation, Tertychny says, the investigators were transferred to Kyiv and his case "froze." As of the end of December 2021, according to him, nobody had been declared a suspect.

Hennadiy Tertychny associates the episode with his civil activism. According to the activist, about a week before the incident he filed requests for the City Executive Committee and the mayor regarding five land plots in the centre of Kremenchuk, where the construction of high-rise buildings is currently underway.

Hennadiy Tertychny is the leader of the Anti-Corruption, Reformist, Socioeconomic Alliance Ukraine initiative and of the NGO Green Planet Environmental Movement. As a part of the latter's work, he tries to achieve the introduction of a moratorium on construction in the city centre. In 2020, he ran for the mayor of Kremenchuk.

<sup>232</sup> In Odesa, an activist's garage set on fire: he opposes illegal sand mining / ZMINA, June 23, 2021: <https://zmina.info/news/v-odesi-pidirvaly-garazh-gromadskogo-aktyvista-vin-vystupaye-proti-nezakonnogo-vydobutku-pisku/>

<sup>233</sup> Hennadiy Oleksandrovych. Facebook page, 18 October 2021: <https://www.facebook.com/photo?fbid=1262253767553996&set=a.113383425774375>

## #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>234</sup>.



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

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 terrace in the Partyzanskoyi Slavy Park: initially it was a makeshift building, then it burned down in December last year, and the 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>235</sup>. As of December 2021, nobody was declared a suspect.

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>7236</sup>).

<sup>234</sup> New Darnitsa. Facebook group, June 22, 2021y: <https://www.facebook.com/groups/382557432390117/permalink/768333063812550/>

<sup>235</sup> Detectives launched criminal proceedings based on the fact of arson of a car in the Darnytsia District of the capital / Kyiv Police: <https://kyiv.npu.gov.ua/news/novini/za-faktom-pidpalu-avtomobilya-v-darniczkomu-rajoni-stoliczi-slidchi-vidkrili-kriminalne-provazhennya/>

<sup>236</sup> The court has acquitted Sternenko in the case of armed robbery, but left the firearms sentence in force / ZMINA, May 31, 2021: <https://zmina.info/news/sud-shhodo-sternenka-ta-demchuka/>

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 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>237</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.

<sup>237</sup> In Dnipro, the SSU has visited a participant of the demonstrations for Sternenko for a “conversation” / *Ukrayinska Pravda*, June 25, 2020: <https://www.pravda.com.ua/news/2021/06/25/7298504/>

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 Sternencko, 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.).

## JULY 2021

#legal\_persecution

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

- On **5 July 2021**, the police of **Brovary**, Kyiv Region, started proceedings according to the article on forgery (Part 3 Article 359 of the Criminal Code of Ukraine) because the activists of the **nongovernmental organization Berehynia** were sending them requests and addresses, allegedly for the purpose of paralyzing their work and then sue and obtain profit.

The claim was submitted by the head of the ATC Vitaliy Krupenko. According to **Viktorija Hubska**, the head of the organization, she and four other members were summoned to the police department for questioning as witnesses. The activist says that during the interrogation, it was made clear to them that the police had access to the organization's correspondence.

Hubska notes that they met the newly elected head of the Zazymyska OTC this year, and he supposedly expressed his readiness for cooperation and implementation of court decisions regarding the provision of land plots to veterans, but nothing happened. The activist says that after this, she sent requests to the Zazymyska Village Council regarding certain decisions related to this situation with land plots.

As of December 2021 the forgery case is still being investigated. At the same time, Viktorija Hubska has also filed a report about Krupenko's actions, and the police have also started an investigation of this claim.

Viktorija Hubska is the head of the NGO of Women Veterans, Disabled Women, ATO Participants "Berehynia," founded in 2016 to help people who fought in the war and their families. The organization is registered in Kyiv but works with veterans across the Kyiv Region.

Among other things, Berehynia works with the issue of land plots allocated for the veterans: writes the relevant requests and appeals to local self-government bodies, provides legal support to veterans in court if needed.

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

## #discreditation

- On **7 July 2021**, **Anastasia Nozdrovska**, a civil activist from **Demydiv**, Kyiv Region, began to be bullied on social media after she published an announcement about an interrogation within this case of the current head of the Kyiv Region Police, Andriy Nebytov, after a court hearing about the murder of her mother, human rights advocate Iryna Nozdrovska<sup>238</sup>. In her post, Anastasia mentioned conversations between Nebytov and the defendant Yuriy Rossoshansky, during which the former tried to convince the latter to confess (this is included in the case files), spoke in his support, and the defendant replied by speaking about a deal on lighter categorization of the crime.



Anastasia Nozdrovska (photo from the activist's Facebook page)

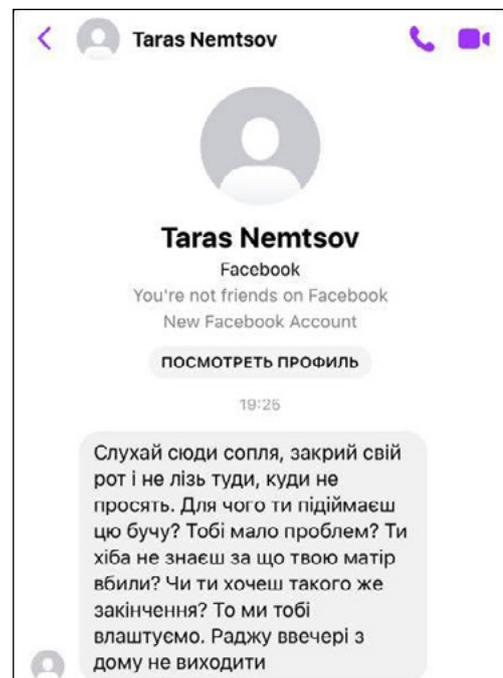
According to Anastasia Nozdrovska, about an hour after the publication her comments were flooded by Facebook users who started writing insulting messages to her, accusing her of “self-promotion using her mother’s death” and of slander against the police. The activist says that she received these comments both from empty accounts (without posts or personal photos) which looked like bots and from accounts of active law enforcement officers.

In the evening of 8 July, the activist also received a direct message with murder threats from the user Taras Nemtsov<sup>239</sup>.

Anastasia Nozdrovska is the daughter of the civil activist Iryna Nozdrovska, who was killed in 2017. She is the victim in this case, which is considered by the Shevchenkivsky District Court of Kyiv.

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 the 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. The decision came into force on 29 January 2020, after a challenge by the prosecutor.

The body of Iryna Nozdrovska herself was found on January 1, 2018, in a water reservoir near Demydiv, Vyshgorodsky District, Kyiv Region. According to the preliminary data provided by forensic experts,



A screenshot of a message, sent by the victim

<sup>238</sup> Anastasia Nozdrovska. Personal Facebook page, 7 July 2021: [https://www.facebook.com/permalink.php?story\\_fbid=886902315228847&id=100017272599465](https://www.facebook.com/permalink.php?story_fbid=886902315228847&id=100017272599465)

<sup>239</sup> The daughter of the deceased activist Nozdrovska is threatened on social media because of announcing an interrogation of the Head of the Kyiv Regional Police / ZMINA, 9 July 2021: <https://zmina.info/news/dochczi-zagybloyi-aktyvistky-nozdrovs koyi-pogrozhu yut-u-soczmerz zah-cherez-anons-dopytu-nachalnyka-policiji-kyiyvshhyny/>

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 declared that Yuriy Rossoshansky confessed to the murder of the human rights defender. But his defense claims that the man was forced to confess to a crime which he did not commit, promising to help his son in return.

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

- On **7 July 2021**, in **Kyiv**, **Ostap Tyvonovych**, a student of the Taras Shevchenko National University in Kyiv, who identifies as an active member of the LGBTIQ community, started receiving threats because he had hung a rainbow flag outside his window at the dormitory<sup>240</sup>.



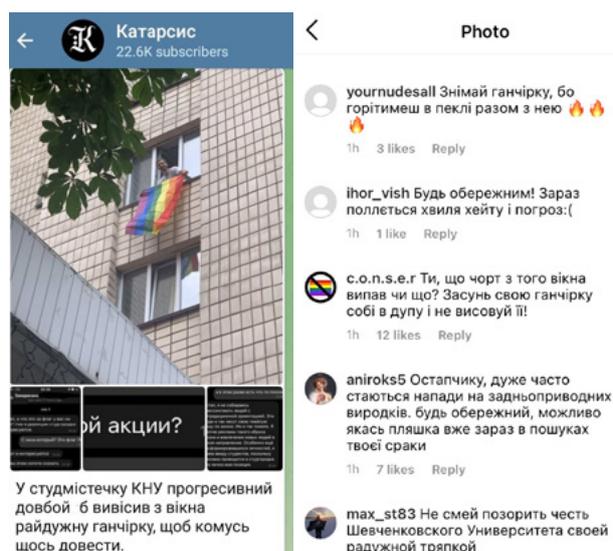
Photo provided by Ostap Tyvonovych

According to the victim, he did it on 5 July to show that even when the pride month ends, people should still draw attention to the infringement of the rights of the LGBTIQ community. The next day, he received a Telegram message from his department's deputy dean, saying that the campus management were wondering why an LGBT symbol was placed on the dormitory and whether he intended to "advertise this direction" with this action. Ostap Tyvonovych explains that the conversation was peaceful, but he found the wording funny (they went on to discuss what exactly can be seen as advertising if LGBT is not an item for sale and not a service), so he published screenshots of the messages on his Twitter page. The tweet went viral (several hundred retweets).

The screenshots of the conversation were eventually shared on the Chervony Guber Telegram channel<sup>241</sup> (a community of KNU students and graduates) with a comment "Sheva is still the best," where, in the victim's opinion, they were seen by the administrators of the far-right Telegram channel Catharsis (because there were homophobic statements among the comments); the channel posted about it with an offensive comment and a link to Tyvonovych's Instagram account.

After this, he started receiving direct messages with offensive comments and threats of violence (including rape and murder: "Prepare yourself, people are already looking for you," "Die, f\*\*got," etc.), and some of them wrote, "Hi from the children of catharsis," likely proving the connection with the posts on the anonymous Telegram channel.

Ostap Tyvonovych reported the threats to the police, but, despite the requirements of the law, the police did not open a case. The activist is now challenging the inaction of the law enforcement in court.



A screenshot of threats received by Ostap Tyvonovych

<sup>240</sup> A Kyiv National University student hung an LGBT flag out his dorm window – now he is threatened by right-wing radicals / ZMINA, 9 July 2021: <https://zmina.info/news/student-knu-vyvisyv-z-vikna-gurtozhytku-lgbt-prapor-teper-jomu-pogrozhuut-pravoradykaly/>

<sup>241</sup> Chervony Guber. Telegram channel, 7 July 2021: <https://t.me/rektorguberski/2393>

On 29 October 2021, the Prosecutor's Office of Kyiv entered a case according to Part 1 of Article 129 (threat of murder) of the Criminal Code of Ukraine into the Unified Registry of Pre-trial Investigations. As of December 2021, the investigation is ongoing.

#obstruction\_of\_peaceful\_gatherings

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

#discreditation

- On **8 July 2021**, in **Kyiv**, participants of a rally near the building of the Kyiv City State Administration for the preservation of Lake Vyrlytsia were attacked by a group of counter-demonstrators, who tore banners out of the protesters' hands, and a violent beating, according to eyewitnesses, was only avoided thanks to the police.<sup>242</sup>

**Anastasia Hmyrianska**, a participant of the rally and a representative of the initiative for the preservation of Lake Vyrlytsia, representatives of the counter-demonstration claimed that they were veterans of the war in Eastern Ukraine and that they supported the development of Vyrlytsia because the developer intended to build a rehabilitation centre there. The activist herself denies this information, saying that the construction of a rehabilitation centre had never been articulated before and that there were no permits to do this. Instead, she expresses an assumption that the rally in favor of the development was paid for, and notes that its participants included underage people.

Another participant of the rally, the film critic Oleksandr Husev, recalls that the speaker of the counter-rally started accusing the environmental activists of allegedly working for the Opposition Platform MP Viktor Medvedchuk, saying that this was the reason why they tried to sabotage the construction of infrastructure for veterans.

Another participant of the rally, the film critic Oleksandr Husev, recalls that the counter-rally's speaker started accusing the environmental activists of allegedly working for the Opposition Platform MP Viktor Medvedchuk, which was allegedly why they sabotaged the construction of infrastructure for veterans. Meanwhile, he said, young people wearing tactical gear started gathering on the stairs to the KCSA, some of them with symbols such as svargas and other "Slavic marks"; one of them came up to argue with the anti-development protesters, yelling, trying to grab someone's placard and appealing to his own fighting experience in Donbas. One of the participants said something about him using swear words, after which the man's behavior became even more aggressive, to the point that the police had to push him back.

According to Husev, at some point a young woman showed up (he later found out that she was a far-right member of the NGO Unknown Patriot, Vita Zaverukha), who was directing the other counter-protesters, telling them to surround the anti-development protesters and tear up their placards; she also actively participated in this herself. Meanwhile, the police tried to separate the groups of protesters, Oleksandr Husev says. The environmental activists entered the KCSA building, and at around 2 p.m. the counter-protesters dispersed, although some members of the environmentalist initiative group were wary of leaving the building. The police led them to their cars so that the activists could return home safely.

After this incident, Anastasia Hmyrianska, as she reports, faced persecution with groundless accusations of being paid and characteristics such as "pseudo-environmentalist": posts and

<sup>242</sup> Participants of a rally against the development of Vyrlytsia lake were attacked near the KCSA (photo) / Khmarochos, 8 July 2021: <https://hmarochos.kiev.ua/2021/07/08/pid-kmda-napaly-na-uchasnykiv-mityngu-proty-zabudovy-ozera-vyrlytzya-foto/>

comments of this nature appeared on social media, and similar claims were expressed at the right-wing radical rally near one of Viktor Medvedchuk's properties.<sup>243</sup>

Anastasia Hmyrianska is an activist of an initiative group against the destruction of Lake Vyrlytsia in the Darnytsky District of Kyiv, which has been active since spring 2021, when the Mriya-Invest company announced the construction of a shopping mall in this territory.<sup>244</sup>

According to Radio Svoboda, in 2004, Mriya-Invest signed a contract with the KCSA Department of Economics and Investment about building a "sports and rehabilitation complex with a recreation area, retail establishments and restaurants" in Vyrlytsia.<sup>245</sup> The developer leased, in particular, two land plots, one of which in fact overlaps with the lake itself, and the other overlaps with the shoreline. The total area of the land plots is over 25 hectares. There was no construction work in the area for a long time. Since 2012, the city government has tried to sue the company and return the plots to community ownership through courts, but unsuccessfully. In February 2021, the Kyiv Council decided not to extend the lease contract for one of the plots.

In June, Kyiv Council members at a session meeting of the Environmental Policy Commission suggested to create a landscape reserve in Vyrlytsia on an area of around 98 hectares, which would allow them to protect the land plot from development. However, the decision did not gain the required number of votes, although it was voted twice: first in late August, and then in September.

In August 2021, the State Environmental Inspection banned the company from doing any work until they receive a conclusion about its effects for the environment.

## #physical\_attack

- On **15 July 2021**, at around 8:00 p.m., in **Dnipro**, two unidentified individuals attacked the civil activist **Natalia Eshonkulova** in her building's staircase. According to the victim, she went up to her floor and opened the door when it happened: the activist was hit on the head and lost consciousness for a while, and when she came around, she saw her neighbors coming out, and the attackers began to flee, but the woman managed to notice that one of the attackers had a knife.

According to Natalia Eshonkulova, a few of her teeth are damaged, her nose is broken, she has a concussion and bruises and hematomas on her face. Immediately after the attack, she started a livestream on her Facebook page to report the attack while she was waiting for an ambulance and the police<sup>246</sup>. The activist was hospitalized and had to have a nose surgery, among other things, to be able to breathe normally.



■ A screenshot from the livestream started by Natalia Eshonkulova after the attack

<sup>243</sup> ATO veterans picketed Medvedchuk's mansion, demanding to ban Kremlin agents / Big Kyiv, 14 September 2021: <https://bigkyiv.com.ua/veterany-ato-piketuvaly-osobnyak-medvedchuka-vymagaly-zaboronyty-agentiv-kremlya>

<sup>244</sup> Nature or construction site. What is Lake Vyrlytsia like, the lake which someone wants to fill up with sand / The village| Ukraine, 21 September 2021: <https://www.the-village.com.ua/village/city/cityplace/315925-zahist-virlitsi-vid-zabudovi>

<sup>245</sup> Battles for Kyiv: How activists are defending green areas from construction / Radio Svoboda, 6 October 2021: <https://www.radiosvoboda.org/a/bytyv-za-kyiv-zahyst-zelenyh-zon/31494055.html>

<sup>246</sup> Natasha Eshonkulova. Personal Facebook page, 15 July 2021: <https://www.facebook.com/100009317015475/videos/192078172887068>

Natalia Eshonkulova is convinced that the attackers wanted to kill her and associates the attack with her activism. She rules out robbery. According to her, she had a bag with a significant amount of cash, but the attackers did not take it.

On 16 July, the Dnipropetrovsk Region Police reported that they categorized the attack on the activist as attempted murder (Part 2 of Article 15, Part 1 of Article 115 of the Criminal Code of Ukraine)<sup>247</sup>.

On 24 July, it became known that two men were arrested on the suspicion of their involvement in the attack on Natalia Eshonkulova. Ihor Klymenko, the Head of the National Police, reported<sup>248</sup>, that they were recognized by the victims; they are residents of Dnipropetrovsk Region, one of the attackers is 36 and the other is 28.

As of the end of December 2021, the case with two suspects had been handed over to the court, but the hearings had not started yet.

The victim insists that the crime was a hit which someone ordered<sup>249</sup>. According to her, the investigation regarding the people who ordered the attack and the third attacker was branched out into separate proceedings, in which the investigation is still ongoing.

Natalia Eshonkulova is an entrepreneur from Dnipro, lawyer, head of the NGO Ukry, founded in 2014. She was one of the organizers of the protests of small business owners against the quarantine restrictions in 2020<sup>250</sup>.

According to the victim, in 2020, she received a complaint from the entrepreneurs of the Ozerka market (she used to have a stall there as well) saying that they are denied a rent discount (while they could not work due to the quarantine), but also not allowed to bring their stock out, and only the market management has their contracts with the market. Eshonkulova notes that she participated in negotiations with the market's director (who threatened her). In addition, Natalia Eshonkulova notes that she works to oppose raider takeovers of businesses and property as a member of an initiative group. According to her, this activism started when raiders tried to take her husband's business using forged documents, and then she found out that there are many victims of such actions (whose business or real estate were under threat from such takeovers), and they decided to unite.

Eshonkulova wrote reports to the law enforcement, the Verkhovna Rada and the President on behalf of the initiative group. The activist says that at first she simply wrote about the problem without the names of the individuals who were likely involved in this, and later she started mentioning names (including some businessmen and former officials of Dnipro). Natalia Eshonkulova says that after the second round of letters, the council members started responding, and the first group of victims went to an appointment at the regional Prosecutor's Office; she was beaten in the evening on the same day.

According to the activist, the beating was preceded by threats: a word was passed to her through other people that she should be cautious.

<sup>247</sup> Dnipropetrovsk Region Police. Official Facebook page, 16 July 2021: <https://www.facebook.com/PoliceDniproRegion/posts/1831009447059701>

<sup>248</sup> Ihor Klymenko. Facebook page, 24 July 2021: <https://www.facebook.com/iklymenko.fb/posts/233039768824336>

<sup>249</sup> Her face became a bloody mess: Natalia Eshonkulova spoke about why she was beaten and at whose orders / Telegraph, 20 July 2021: <https://telegraf.com.ua/ukraina/mestnyiy/5669386-litso-prevratilos-v-krovavoe-mesivo-natalya-eshonkulova-rasskazala-kak-i-po-chemu-zakazu-ee-izbili.html>

<sup>250</sup> In Dnipro, entrepreneurs held a car rally "No to double standards!" / Radio Svoboda, 30 April 2020: <https://www.radiosvoboda.org/a/news-dnipro-avtomitynh/30585418.html>

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

### #privacy\_violation

- On **15 July 2021**, the far-right Telegram channel Catharsis made several posts about the LGBTIQ activist **Sophia Lapina**, publishing links to her social media profiles<sup>251</sup> and her personal phone number<sup>252</sup>.

Before the incident, according to the human rights defender, her email and, as it later turned out, several of her messaging accounts were hacked (as Lapina later found out, the criminals messaged her acquaintances using her name), and someone tried to gain access to her bank account and get a loan on her behalf.

She also started receiving messages on Telegram and Instagram (she reports about 200 messages<sup>253</sup>) with insults and threats of violence, in which the unidentified individuals told Lapina that they knew her address (and indicated her current address), and sent her photos of her balcony.

The right-wing radicals explained their aggression on Telegram by the publication of photos on the Instagram page of the UkrainePride organization which featured stickers and graffiti with LGBT symbols on the walls near Kyiv churches and on a door with an image of a cross. Sophia Lapina, in turn, is one of the founders of this organization, and her credit card is listed as the card where the organization's supporters can send their donations.

At the same time, Lapina herself noted in a comment to Graty that the organization has nothing to do with the stickers (according to her information, they are printed by the organization RebelQueers, but the activist does not know who posted the stickers: the photos were sent to them anonymously, and the page administrators decided that they were interesting enough to publish them)<sup>254</sup>.

The victim went to the police, but, despite the requirements of the law, no case was opened; so she challenged the inaction of the law enforcement in court. As of October, the police is investigating this case according to Article 182 (violation of the sanctity of private life) of the Criminal Code of Ukraine. Nobody was declared a suspect.

Sophia Lapina is a co-founder and head of NGO UkrainePride (established in December 2020). Before that, she worked for KyivPride and Our World.

In 2020, ZMINA recorded 2 incidents in which Lapina was the victim.

## #physical\_attack

- On **16 July 2021** in **Kupyansk**, Kharkiv Region, there was an attack on the activist **Serhiy Kudriavtsev**. According to the victim, two unidentified individuals wearing medical masks waited for him in the evening near his house and beat him up: broke his nose, gave him a concussion, traumatized his jaw and gave him multiple hematomas.

<sup>251</sup> Catharsis. Telegram channel, 15 July 2021: [https://t.me/catars\\_is/4603](https://t.me/catars_is/4603)

<sup>252</sup> Catharsis. Telegram channel, 15 July 2021: [https://t.me/catars\\_is/4597](https://t.me/catars_is/4597)

<sup>253</sup> Sofiia Lapina. Personal Facebook page, 17 July 2021: <https://www.facebook.com/sofiialapina/posts/3174771226083500>

<sup>254</sup> Head of UkrainePride Sophia Lapina went to the police because of threats / Graty, 20 July 2021: <https://graty.me/news/rukovoditelnicza-ukra%D1%97naprajd-sofiya-lapina-obratilas-v-policziyu-iz-za-ugroz/>

In a conversation with the Ukrainian Helsinki Human Rights Union, Kudriavtsev noted that some time before the attack, he had received calls from unknown numbers with invitations to meet up<sup>255</sup>.

The police opened a case on 17 July 2021 according to Article 125 (intentional bodily injury) of the Criminal Code of Ukraine.

As of December 2021, the investigation is ongoing. Nobody has been declared a suspect.

Serhiy Kudriavtsev is one of the founders and the leader of the Association of Citizens: Coordination Centre for Fighting Corruption in Kupyansk. He has been engaged in anti-corruption work since 2019. He is an entrepreneur and owns a wood cutting company, so, according to him, he knows which trees are allowed to be cut and which are not. He fights against illegal wood cutting, covering the situation on social media; he has also reported cases to the law enforcement, and some of the cases reached the court trial stage<sup>256</sup>. He also participated in the organization of the Tariff Maidan in Kupyansk<sup>257</sup>.

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

- On **16 July 2021**, at around half past two in the morning, in **Rubizhne**, Luhansk Region, an unidentified individual set fire to the car of **Valeriy Kharchuk**, the head of the civil association Anti-corruption Regional Front<sup>258</sup>. According to the victim, surveillance cameras recorded one individual, probably a man, who committed the arson; his hands caught fire in the act. The same car had already been attacked before: acid was thrown at it<sup>259</sup>.



■ A photo provided by the victim Valeriy Kharchuk

The activist associates the incident with his opposition to abuses in the city government's public procurement. According to him, before the incident, he was handed a video recording of corrupt deals between local government officials before the auction; he addressed a representative of this institution unofficially, warning him that if they continued with the scheme he had discovered, he would go to the police.

The Luhansk Region Police opened an investigation into the arson case according to Part 2 of Article 194 of the CCU (destruction or damage of property). As of the end of 2021, nobody had been declared a suspect.

The activist associates the incident with his opposition to abuses in the city government's public procurement. According to him, before the incident, he was handed a video recording of corrupt deals between local government officials before the auction; he addressed a representative of this institution unofficially, warning him that if they continued with the scheme he had discovered, he would go to the police.

<sup>255</sup> An activist from Kharkiv Region was attacked and his car was burned: he covers corruption in the region's forest management/ Ukrainian Helsinki Human Rights Union, 4 August 2021: <https://helsinki.org.ua/articles/na-aktyvista-z-kharkivshchyny-napaly-ta-spalyly-avto-vin-vysvitliuie-koruptsiuu-u-lishospakh-oblasti/>

<sup>256</sup> Kupyansky Forest Management has been sued, demanding compensation for damages in the amount of over 6 million hryvnias / XT, 1 October 2021: <https://times.kharkiv.ua/2021/06/15/na-kupyanskij-leshoz-podali-v-sud-trebuyut-vozmestit-ushherb-v-razmere-bolee-6-mln-grn/amp/>

<sup>257</sup> The mayor held a meeting with the participants of the Tariff Maidan protest / Official website of the Kupyansk City Council and Executive Committee, 25 January 2021: <http://kupyansk-rada.gov.ua/news/id/18364>

<sup>258</sup> Valeriy Kharchuk, an activist from Rubizhne in Luhansk Region, had another of his cars burned / ZMINA, 16 July 2021: <https://zmina.info/news/aktyvistu-z-rubizhnogo-na-luganshyni-valeriyevi-harchuku-spalyly-shhe-odnu-avtivku/>

<sup>259</sup> Rubizhne: Acid thrown at Kharchuk's car (photos, videos) / Tribun, 15 March 2021: <https://tribun.com.ua/78674>

The Luhansk Region Police opened an investigation into the arson case according to Part 2 of Article 194 of the CCU (destruction or damage of property).

Valeriy Kharchuk is the head of the NGO Anti-corruption Regional Front (active since 2013) which monitors local government purchases, land distribution, etc. According to the activist, they publish the findings of their investigations on the Anti-corruption Front Facebook page and challenge decisions which they believe to be illegal by reporting them to the law enforcement.

The incident described above is the fourth case of damaging Valeriy Kharchuk's property this year: on 1 June, unidentified individuals threw acid at two of his cars; on the night of 5 April, unidentified individuals set one of his cars on fire; and on 15 March, unidentified individuals threw acid at his other car (the care that was burned in the latest incident).

According to Kharchuk, in addition to his activism, he is also an entrepreneur and needs the cars for work; however, he links all the incidents to his anti-corruption work.

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

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

- On the night of **19 July 2021**, in **Odesa**, unidentified individuals covered the facade of the Odesa office of **LGBT Association Liga** with posters featuring the symbols of the Tradition and Order group, pro-life slogans and anti-LGBT leaflets (featuring an image of a sword cutting through a rainbow flag and captions reading "Leave your orientation at home"). In addition to the office itself, the leaflets were also posted on other nearby buildings (one of which is the Pushkin Museum)<sup>260</sup>.



■ A photo from the Facebook page of the LGBT Association Liga

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

The office of the Odesa branch has been attacked by members of Tradition and Order on multiple occasions; they vandalized the facade, and in May 2021, unidentified individuals broke a window and tried to damage a CCTV camera near the building entrance.

### #physical\_attack

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

- On **20 July 2021**, ZMINA Human Rights Centre and its partners were approached by **Ivan Beletsky** (Tymoshenko), the head of the Institute of National Politics, who reported persecution and intimidation which, according to the activist, has been perpetrated against him for over a year. He associates it with the publication of exposing materials about Serhiy Korotkykh, a far-right figure and former commander of the reconnaissance company of the Azov Regiment (also known as Botsman and Maliuta).

<sup>260</sup> LGBT Association LIGA. Organizational Facebook page, 19 July 2021: <https://www.facebook.com/Association.LiGA/posts/4430429536980974>

According to Beletsky, in February 2021, his acquaintance from circles close to Korotkykh invited him to an apartment in the Shevchenkivsky District of Kyiv, promising to give him a live interview; however, when Beletsky arrived, he was attacked by five individuals and tortured; the individuals demanded that he apologize to Korotkykh on camera.

Beletsky says that he saw the face of one of the attackers and is prepared to testify that it was Artem Krasnolutsky. According to the victim, the attackers (possibly Krasnolutsky) have written to him since, threatening to publish a video they filmed as they were torturing Beletsky, sending him photos; they eventually published the video on closed far-right pages.

Earlier, on 28 December 2020, Beletsky was attacked and the attack was recorded on video and shared on various platforms, particularly on Telegram channels. According to the victim, by that time, he had been receiving threats for several months since the publishing of his NGO's conclusion about the activities of Serhiy Korotkykh, in which they associated him with the Russian secret service<sup>261</sup>, and Beletsky agreed to meet with the person who threatened him at a supermarket on the outskirts of Kyiv.

According to Beletsky, nobody came to the meeting, and he called a taxi through an app to go home; but there was a problem with the app, and when another company's taxi came, he got in the car. However, as it turned out, it was a trap: he was taken out of Kyiv to a nearby forest and beaten up (his jaw was broken)<sup>262</sup>.

The National Police informed ZMINA Human Rights Centre in reply to our request that on 29 December 2020, the Chaykivsky Police Department in the Kyiv-Sviatoshyn District of Kyiv Region opened an investigation based on Beletsky's report of his beating according to Part 1 of Article 125 (intentional light bodily injury). However, on 31 December (in two days), the police made a decision to close the investigation due to the "lack of the substance of a crime in the action."

The victim decided not to report this year's attack to the police.

Ivan Beletsky (Tymoshenko) is the chairman of the board of the Institute of National Politics. He comes from Russia, where he was engaged in political activities since the 2000s. He co-organized the Russian Marches<sup>263</sup>, for which he was arrested by the Russian law enforcement.

In 2017, he emigrated to Ukraine, stating that he would engage in human rights work and international advocacy here. He notes that he has been charged in Russia according to Part 2 of Article 280 of the Criminal Code of the Russian Federation (public calls for extremist activities), arrested in absentia and put on the international wanted list<sup>264</sup>.

In Ukraine, he first received a refugee status and later received citizenship.

<sup>261</sup> Institute's conclusion on Korotkykh Botsman on recognizing as the agent of Russian influence. Details / Institute of National Politics, 16 November 2020: <https://www.institutenp.com/post/11-16-2020>

<sup>262</sup> The Institute of National Politics has published a case file in which it accuses Serhiy Korotkykh of working for the Russian secret service. The case file's author has been beaten. Here is what this means / Zaborona, 8 January 2021: <https://zaborona.com/institut-naczionalnoyi-politiki-viklav-dosye-de-zvinuvachuye-sergiya-korotkih-u-roboti-na-speczsluzhbi-rf/>

<sup>263</sup> The nationalist Beletsky was arrested without explanation of reasons in Moscow / Radio Svoboda, 11 December 2016: <https://www.svoboda.org/a/28169990.html>

<sup>264</sup> "One of the reasons for my emigration from Russia are demonstrations in support of Ukraine," says Ivan Beletsky/ Radio Svoboda, 26 August 2018 pokyy: <https://www.radiosvoboda.org/a/29451518.html>

## #physical\_attack

- On **20 July 2021**, in **Kyiv** next to the Sixth Administrative Appeals Court, the far-right attacked the Belarusian and Ukrainian activist **Alexey Bolenkov** as he was walking to the hearing where a complaint against the Security Service decision about his forced return to the country of origin (Belarus), which had been rejected by the court of first instance, was to be heard.

The activist was attacked with pepper spray, hit on the head and had chicken eggs thrown at him<sup>265</sup>. When a group of people who were also near the courthouse (including several left-wing activists who had come to support Bolenkov and a Belarusian journalist Yevhenia Dolgaya) tried to enter the building with him, they were also attacked.

In addition, there were reports about subsequent attacks on individuals who had come to support Bolenkov near the courthouse, and, after the hearing ended, there was a report about physical and verbal aggression against Maksym Butkevych, the coordinator of the No Borders project, who was not allowed into the building by the police and the court guard because he arrived later.

Another activist, Taras Bilous, reported that he was attacked near the courthouse when he started filming a man wearing a balaclava with the symbols of the Foundation for the Future organization who was trying to take the phone of another activist who filmed the attack on Bolenkov. Bilous was grabbed by the neck, the attackers tried to knock him down, and when they failed, a few other individuals rushed towards him and started hitting him on the head and pushing him, and used a pepper spray against him.

The attack on Bilous has been recorded on video<sup>266</sup>. Later, while watching the video, the activists were able to express an assumption as to who one of the attackers was. According to them, he is Mykhailo Stryzhka, a member of the Union of Veterans of the War with Russia: although the attacker's face was covered by a balaclava, the video shows his elbow tattoo, and Stryzhka has a similar tattoo.



■ The attack on Alexey Bolenkov (a photo from the @abc\_ukraine Instagram page)



■ A screenshot from a video of the attack on Taras Bilous



■ A screenshot from a video which, in particular, captures the attack on Taras Bilous

<sup>265</sup> Abc\_ukraine. Instagram page, 21 July 2021: [https://www.instagram.com/p/CRkVF\\_fDhuX/](https://www.instagram.com/p/CRkVF_fDhuX/)

<sup>266</sup> Abc\_ukraine. Instagram page, 21 July 2021: <https://www.instagram.com/p/CRkTrfYjy40/>

Stryzhka himself denies his presence at the demonstration and claims that he was ill<sup>267</sup>.

The victims did not report the crime to the police. ZMINA has sent requests asking whether the police have started an investigation of the aforementioned events, since, in particular, the activists' video has captured that law enforcement officers directly witnessed the attacks, and some police officers were even filming them with their body cameras; however, we have not received an answer to this request.

ZMINA Human Rights Centre has been told by Yevhenia Dolgaya that during the events in question she was working for a Belarusian media and planned to cover the course of the trial of Bolenkov's complaint, so she came to the courthouse but was not allowed inside. Meanwhile, right-wing radicals started gathering near the courthouse (observers recognized members of organizations such as the National Resistance of Ukraine, Society of the Future, etc.) and displaying aggression against those who came to support Bolenkov. Dolgaya says that she was standing near one of these groups. According to the journalist, when Bolenkov arrived, he was attacked and asked to help him enter the building, because he could hardly see anything due to the pepper spray; when she tried to help him, the far-right also attacked her, hitting her in the face (her jaw), trying to throw an egg at her, and using pepper spray against her. The police and the court guard eventually let them (about five people) inside, but left them in the entrance hall without even allowing them to go to the bathroom to wash and clean up (they only let Bolenkov pass because he was supposed to go to the hearing as the plaintiff). Dolgaya says that a representative of the court administration threatened to throw them out and called Bolenkov a "hooligan."

Alexey Bolenkov is a Belarusian and Ukrainian activist who came to Kyiv during the Revolution of Dignity and has lived in Ukraine since then. He identifies as an anarchist and is connected to La Revolte group (they distribute thematic literature, sew clothes, etc.). In Ukraine, he has participated in human rights demonstrations and protests against police brutality.

Since 21 April 2021, the Security Service has been trying to deport Alexey Bolenkov from Ukraine, but the activist challenged this SSU decision in court. Later it became known that the SSU wanted to do the same to Arthur Kondratovych, but the law enforcement officers were not able to deport him because the activist is an asylum seeker. Bolenkov's complaint was first considered by the Shevchenkivsky District Court, which rejected it, and then by the Sixth Administrative Appeals Court of Kyiv. On 20 July 2021, when the incident in question happened, the consideration of the complaint was just beginning.

The next day, on 21 July, a collegium of judges ruled that the complaint should be satisfied. Thus, Bolenkov was allowed to remain in Ukraine.



■ A photo from Mykhailo Stryzhka's Facebook page

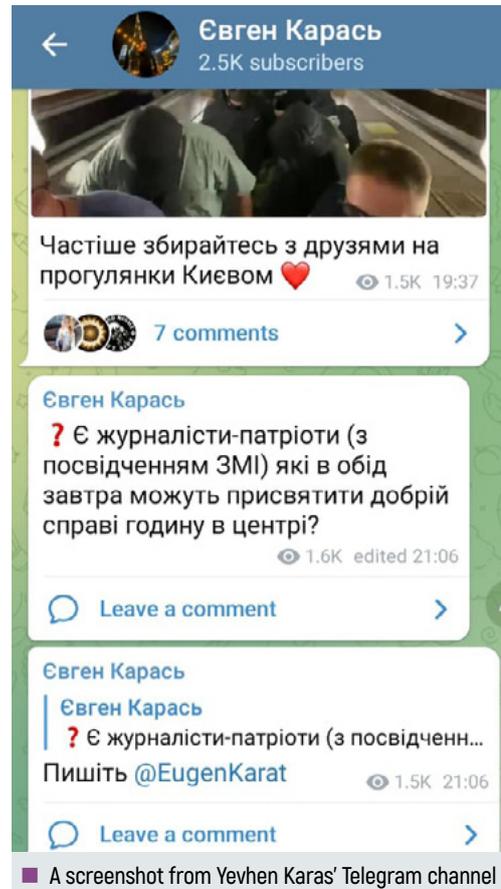
<sup>267</sup> Mykhailo Stryzhka. Personal Facebook page, 19 October 2021: <https://www.facebook.com/strizhkasindikat/posts/1897099463831880>

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

- On **21 July 2021**, in **Kyiv**, during the press-conference (Un)friendly Country: Is Ukraine Safe for Belarusians Who Are Forced to Flee the Regime?<sup>268</sup> unidentified individuals attacked the messenger accounts of **Iryna Ivanchenko**, ZMINA Human Rights Centre's communications manager.

According to her, the attack started just as the media event started and lasted for about half an hour: she received calls from Russian phone numbers and over a dozen messages about attempts to log into her Telegram account, as well as various messages with registration codes on services such as ICQ and Multiplex.

As NGO Digital Security Lab explained the situation, this was most likely a so-called SMS bombing, an algorithm for which one only needs to know someone's phone number; the perpetrator tries to register with this number on as many services or websites as possible for a certain time. Thus, experts note, criminals try to distract someone and interfere with their work. Iryna Ivanchenko assumes that the unidentified individuals were trying to disrupt the press conference this way.



The ZMINA Human Rights Centre conference in question was about the situation with Belarusians in Ukraine, and one of the problems mentioned by the human rights advocates was the practice of cooperation between Ukrainian law enforcement and Belarusian law enforcement and deportation of Belarusians from Ukraine. In particular, they discussed the case of Alexey Bolenkov, whom the SSU has been trying to deport from Ukraine since 21 April this year. Officers came to his home and wanted to drive him outside the Ukrainian border right away, but the activist filed a court complaint against this Security Service decision. The Shevchenkivsky District Court of Kyiv rejected his complaint, but the Sixth Appeal Court of Kyiv satisfied it and stopped Bolenkov's deportation. Iryna Ivanchenko was indicated as the contact person for journalists in the press announcement of the media event. The event was held on the day when the next (and, as it turned out, final) court hearing was to take place.

Bolenkov's deportation was supported by a number of far-right organizations and groups, and the SSU decision to deport was based, among other things, on posts in the anonymous far-right Telegram channel Volary, which has been criticized by human rights organizations on multiple occasions due to its profiling of activists and calls to violence.

A day before the events in question, Yevhen Karas, the leader of the far-right organization the Society of the Future, published the following message on his Telegram channel: "Are there any patriotic journalists (with a media ID) who can spend an hour in the city centre tomorrow at noon?", which can signify preparations for provocations at the press conference.

Karas later watched the broadcast of the media event and actively commented on it on his channel.

<sup>268</sup> Deportation and lack of government help: what Belarusians fleeing the regime to Ukraine can expect / ZMINA, 21 July 2021: <https://zmina.ua/event/vydvorennya-ta-vidsutnist-derzhavnoyi-dopomogy-shho-mozhe-ochikuvaty-bilorusiv-yaki-tikayut-vid-rezhymu-v-ukrayinu/>

## #physical\_attack

- On **28 July 2021** in **Dubno**, Rivne Region, there was an attack on the civil activist **Serhiy Yakovchuk** as he was returning home from work in the evening<sup>269</sup>.

According to the victim, he works at the utility company Dubnovodokanal and had a shift at a water well located outside the city; he rode his bike after the shift when a car stopped next to him. Yakovchuk does not remember anything after this until he regained consciousness at the hospital with a head laceration, concussion, a big hematoma on his right arm (located on the inner part from the elbow to the shoulder: the victim likely tried to cover his head with his arm<sup>270</sup>) and on his legs.

According to the activist, he was found unconscious by a passer-by who called an ambulance; at first, the witness allegedly said that he saw a man running from the crime site to a car, but then claimed that he only saw Yakovchuk covered in blood and thought that there was a car accident.



■ A screenshot from a video recorded by the victim a week after the attack

The police has started an investigation according to Part 2 of Article 125 (intentional light bodily injury which caused a short-term health disorder) of the Criminal Code of Ukraine. As of December 2021, nobody had been declared a suspect.

Yakovchuk associates the attack with his activism, particularly his criticism of the current city government. He denies any personal or property conflicts.

The activist says that he sued the Dubnovodokanal management due to an unjustified reprimand and moving him to a different position without his consent (according to Yakovchuk, he won the case, but now Dubnovodokanal has appealed the decision). He had not received any threats except an oral warning that he should be careful after this conflict with the management.

Yakovchuk notes that he expected an attack on himself after unidentified individuals attacked his friend, activist and blogger Serhiy Rakovsky in 2018<sup>271</sup> (now Rakovsky is promising a monetary reward for any information about Yakovchuk's attackers).

Serhiy Yakovchuk is the head of the Cossack NGO Dubenska Sich which has organized military-patriotic training for children, a shooting range in Dubno, etc. According to the activist, the organization has ceased its activities recently. He is also a blogger, publishing many posts about the community's life and problems.

<sup>269</sup> In Rivne Region, \$1,000-dollar award is offered for information about an attack on an activist/ Rivne News, 11 September 2021: <https://www.rivnews.com.ua/2021/09/11/na-rivnenshchyni-proponuiut-odnu-tysiachu-dolariv-vynahorody-za-informatsiiu-pro-napad-na-aktyvista/>

<sup>270</sup> Serhiy Yakovchuk. Personal Facebook page, 5 August 2021: <https://www.facebook.com/serzdubno/posts/4310672355683313>

<sup>271</sup> Serhiy Rakovsky. Personal Facebook page, 1 August 2021: [https://www.facebook.com/permalink.php?story\\_fbid=1982835135219744&id=100004798292754](https://www.facebook.com/permalink.php?story_fbid=1982835135219744&id=100004798292754)

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

- On **29 July 2021** at around half past three in the morning in **Kupyansk**, Kharkiv Region, unidentified individuals set fire to a car belonging to the anti-corruption activist **Serhiy Kudriavtsev**, which was parked next to his private house<sup>272</sup>. According to the victim, he was woken up by a loud noise and saw his car burning.

The victim called the police and the emergency service. The police arrived with dogs and discovered some evidence of arson (but Kudriavtsev does not say what the evidence was, citing the confidentiality of the investigation).

The police has launched an investigation into the events according to Part 2 of Article 194 (intentional destruction or damage of property) of the CCU. As of December 2021, the investigation was ongoing.

The victim associates the incident with his activism against cutting down forests and disconnecting villages from gas supply (he covers the situation on his Facebook page).

It should be noted that the arson was preceded by a beating on 16 July 2021, when two unidentified individuals wearing medical masks waited for him in the evening near his house.

Serhiy Kudriavtsev is one of the founders and the leader of the Association of Citizens: Coordination Centre for Fighting Corruption in Kupyansk and an entrepreneur. He also participated in the organization of the Tariff Maidan in Kupyansk.



■ A photo from the victim's Facebook page

## AUGUST 2021

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

- On **2 August 2021**, it became known that the persecution of the **LGBT Association Liga** in **Mykolayiv** by the far-right group Tradition and Order continued: the walls of their central Mykolayiv office were covered by propaganda posters of the aforementioned organization containing pro-life and homophobic messages.

Members of the organization interpret this as an intimidation attempt because the posters feature a sword cutting through a rainbow flag<sup>273</sup>.

Bohdan Khodakovsky, the leader of the right-wing radical group Tradition and Order, also threatened the Sheriff security firm with “problems with Orthodox Ukrainians” on his Telegram channel on the same day because the firm provides security services to LGBT organizations<sup>274</sup>.

<sup>272</sup> Serhiy Kudriavtsev. Personal Facebook page, 29 July 2021: <https://www.facebook.com/sergey.kudrayvtzev/videos/389847669143792/>

<sup>273</sup> The right-wing group Tradition and Order continues pressure on LGBT Association Liga / ZMINA, 3 August 2021: <https://zmina.info/news/pravoradykalne-ugrupovannya-tradycziya-i-poryadok-prodovzhuye-tysk-na-lgbt-asocziacziyu-liga/>

<sup>274</sup> Khodakovsky. Telegram channel, 2 August 2021: <https://t.me/BKhodakovsky/2002>

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

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

- On **3 August 2021**, a group of police officers in **Slovyansk**, Donetsk Region, visited the home of the civil activist **Dmytro Braslavsky** and pressured his mother: they called their bosses demonstratively, showed her their service weapons, etc. According to the activist, this was a response to an information request he had sent to the police<sup>275</sup>.

According to Braslavsky, the local police initiated the creation of a Telegram chat<sup>276</sup> in order to facilitate communication with the citizens, and during July, he wrote there several times (5-6), particularly about improvised markets, but he did not see the police respond to the messages. Instead, the activist was blocked in the chat and had to contact the press office personally to lift the ban. Then Braslavsky decided to file an information request as a citizen to find out what the police did in response to his requests; he did not receive an answer, but a group of officers came to his house.

The Donetsk Region Police, in reply to a request from the ZMINA Human Rights Centre, confirmed that they had received a request from Dmytro Braslavsky on 2 August, and that an operational investigative group was sent to his address of residence on 3 August 2021 “in order to conduct a full and comprehensive verification, clarification of the circumstances of the events mentioned by the latter in his request.”

Dmytro Braslavsky is an active citizen in Slovyansk who represents the Paper Front initiative. He filed the request on behalf of just himself as a citizen, not as a representative of an organization or an editorial office, but he indicated that he intended to use the reply in a journalistic material.

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

- On the night of **6 August 2021**, in **Kharkiv**, an unidentified young man ruined a mural on the wall of the **PrideHub** community centre for LGBT+ people and allies, managed by the LGBTIQ organization **Sphere**. The organization noted<sup>277</sup>, that the painting was titled the Equality Mural and was officially approved by the city government; it was intended to cover written threats left earlier by far-right groups. The painting included the caption “It’s good to be different together,” to which the vandals attached the phrase “It doesn’t mean being perverts.”



■ A photo from Sphere's Facebook page

<sup>275</sup> Dmytro Braslavsky. Personal Facebook page, 3 August 2021: <https://www.facebook.com/braslavsky.dimon/posts/4111670845583863>

<sup>276</sup> Residents of Slovyansk can be in constant contact with the law enforcement using an online forum on Telegram / Slovyansk and Lyman Police, 1 April 2021: <http://slavyansk-police.dn.ua/news/view/11055>

<sup>277</sup> Sphere, Women Association. Organizational Facebook page, 6 August 2021: <https://www.facebook.com/spherewa/posts/2845210735740450>

Organization representatives reported the act of vandalism to the law enforcement<sup>278</sup>. In reply to a ZMINA Human Rights Centre request of 12 August, the Kharkiv Regional Police said that they were verifying the information provided by the activists but had not launched criminal proceedings.

In January 2022, the Office of the Prosecutor-General informed ZMINA Human Rights Centre that on 23 December 2021, the police did open a case based on the aforementioned events according to Part 1 of Article 162 (violation of the equality of citizens) of the Criminal Code of Ukraine.

The Kharkiv Women's Association Sphere is a Ukrainian NGO founded in 2006 by an initiative group of women. They identify as a lesbian feminist organization. Among other things, they organize human rights and education events, particularly women's solidarity weeks and the Kharkiv Pride; the organization has also established the PrideHub community centre.

In the past few years, the PrideHub community centre for LGBT people and their allies has been systematically attacked by far-right individuals from Tradition and Order and Freikorps. In May 2019, they barged in during a closed event dedicated to preparations for the Equality March in the city. The far-right also disrupted an LGBT party where community-friendly projects in Kharkiv were to be presented; earlier still, they broke the windows, threw smoke bombs and sprayed pepper spray at the community centre during a discussion club meeting.

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

- On **10 August 2021** in **Vyshgorod**, Kyiv Region, unidentified individuals brought a funeral wreath with an inscription reading "Life is sand" to the family home of the civil activist **Vladyslav Dulapchiy** and threw the wreath over the fence.



■ A screenshot from the video published by the victim on his Facebook page

The activist associates the incident with his civil activities. Vladyslav Dulapchiy is the head of the public council of the Vyshgorod District State Administration and the head of the NGO Hometown Vyshgorod, which engages in anti-corruption activities; he is also the administrator of the eponymous Facebook group.

According to the victim, lately he has been trying to oppose the illegal mining of sand from Dnipro; municipal land plots leased out for the construction of a shopping mall are used to store the sand. Dulapchiy says that, together with other activists, he conducted photo and video recording of the violations, wrote reports to law enforcement agencies and initiated a discussion of this issue at the public council, which eventually voted for a letter to the State Investigation Bureau.

The activist says that he has received multiple oral threats due to these activities. He believes that the wreath incident is a part of the campaign to intimidate him.

The Kyiv Region Police has opened a case according to Part 1 of Article 129 (murder threat) of the Criminal Code of Ukraine; however, nobody was declared a suspect.

On 23 December 2021, the police closed this case, justifying the decision by the lack of signs of a crime in the action.

<sup>278</sup> In Kharkiv, graffiti on the walls of an LGBT centre was painted over with a homophobic inscription / ZMINA, 6 August 2021: <https://zmina.info/news/u-harkovi-zamalyuvaly-grafti-na-stini-lgbt-czentru-gomofobnym-nadpysom/>

Vladyslav Dulapchiiy is a lawyer, the head of the public council of the Vyshgorod District State Administration and the head of NGO Hometown Vyshgorod, which is engaged in anti-corruption activities; he also manages the eponymous Facebook group. He was a victim of a Titushkas attack during the Euromaidan events of 2013–2014<sup>279</sup>.

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

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

- On **10 August 2021**, **Illia Popkov**, the leader of the **Odesa** branch of the far-right group Tradition and Order, declared his intention to oppose the events of Odesa Pride by using violence: “They come out under the slogan ‘Live free – live without fear,’ we will come out under a different one, ‘Repeat Tbilisi’»<sup>280</sup>. This was a reference to the attacks on civil activists and journalists in July this year, a few hours before the beginning of the March for LGBT Rights in the capital of Georgia, where the opponents of the march destroyed the offices of two human rights organizations and beat up several dozen people while the police were inactive<sup>281</sup>.

Earlier, Bohdan Khodakovsky, the leader of Tradition and Order, also mentioned “show them Tbilisi,” referring to another LGBT event, the Reivakh Pride in Kyiv.

And in a post on his Telegram channel on 16 August, Khodakovsky referred to last year’s experience when the participants of the Odesa Pride march were attacked by a group of individuals wearing the symbols of Tradition and Order; as a result, over a dozen of march participants were injured. Supposedly in comparison to WWII, Khodakovsky concluded the post with a phrase which can be interpreted as a call to violence: “On 28 August, I call on Odesa residents to be brave before the rainbow Romanians push them down into the gender underground.”

In addition, according to the organizers of Odesa Pride, they have recorded calls to oppose the march and attempts to coordinate those willing to do it on local Telegram channels.

The demonstration organizers went to the police, but the latter refused to launch proceedings based on their report. This forced the activists to challenge the law enforcement’s inaction in court, and 13 human rights organizations addressed the leadership of law enforcement agencies with an open letter<sup>282</sup> calling to investigate the threats and guarantee the safety of the participants of LGBTIQ demonstrations.

The queer culture festival Odesa Pride 2021 took place in Odesa on 24–29 August 2021. The Pride March was held on 28 August. The chosen theme of this year’s festival was the issue of the safety of LGBTIQ activists, because last year, the participants of the march were attacked and more than ten people were injured.

<sup>279</sup> The first rule of Fight Club. How Titushkas snitched on each other during trials of Maidan cases / Graty, 10 March 2020: <https://graty.me/pervoe-pravilo-bojczovskogo-kluba-kak-titushki-sdavali-drug-druga-v-sudah-po-delam-majdana/>

<sup>280</sup> The March for Equality announced in Odesa – right-wing radicals threaten to disrupt it / ZMINA, 11 August 2021: <https://zmina.info/news/v-odesi-anonsuvaly-marsh-rivnosti-pravoradykaly-pogrozhuuyut-jogo-zirvatyi/>

<sup>281</sup> A march for LGBT rights canceled in Tbilisi due to mass violence by opponents of the event / ZMINA, 5 July 2021: <https://zmina.info/news/utbilisi-skasuvally-marsh-za-prava-lhbt-cherez-nasyi%CA%B9stvo-z-boku-protyvnykiv-podiyi/>

<sup>282</sup> Non-governmental organizations demand that the police investigates the threats against Odesa Pride / ZMINA, 20 August 2021: <https://zmina.ua/statements/gromadski-organizacziyi-vymagayut-vid-policzii-roszliduvaty-pogrozy-odesa-prajdu/>

## #physical\_attack

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

- On **18 August 2021** in **Kyiv**, on 6 Observatorna Str., the location of a single-story 19th century building known as the Barban Homestead, a group of unidentified individuals wearing dark hooded jackets and medical masks attacked the activists who were holding an indefinite rally against the building's demolition and preventing construction equipment from entering the site<sup>283</sup>.



■ Barban Homestead after the beginning of the dismantling (photo credit: Anastasia Moskvychova)

One of the victims, historian **Oleksandr Vizersky**, told ZMINA Human Rights Centre that six young men who arrived there first said that they were from “landscaping” but did not show any IDs, from which the protesters concluded that they were thugs hired by the developers. According to Vizersky, they started knocking down the benches which the protesters were sitting on and trying to push the activists away. The men tore Vizersky’s T-shirt and hit him in the face, neck and torso several times while he was trying to prevent them from knocking out or grabbing the phone of another activist, who was trying to call the police to the site.

Six protesters have filed police reports. One of the attackers who remained at the site after the others had fled was recognized and his information was given to the police. However, the police have not launched proceedings (the report on the crime was probably registered as a citizen address), which was later challenged in court.

On 18 September 2021, the Shevchenkivsky District Court of Kyiv obligated the police to open a case based on Vizersky’s report. At the same time, as of January 2022, the decision has not been handed over to the National Police and the case has not been opened.

In addition, Oleksandr Vizersky has reported oral threats received by himself and his wife (who also protests against the demolition of the Barban Homestead) from individuals whom they identify as representatives of the developer.



■ Demonstration participants (photo credit: Anastasia Moskvychova, ZMINA)

On 18-19 August, there was a round-the-clock protest action at the Barban Homestead against the demolition of the building, organized by a group of concerned Kyiv residents. They do not represent any NGOs.

According to Oleksandr Vizersky, there are very few buildings like this (with pilasters on the facade) left in Kyiv, and the Ministry of Culture has issued an order<sup>284</sup>, banning the construction and land work, but the developer did not challenge the ban in court and just ignored it. In addition,

<sup>283</sup> In the centre of Kyiv, a fight between the opponents of the demolition of an ancient Barban Homestead and the developer’s people / Graty, 18 August 2021: <https://graty.me/news/v-centre-kieva-proizoshla-potasovka-mezhdu-protivnikami-snosy-starinnoj-usadby-barbana-i-lyudmi-zastrojshhika/>

<sup>284</sup> Activists defending a historic building in Kyiv reported an attack by Titushkas / Ukrayinska Pravda, 18 August 2021: <https://www.pravda.com.ua/news/2021/08/18/7304291/>

according to the activist, 81 plants (trees) were destroyed on the plot without proper permits from the Ministry of the Environment.

The work has been commissioned by LLC Information Group “Capital Message Agency.” A banner was attached to the building’s gate about reconstruction work and installing a support wall and foundations, but it can be seen that a part of the building has already been destroyed. The work is carried out by Geos-UKB.

At first the activists just kept watch near the building. On 18 August, when the developer brought heavy equipment, they started blocking it; and when the developer’s representatives started dismantling the roof the next day, on 19 August, the protesters blocked Observatorna Street.

#illegal\_detention\_or\_search

#legal\_persecution

- On **19 August 2021** in **Kyiv**, the police arrested two activists of the Save Protasiv Yar organization, **Illia Tkachenko** and **Yevhen Cherepnia**, during a rally against the demolition of the Barban Homestead, a 19th century building on Observatorna Street.

As Yevhen Cherepnia, one of the victims, told the ZMINA Human Rights Centre, he and other activists were invited to Observatorna Str. by their friends: other protesters had just blocked the street by walking back and forth across a pedestrian crossing. Some drivers did not like this, they started verbal fights with the protesters, but there was no physical confrontation.



■ Yevhen Cherepnia’s arrest at the demonstration near the Barban Homestead in Kyiv (photo credit: Stanislav Yurchenko, Graty)

According to Cherepnia, he came to the location of the conflict, but a police officer ran up to him and started pushing him to the sidewalk and then twisting his arms; Illia Tkachenko ran up to ask what was going on, but at that moment, another officer grabbed Tkachenko’s neck from behind and knocked him down onto the asphalt (there are several video recordings of the incident, including one filmed by the Graty reporter Stanislav Yurchenko<sup>285</sup>).

Yevhen Cherepnia notes that he tried to help Tkachenko to at least stop the police officer from choking him; riot police officers ran up to them, knocked him down, twisting his arms, tore his T-shirt, one of them even stepped on him. As a result, according to the activist, he has numerous bruises on his body.

The police arrested the activists and delivered them to the Shevchenkivsky Police Department, writing two misdemeanor protocols on each of them according to Articles 173 (petty hooliganism) and 185 (persistently disobeying a legal demand of a police officer).

Illia Tkachenko also said that while they were drive in a bus to the precinct, the police turned off their body cameras and threatened that they were going to bring them to the precinct and “talk in a different way.”

<sup>285</sup> Stas Yurchenko. Personal Facebook page, 19 August 2021: <https://www.facebook.com/stas.yurchenko/posts/4406167292781357>

Meanwhile, according to the activists, no force was used against them at the precinct, the officers spoke politely but wrote the protocols carelessly, they did not want to add their explanations at first; as a result, Tkachenko received two copies of the protocols, but Cherepnia, despite legal requirements, received only one.

The Shevchenkivsky District Court considered both protocols on Yevhen Cherepnia and fully acquitted him<sup>286</sup>.

As noted by witnesses during one of the hearings, the police officer who conducted the arrest did not make any legal demands, but instead was swearing rudely and trying to physically push Yevhen Cherepnia out of the road. The witnesses also recalled excessive use of force by the police against both detainees: according to them, Cherepnia was choked during the arrest, and the other detainee, Illia Tkachenko, was hit on the head by a police officer.

The hearings regarding Illia Tkachenko were first postponed indefinitely due to the judge's sick leave, and then it became known that they were never held (Tkachenko says that he could not find out anything about the hearing until the deadline for considering such a report had passed.)



■ Yevhen Cherepnia in court (photo credit: Anastasia Moskvychova, ZMINA)

NGO Save Protasiv Yar emerged in May 2019 as an initiative group defending the eponymous location in the Solomyansky District of the capital against the construction of three high-rises there by the Daytona Group company (and successfully stopped the construction on the location).

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

- On **21 August 2021** in **Odesa**, unidentified individuals posted photos of **Anna Leonova**, the head of the Gay Alliance Ukraine organization; **Alisa Pyvovarchyk**, the communications manager of Odesa Pride; **Ivan Tereshchuk**, the head of the Odesa branch of the LGBT Association Liga; and **Liudmyla Yamshchikova**, an employee of the regional office of the Verkhovna Rada Ombudsman, on the walls of buildings in the city centre. The activists' names were written under the photos, and the entire composition was captioned with the phrase "Know your enemy's face."

The Odesa Region police started proceedings based on these events according to Part 1 of Article 161 of the CCU (violating the equality of citizens).

Nobody has claimed responsibility for this specific incident, and the posters do not feature any organization's symbols, but members of the far-right radical group Tradition and Order simultaneously posted other posters against Odesa Pride around Odesa with the caption "F\*\*gots, the vacation is over," which is a case of hate speech against the



■ A photo sent by the victims

<sup>286</sup> Activist Cherepnia, arrested at the rally near the Barban Homestead, acquitted on both charges / ZMINA, 5 October 2021: <https://zmina.info/news/zatrymanogo-na-mityngu-bilya-sadyby-barbana-aktyvista-cherepnyu-vypravdaly-za-oboma-stattyamy/>

LGBT, and collected signatures against the “gay parade,” due to which they had a conflict with an unknown security company and later tried to present this conflict as persecution by the LGBT community.

In addition, the group continued to publish these and similar messages with signs of hate speech on their Telegram channel and Facebook page, and its leaders openly published threats on social media<sup>287</sup>.

On 24 August, a group of young men who were posting posters against Odesa Pride attacked the event’s volunteer while he was walking down the street because the man was wearing a rainbow bandana, tore the bandana off of him, threatened to stab him but did not do it because a law enforcement car was parked nearby. Later, Tradition and Order claimed that he was “provoking” them<sup>288</sup>.

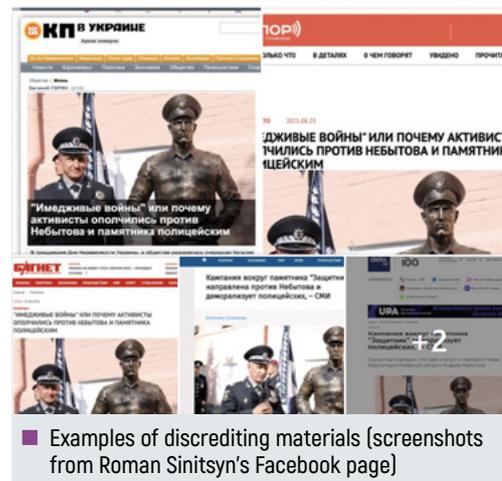
The queer culture festival Odesa Pride 2021 took place in Odesa on 24–29 August 2021. The Pride March was held on 28 August. The chosen theme of this year’s festival was the issue of the safety of LGBTIQ activists, because last year, the participants of the march were attacked and more than ten people were injured.

## #discreditation

- On **25 August 2021**, Komsomolskaya Pravda in Ukraine published a text by Yevhen Horin, presented as a column, in which he accuses the civil activists and bloggers **Serhiy Sternenko** and **Roman Sinitsyn** of receiving payment to discredit the current head of the Kyiv Region National Police, Andriy Nebytov.

The reason for this were the activists’ critical publications about the opening of a statue of a police officer which, in their opinion, resembles Nebytov, as well as about a video with birthday wishes for the latter, recorded by police officers during the rehearsals of the Independence Day parade (in which the police officers shout “Glory!” for him three times); the video was first posted on the Kyiv Region Police Facebook page, but then it was deleted. Sternenko dedicated a YouTube blog to this<sup>289</sup>, and Sinitsyn wrote several social media posts<sup>290</sup>.

The Komsomolskaya Pravda publication entitled Image Wars: Why activists rose up against Nebytov and the monument to the police<sup>291</sup> in turn, includes several comments by individuals identified as former National Police officers with positive feedback about Andriy Nebytov’s work, as well as comments by the former MP Ihor Mosiychuk and the current MP Yulia Yatsyk who claim



<sup>287</sup> Non-governmental organizations demand that the police investigates the threats against Odesa Pride / ZMINA, 20 August 2021: <https://zmina.ua/statements/gromadski-organizacziyi-vymagayut-vid-policziji-rozsliduvaty-pogrozy-odesa-prajdu/>

<sup>288</sup> 9 In Odesa, an Odesa Pride volunteer was attacked because of a rainbow bandana / ZMINA, 25 August 2021: <https://zmina.info/news/v-odesi-napaly-na-volontera-odesa-prajdu-cherez-rajduznu-bandanu/>

<sup>289</sup> Police general installed a monument to himself, but hid it under a tent due to publicity. What was that? / STERNENKO, YouTube channel: <https://www.youtube.com/watch?v=BtFn6nTnO30>

<sup>290</sup> Roman Sinicyn. Facebook page, 21 August 2021: <https://www.facebook.com/romabra/posts/10208173718098799>

<sup>291</sup> “Image wars” or why activists are against Nebytov and the monument to police officers/ KP in Ukraine, 25 August 2021: <https://kp.ua/life/703566-y-medzhvyve-voiny-ily-pochemu-aktyvysty-opolchylis-protyv-nebytova-y-pamiatnyka-polytseiskym>

that the activists are paid for their activities. No evidence is provided to prove this. At the same time, the section which supposedly indirectly quotes Mosiychuk has an implicit message against the activists as such: “Yes, according to the estimates, this situation is a targeted campaign against Nebytov. Of course, it’s well-paid; after all, the activists won’t work for free, and the more noise, the bigger the pack of cash which settles in their pockets. This is what, in particular, says Ihor Mosiychuk.”

This publication was reprinted in full by Rupor<sup>292</sup> and Bagnet. In addition, several publications used it as a source of “news”<sup>293</sup>.

The distribution of this material shows signs of systematic work and uses the same model of information attacks on activists which ZMINA described earlier in the case of Vitaliy Shabunin (see the descriptions of incidents from February 2021<sup>294</sup>).

Roman Sinitsyn (real name: Roman Balan) is a Ukrainian activist, blogger, representative of the Who Ordered the Murder of Katia Handziuk initiative, co-founder of the Popeople’s Rear volunteer association helping the Ukrainian military; for a while, he was the head of the certification commission of the Ministry of Internal Affairs of Ukraine (MIA).

Serhiy Sternenکو is a civil activist from Odesa, former head of the Odesa Right Sector and later head of NGO Nebayduzhi; among other things, has a video blog titled Sternenکو In Contact. In Odesa, he participated in protests against construction in the Odesa Summer Theatre, after which he was arrested. Currently based in Kyiv.

## #physical\_attack

- On **26 August 2021** in **Melitopol**, Zaporizha Region, a group of unidentified individuals attacked the union activist **Andriy Kulikov** near the dormitory where he lives<sup>295</sup>. According to the victim, at around 6 p.m. he was heading home to pack for his shift at the train engine depot, where he works as a driver, but he lingered to talk to his neighbors. When they said goodbye and went ahead, his way was suddenly blocked by a male stranger in his 30s who called his name and, after making sure it was him, hit him in the head and knocked him down.

According to Kulikov, other attackers approached after this (three in total) and started hitting him in the head and torso: he has a closed head injury, concussion, head lacerations, fracture in his right arm, numerous bruises and hematomas all over his body. The victim says that he managed to call for help, and when the attackers saw that his neighbors heard him and turned around, they escaped in a car that arrived to take them.



■ A photo provided by the victim

<sup>292</sup> “Image wars” or why activists are against Nebytov and the monument to police officers / Rupor, 25 August 2021: <https://www.rupor.info/news/180224/imedzhivye-voyny-ili-pochemu-aktivisty-opolchilis-protiv-nebytova-i-pamyatnika-politseyskim/>

<sup>293</sup> The campaign around the Defender monument is aimed against Nebytov and demoralizes the police, says the media / Ukrainian News, 25 August 2021: <https://ukranews.com/news/797144-kampaniya-vokrug-pamyatnika-zashhitnik-napravlena-protiv-nebytova-i-demoralizuet-politsejskih-smi>

<sup>294</sup> Activism 2021: Monitoring report on the persecution of activists and human rights defenders in the government-controlled territory of Ukraine (January–March 2021) / O. Vynohradova, A. Moskychova, T. Pechonchuk, L. Yankina. – Kyiv: ZMINA, 2021. – P. 34.

<sup>295</sup> In Zaporizhia, the leader of the Union of Railway Workers was brutally beaten (photo, video) / Accent, 30 August 2021: <https://akzent.zp.ua/v-zaporozhe-zhestoko-izbili-lidera-profsyuzu-zheleznodorozhnikov-foto-video/>

The activist says that he does not remember the details, but he saw the car drive up to the building before the attack. As the attackers fled, they took the things they were hitting him with (some kind of bats or sticks) and possibly his shoes, because they were never found afterwards.

His neighbors called an ambulance and the police. Andriy Kulikov was hospitalized and discharged as of 6 September. The victim believes that the attackers wanted to kill him.

The police has launched proceedings based on the attack according to Part 1 of Article 122 (intentional medium-severity bodily injuries) of the CCU. As of the end of December 2021, the investigation was ongoing and nobody had been declared a suspect.

Andriy Kulikov is the head of the Free Union Cell of the Workers of the Melitopol Engine Depot.

According to the victim, before the attack, the union initiated the dismissal of several officials, particularly the depot director, due to their violations of the Labor Code. Due to this, Kulikov says, these people wrote complaints about him to the Ukrainian Railway and initiated assemblies where his activities were discussed.

Andriy Kulikov believes that the attack was paid for. He says that his relations with his dormitory neighbors are normal, he has no private conflicts or debts. He is not engaged in any other activities except his work and union activism.

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

### #discreditation

- On **27 August 2021**, the civil activist **Aliona Kazanska** reported threats and persecution due to her participation in the shooting of the film *Chachio*, which raises the topic of the treatment of homosexuality in Roma communities<sup>296</sup>. According to her, the pressure started back in 2020, and she and her husband had to hide by living with their friends.

Aliona Kazanska notes that she received phone calls with threats of violence, and some of her relatives threatened her verbally. According to the activist, there was also a “Roma court” in 2020, a community gathering which is unregulated by the Ukrainian law which aims to settle conflicts within the community; the gathering can also exclude someone from the Roma community, which means that other Roma people will be banned from communicating with them. Kazanska explains that the ban also applies to that person’s relatives, which explains the pressure from her family. At that point, she says, the “court” did not make this decision against her; people tried to initiate the gathering again this year, but it did not happen.

In August 2021, the Instagram page Talented Roma of Ukraine (as of the publication of the monitoring report, the page is no longer accessible) published a video which mentions Kazanska, her husband, an actor who starred in the film, and the head of the Roma programmes at the Renaissance Foundation in a negative light because of the film. Another video was soon published which also mentioned the Roma activist Myroslav Horvath in a negative light because he allegedly supported the film’s release on social media. Later, the same page published videos of Roma public figures criticizing the actor who starred in the film and denying their involvement in the film’s creation and distribution.

<sup>296</sup> Aliona Kazanska. Personal Facebook page, 27 August 2021: <https://www.facebook.com/a.kazansckaya/posts/4491088327617835>

Aliona Kazanska is a Roma activist who, among other things, works with the issues of women's and LGBTIQ rights in Roma communities. She was a consultant, co-writer and translator into Romani for the short feature film *Chachio* (Rom. "honest"), directed by Vitaliy Havura.

The film was made following Havura's participation in the art residence *Coming Out of Isolation 2.0*, organized by the Isolation Foundation and NGO KyivPride for the purpose of overcoming prejudice against the LGBT. The film's plot is about a gay Roma man Yanush, who marries a girl due to pressure from his parents and community and due to the fear of coming out, which would mean major reputation losses for his family among the other Roma.

The film also mentions the custom of checking the bride's virginity during the wedding. Earlier, Aliona Kazanska said in the documentary *Roma Dance* that this practice was still prevalent in Roma communities, and that it was done to her in particular<sup>297</sup>.

The film *Chachio* won the FIPRESCI jury award at the Odesa Film Festival in 2020<sup>298</sup>.

#privacy\_violation

#discreditation

- On **29 August 2021**, the far-right Telegram channel *Catharsis* published a sex tape involving **Viktor Pylypenko**, the head of NGO Ukrainian LGBT Military for Equal Rights, and several other people, including other representatives of the organization. Before this, the Telegram channel had published screenshots from these videos with mocking captions.

As Viktor Pylypenko told ZMINA Human Rights Centre, the original copy of the video was published in a closed informal Telegram chat *Achilles's Brotherhood* on 24 August. In this chat, which, according to the activist, has been active for three years, the participants can publish various content without censorship.

A few days after the publication Pylypenko was informed that the video appeared in the comments under one of the posts in the far-right Telegram channel *Solaris*. As it turned out, one of the community members (who presented himself as a gay contract soldier) downloaded the video and leaked it to the right-wing radicals.

On 29 August, in response to a post in the Telegram channel *Military LGBTIQ+* which expressed approval for the arrest of members of the far-right group *Tradition and Order* in Odesa following confrontations with the police after the Equality March on 28 August, the *Catharsis* Telegram channel posted: "F\*\*gots are gloating, well, whatever, you'll have some fun today." After this, *Catharsis* started publishing the aforementioned screenshots and links to the published video.

In these posts, the far-right note that people in the video are representatives of the Ukrainian LGBT Military association. In a separate post, they published a photo of a state award given to one of the participants of the sexual act, commenting that the man who received the award participated in the filming.

NGO Ukrainian LGBT Military for Equal Rights was founded in Kyiv in July 2021. Before this, it operated as a civil initiative of veterans and active service members.

<sup>297</sup> Aliona Kazanska: don't be silent about what hurts / Gender in Detail, 9 June 2021: <https://genderindetail.org.ua/spetsialni-rubriki/zhinky-yaki-toruyit-novi-shliachy/alona-kazanska.html>

<sup>298</sup> The 11th Odesa Film Festival announced its winners / Yabl: <https://yabl.ua/2020/10/03/11-j-odeskij-kinofestival-ogolosiv-peremozhciv>

## #discreditation

- On **30 August 2021**, several media outlets began publishing materials with signs of manipulation about the anti-corruption activist **Vitaliy Shabunin**, after the activist wrote on his Facebook page about the plans for the Anti-corruption Action Centre's work, including a point about lobbying for the promotion of a mechanism to ban "enemies of reforms and their family members" from entering the US<sup>299</sup>.

On 30 August 2021, several media outlets began publishing materials with signs of manipulation about the anti-corruption activist Vitaliy Shabunin, after the activist wrote on his Facebook page about the plans for the Anti-corruption Action Centre's work, including a point about lobbying for the promotion of a mechanism to ban "enemies of reforms and their family members" from entering the US.<sup>1</sup>

Some media outlets saw the latter as a reason for comparison with the Stalinist era and the term "enemies of the people," which compares incomparable phenomena and leads to conceptual misinterpretation: Shabunin's post does not include calls for repression, although the aforementioned texts try to put this thesis forward due to similar wording.

On the day of the publication of Shabunin's Facebook post, 7 Days. Info<sup>300</sup> published a text entitled How Shabunin called to fight the "enemies of reforms" and their families, which cherry-picks quotes from the post and then, supposedly for the sake of impartiality, includes a comment by MP Maksym Buzhansky that attempts to make the aforementioned comparison.

Later, on 1 September, Capital published an article entitled Grant activists don't shy away from the rhetoric from Stalinist repression times to pressure their opponents, says expert (this resource is not accessible at the moment of the publication of this report) which featured a comment by the political expert Ruslan Bortnyk. The sentence "reformers believe that they are above the Ukrainian law" is presented as an indirect quote, even though the original post which the expert is asked to comment on does not mention the Ukrainian law, since Ukrainian law does not regulate the procedure for entering the United States.

This article also mentioned the comparison to "enemies of the people," but did it in the background, as if it was a long-established fact.

In less than three hours, Capital published another article entitled Shabunin covers his own failures with aggressive rhetoric, says lawyer, this time with a comment from the lawyer Rostyslav Popovych. The article presents claims that have already been mentioned in this context: the anti-corruption reforms in Ukraine have failed, Western countries are trying to manipulate the Ukrainian government by supporting NGOs (the article uses the word "Sorosiata"), and includes the comparison with Stalinist rhetoric in the background.

At least three of these materials have been reprinted in full by the online publication UNN<sup>301</sup>.

<sup>299</sup> Vitaliy Shabunin. Personal Facebook page, 30 August 2021: <https://www.facebook.com/vitaliy.shabunin/posts/10158459165264537>

<sup>300</sup> How Shabunin called to fight the "enemies of reforms" and their families / 7 Days Info, 30 August 2021: <https://7dniv.info/politics/137421-kak-shabunin-prizval-borotsya-s-vragami-reform-i-ih-semyami.html>

<sup>301</sup> Shabunin, the head of the AntAC, covers his own failures with aggressive rhetoric, says lawyer / UNN, 2 September 2021: <https://ukranews.com/ua/news/798742-agresyvnouy-rytorykoyu-glava-tspkshabunin-prykryvaye-vlasni-provaly-yuryst>; "You can't fight for the rule of law by illegal means": a lawyer comments on Shabunin's words about the "family members of the enemies of reforms" / UNN, 2 September 2021: <https://ukranews.com/ua/news/798703-ne-mozhna-borotysyaza-torzhestvo-zakonu-nezakonnymy-sposobamy-yuryst-prokomentuvav-slova-shabunina>; Grant activists don't shy away from the rhetoric from Stalinist repression times to pressure their opponents, says expert / UNN, 1 September 2021: <https://ukranews.com/news/798567-grantovyie-aktivisty-negnuhayutsya-ritoriki-vremen-stalinskih-repressij-dlya-davleniya-na>

Thus, the media have published a series of materials which systematically promote unfounded claims that discredit the Anti-corruption Action Centre in particular and the non-governmental sector in general.

Vitaliy Shabunin is a co-founder of NGO Anti-corruption Action Centre, which develops and advocates for legislation aimed to combat corruption (particularly legislation concerning the anti-corruption agencies NABU, SAP, HACC and ASMA, concerning the criminalization of illegal enrichment, etc.), monitors public procurement and initiates investigations of abuses.

## SEPTEMBER 2021

### #physical\_attack

- On **2 September 2021**, **Valeriy Kharchuk**, the head of the civil association Anti-corruption Regional Front, reported physical aggression by the mayor of **Rubizhne** Serhiy Khortiv.

According to Kharchuk, he came to Khortiv's public office to ask him where exactly the conditions for studies would be created after the Rubizhne Regional Sanatorium School for Children with Scoliosis was shut down (the activist says that his child used to attend this school).

Kharchuk notes that he was accompanied by another activist Serhiy Zavhorodniy, who intended to record the conversation with the mayor on video. However, Serhiy Khortiv, according to the activists, did not comment on anything, but grabbed a chair and tried to beat them with it; both of them have bruises from the encounter.

The Luhansk Region Police replied to ZMINA Human Rights Centre's request that they have launched proceedings based on the events that happened to Valeriy Kharchuk and Serhiy Zavhorodniy according to Part 1 of Article 126 (beating and torture) of the CCU. Nobody has been declared a suspect.

The Rubizhne City Council replied to ZMINA Human Rights Centre's request that they had not been approached with regard to the injuries caused by the mayor (the reply to our request was signed by Serhiy Khortiv).

Valeriy Kharchuk is the head of the NGO Anti-corruption Regional Front (active since 2013) which monitors local government purchases, land distribution, etc. According to the activist, they publish the findings of their investigations on the Anti-corruption Front Facebook page and challenge decisions which they believe to be illegal by reporting them to the law enforcement.

The closure of the school concerns other children in addition to Valeriy Kharchuk's child. In April 2021, there was a protest organized by other parents in Rubizhne; they blocked the Rubizhne-Kreminna road. Before the protest, unidentified individuals broke the window of the office of Hanna Sokolova, one of the protest organizers and a member of the parents' committee<sup>302</sup> (*див. вище*).

<sup>302</sup> An activist who supports the preservation of a school in Rubizhne had her windows broken and is threatened with lawsuits / Eastern Variant, 9 April 2021: <https://v-variant.com.ua/aktyvystke-kotoraia-podderzhyvaet-sokhraneny-shkol-v-rubezhnom-razbyly-okna-y-uhrozhaiut-sudamy/>

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

- In the evening of **3 September 2021** in **Kryvyi Rih**, Dnipropetrovsk Region, unidentified individuals shot one of the dogs that lived with the animal rights activist **Artem Pushkov** with a pneumatic gun<sup>303</sup>. Another dog was wounded.

Pushkov's family had a total of 9 rescue dogs. To make the dogs comfortable, the family rented a house with a yard where the dogs could walk during the day. According to Pushkov, his wife was at home during the incident, but she did not hear the shots and only heard one of the dogs whining; she later found the dead dog near the gate.

According to Artem Pushkov, before the incident, he had a conflict with a neighbor who did not like the fact that many dogs were living nearby. The neighbor expressed dissatisfaction to his wife and verbally threatened Artem Pushkov.

In addition, approving and satisfied posts and comments from the participants were posted in the Zooschiza +18 Facebook community of opponents of the animal rights movement after the publication of media materials about the murder of Pushkov's dog<sup>304</sup>.

On 4 September, the police started proceedings according to Part 1 of Article 299 of the CCU (cruel treatment of animals). Later, according to Artem Pushkov, the case was re-categorized as more serious, according to Part 3 of Article 299 of the CCU (cruel treatment of animals), which, if proven in court, calls for imprisonment rather than limiting freedom. At the same time, the activist said that as of December 2021, the perpetrators had not been identified.

Artem Pushkov is the head of NGO Alliance of Animal Protectors. The organization helps stray animals in Kryvyi Rih, advocates for cageless poultry farming and participates in nationwide actions such as the March for Animal Rights (such a march took place on 5 September 2021 in Kyiv, Pushkov joined it as an activist).



■ An X-ray of the wounded dog (a photo from Artem Pushkov's Facebook page)

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

- On **9 September 2021** in **Rubizhne**, Luhansk Region, **Valeriy Kharchuk**, the head of the civil association Anti-corruption Regional Front, reported that the door to the apartment where he lives with his family was damaged.

According to the victim, at around 11 a.m., his child was leaving home and saw that the lock on the door and the video doorbell installed at the entrance were covered with paint.

Kharchuk believes that the incident was paid for. According to him, the criminal knew where surveillance cameras at the building entrance were located, so he tried to move in a way that

<sup>303</sup> "Zara in a pool of blood": in Kryvyi Rih, a puppy and a dog were shot near an animal rights activist's house, one of the animals died (photo) / UNIAN, 7 September 2021: <https://www.unian.ua/incidents/zara-v-kalyuzhi-krovi-u-krivomu-rozi-bilya-budinku-zoozahisnika-strilyali-v-cucenya-ta-psa-odna-tvarina-zaginula-foto-novini-dnipra-11536426.html>

<sup>304</sup> Zooschiza +18. Facebook group, 7 September 2021: <https://www.facebook.com/groups/1731306267172870/posts/2646955742274580/>

made it impossible to identify him: he approached from the side, through the bush, then climbed over the fence. However, the activist found footprints from football boots left by the unidentified individual on the ground.

The victim notes that residents of one of Rubizhne's apartment buildings called him and reported about what they believed to be an illegal dismantlement of a heat exchanger by the communal heat and energy company employees at around the same time when the incident with paint took place. Kharchuk believes that this was an attempt to distract him so that he had to deal with his own property and not these people's problem. According to him, the police compared the shoe prints at the location of the incident to the shoes of the heat company's employees and allegedly found a similarity. However, nobody was arrested.



■ A photo sent by the activist victim

On 14 September, the Luhansk Region Police replied to ZMINA Human Rights Centre's request that all the cases of damage to Valeriy Kharchuk's property were being investigated.

The next day after the door incident, on 10 September, Valeriy Kharchuk found a man whom he has known since the protests against the closure of a school for children with scoliosis (he is also one of the parents, like Kharchuk) in the staircase of his building. According to Kharchuk, the man was holding a hammer. The activist says that the man claimed that he could "solve his problem with Khortiv" (the mayor of Rubizhne) for money and leave the city, and then "it will all stop."

According to Kharchuk, this behavior was uncharacteristic for the man, they had not had any conflicts before, and he thinks it is unlikely that this man is involved in the cases of arson and acid damage to the activist's property earlier this year. The activist did not report the incident to the police.

Valeriy Kharchuk is the head of the NGO Anti-corruption Regional Front (active since 2013) which monitors local government purchases, land distribution, etc. According to the activist, they publish the findings of their investigations on the Anti-corruption Front Facebook page and challenge decisions which they believe to be illegal by reporting them to the law enforcement.

## #legal\_persecution

- On **15 September 2021** in **Kyiv**, PJSC Ukrainian Flowers filed a lawsuit to protect its honor, dignity and business reputation against **Taras Hrytsiuk**, an activist of the Save Ukrainian Flowers initiative, and against the 1+1 TV channel. The case is to be considered by the Podil District Court of Kyiv; the first hearing is scheduled for late December.

The victim believes that the lawsuit is an attempt to put pressure on the initiative and a part of the developer's strategy to eliminate obstacles to the demolition of the Ukrainian Flowers building.

As noted by representatives of the initiative group, of which Hrytsiuk is a member, a lawsuit based on the same charge has also been filed against the Servant of the People MP Dmytro Hurin (the case will be heard by the Pechersk District Court of Kyiv); and earlier, the developer appealed the decision to ban construction while the copyright violation case is being investigated<sup>305</sup>.

<sup>305</sup> Save Ukrainian Flowers. Facebook page, 17 September 2021: <https://www.facebook.com/Save.Kvity.Ukrainy/posts/141802394820055>

On 20 December 2021, the Podilsky District Court started hearings in the case of defending honor, dignity and business reputation following a lawsuit from PJSC Ukrainian Flowers against the civil activist Taras Hrytsiuk and the website 1+1 due to a comment about the lack of a permit to dismantle the building.<sup>306</sup> A preparatory hearing of the case was held. During the hearing, representatives of PJSC Ukrainian Flowers added the results of a linguistic expertise to the evidence, which considered the question of whether Taras Hrytsiuk's comment was a factual statement or a value judgment. The next hearing is scheduled for 24 March 2022.

Taras Hrytsiuk is a historian, co-founder of NGO Different Education, tutor, facilitator, member of Different Education's tutor pool, co-founder of the Workshop House education space, co-founder of Urban Space 500. He is a member of the Save Ukrainian Flowers initiative group.

The Ukrainian Flowers building is located in the centre of Kyiv in Sichovykh Striltsiv Str. It was built in the 1980s as an education pavilion in the postwar modernist style based on the architect Mykola Levchuk's project. In the summer of 2021, its owner tore down the ivy which covered the building's facade and started dismantling the building for the purpose of "reconstruction." Civil activists spoke out against this<sup>307</sup>.

In July 2021, the Shevchenkivsky District Court of Kyiv banned the owner from dismantling the Ukrainian Flowers building, the education pavilion in the postwar modernist style in 49 Sichovykh Striltsiv Street, for the duration of the court trial of the violation of the copyright belonging to the building's architect Mykola Levchuk. The developer is currently appealing the ban.

## #discreditation

- On **20 September 2021, Olena Shevchenko**, the head of NGO Insight, reported the appearance in Kyiv of several billboards with photos of LGBTIQ activists as well as people featured in some criminal cases, and with accusations against all LGBT activists of pedophilia and murder and links to the GrantDetector Telegram channel.



■ A photo from Olena Shevchenko's Facebook page

The channel, created on 19 September, features more content with hate speech against the LGBT and civil activists who implement grant projects in general, as well as various unfounded accusations and manipulative claims about them; for instance, it quotes an abstract from an interview with the activist Anna Sharygina, in which she talks about the funding required to organize an Equality March, but it is commented in a way that suggests that she is prepared to organize such a demonstration if anyone pays her the indicated amount of money.

The owner of the billboards, Bigmedia<sup>308</sup>, as well as the Association of Outdoor Advertising Operators<sup>309</sup>, denied giving their permission to advertise this content in Kyiv and claimed that they have reported it to the police.

<sup>306</sup> The court started considering the case following a lawsuit against an activist of Save Ukrainian Flowers / ZMINA, 20 December 2022 <https://zmina.info/news/sud-pochav-rozglyad-spravy-za-pozovom-proty-aktyvista-zberegy-kvity-ukrayiny/>

<sup>307</sup> Fighting for Flowers. Who and why fights for the building of Ukrainian Flowers and what is going to happen with it / NV, 28 August 2021: <https://nv.ua/ukr/kyiv/kviti-ukrajini-hto-i-chomu-boretsya-za-budynok-i-shcho-bude-z-nim-dali-novini-kiyeva-50178562.html>

<sup>308</sup> In Kyiv, homophobic posters were posted on a number of billboards. Advertising agencies deny their involvement / ZMINA, 20 September 2021: <https://zmina.info/news/u-kyievi-na-bigbordah-bigmedia-rozmistly-gomofobnu-reklamu-kompaniya-zayavlyaye-pro-samozahoplennya/>

<sup>309</sup> Association of External Advertising Operators of Ukraine. Facebook page, 20 September 2021: <https://www.facebook.com/outdoor.org.ua/posts/4869167926446273>

The Kyiv Police informed ZMINA Human Rights Centre in reply to our request that they have started proceedings based on the fact of placing these billboards according to Part 1 of Article 161 (violating the equality of citizens) of the Criminal Code of Ukraine.

The ZMINA Human Rights Centre monitoring for 2020<sup>310</sup> noted the trend of the activation of the media usage of “grant-eaters” and “Sorosiatá”, words with negative connotations, which has signs of a planned campaign and an attempt to discredit the civil sector involved in the reform process, to undermine trust in institutions and to create a distorted image of activism as a form of interest-based activities.

In addition, similar situations in Hungary and the Russian Federation in the past show that the conceptual stigmatization of activism and human rights work can transform into much deeper restrictions of the work of international organizations and lead to the erosion of public trust in activists and human rights defenders, to excessive requirements for the work of non-governmental organizations, to a significant decrease in citizen activity and reform promotion in the country, etc.

The incident in question continues this negative trend.

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

- On **21 September 2021**, **Yehor Firsov**, civil activist and former MP, reported<sup>311</sup> threats of violence received by the animal rights activist and lawyer Yevhenia Prokopenko on Facebook from a user signed as Oleksiy Sviatohor. The user has left comments (particularly under Firsov’s aforementioned post) with promises to “take the activist hostage” and “cut her with a construction knife” if other animal rights activists do not stop opposing him.

**Олексій Святогор**  
**Евгения Прокопенко** а вот теперь зацените расклады  
 😊... полсотни коментов и столько же репостов у этого чубатого пасивиста 😊... за Ваше вымятко и понимание, что с ним произойдет (теперь уже походу неотвратимо, думаю, лярвиковы и швецовы его таки порежут, чисто чтобы был хайп и стрелки на меня) 😊  
 ... жалко ВАС... а я предлагал - еще успели бы пропетьлять 😊... но "нет, я твердая как шанкр, я вдова, я хуе-мое, я уристка, я до конца..." (ну и будет конец дурашка, только не в писю, как Вы может хотели бы в подсознании, а так, просто конец)... так вот... слабые коменты за Вас и вымятко... а будь у чубатого пост "вбылы песыков у кушах, воны крычалы, курящие некурили.." и прочую херню - лайков, криков и репостов и проклятий было бы в десятки раз больше уже в первый день... шавло важнее... жизни шавла имеют значения, короче 😊... а за Вас и вымятко многострадальное -по херу.. живите с этим... Вы не нужны никому 😊.... дальше топите за шавло 😊  
 Подобається · Відповісти · 7 год

**Олексій Святогор**  
 та на акции ходите, биомусор! но! кидаться нельзя, прыгать нельзя, харкать злобой нельзя, верещать, блевать. нельзя... за это будут санкции 😊... а так ходите! ноги для того и есть, чтобы ходить 😊  
 Подобається · Відповісти · 17 год

**Олексій Святогор**  
**Евгения Прокопенко** вот видите, Вы поняли, как надо действовать и поступать ;-)... пояснить пасивистам, что будет с их стороны прыгание - вымятко будет болеть у Вас 😊... только вот они, ради хайпа, могут как бы это самое вымятко располовинить сами (это самое мерзкое быдло, зоошизня, сами, думаю, убедились) и потом верещать "та вот это Святогор, монастырский, ты хде??" 😊... а на выходе вымятко лично Ваше болит (точнее, они все, более двух уже 😊 будет их), все в ужасе и осмыслении "а шо делать", а мне норм, у меня алиби и непричастность 😊... за мной же менты постоянно следят и охраняют, мой каждый шаг под контролем, а вот что сделает с Вами безымянный наркоман, нанятый чубатым фирсовым или какой-то лядвинкой лярвиковой, которая хочет

- Screenshots of posts and comments with threats from the user Oleksiy Sviatohor

The Kyiv Police informed ZMINA Human Rights Centre in reply to our request that they have started proceedings based on these events according to Part 1 of Article 129 (threat of murder) of the Criminal Code of Ukraine.

<sup>310</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. – P. 28.

<sup>311</sup> Yehor Firsov. Personal Facebook page, 21 September 2021: <https://www.facebook.com/egor.firsov/posts/4955247091158268>

The victim, Yevhenia Prokopenko, says that she has been receiving threats from Sviatohor for about two years since her colleagues from the Barristers law firm started leading a case against him in court: Oleksiy Sviatohor was accused of creating artwork promoting the cult of violence, because he did not hide that he was a dog hunter; by in January 2021, he was acquitted and released by the court<sup>312</sup>.

However, in the past few months, according to Prokopenko, possibly in connection to the consideration of the case by a court of appeal, Sviatohor intensified his intimidation attempts; the activist believes that he is really capable of moving on to real-life action or sending his supporters to attack her.

Online threats from Oleksiy Sviatohor have also been reported by the Facebook user Olha Moholivets (she left a comment about this under Yehor Firsov's post). According to the woman, she has lived in the Netherlands for several years, but she adopted two dogs from a shelter in Dnipro and tries to help animal rights activists in Ukraine. Moholivets says that she has reacted to publications in the Zooschiza +18 Facebook group of opponents of animal rights activists, and because of this, the user Sviatohor started sending her threats and comments about her alleged involvement in drug trafficking. The activist says that she has blocked this user, and the social media platform has hidden his comments and messages from her (she did not screenshot them).

Yevhenia Prokopenko is a lawyer who also identifies as an animal rights activist. She participates in environmental demonstrations, posts about helping stray animals, and covers cases of cruel treatment of animals<sup>313</sup>.

## #discreditation

- On **21 September 2021**, Argumentum<sup>314</sup> and From-Ua<sup>315</sup> published an article titled Literary Ukraine published a story about a bad PR manager whose prototype is **Iryna Fedoriv**.

The “press event” that served as the reason for this publication was Maksym Chereschnia’s short story “Fedorivism,” or paid journalism under the guise of feigned honest motivations<sup>316</sup>, published on the Literary Ukraine website in July this year (meaning that the aforementioned publications waited for two months). The story’s protagonist is the ex-husband of a journalist nicknamed Fedora who, according to the plot, slanders him during the divorce process, but then her laptop is stolen and it turns out that she writes paid puff pieces, and the protagonist himself ends up in hospital for reasons that are not clarified in the text.

Chereschnia’s text itself does not mention that any of the characters had a prototype, but this idea supposedly occurs two months after the publication to someone from Argumentum, a website which presents itself as an “emigration publication,” and the media publishes its own text with unfounded accusations against Iryna Fedoriv, the editor-in-chief of the Chesno

<sup>312</sup> A court in Kyiv acquitted the dog hunter Sviatohor / Radio Svoboda, 18 January 2021: <https://www.radiosvoboda.org/a/news-svyatogora-vpravdaly/31050845.html>

<sup>313</sup> Animal rights activist Yevhenia Prokopenko: It's impossible not to respond when animals need help (video)/ Journalist, 14 January (year not specified): <https://journalist.today/zoosashhitnica-prokopenko777-nevozmozhno-ne-reagirovat-kogda-zhivotnym-nuzhna-pomoshh-video/>

<sup>314</sup> Literary Ukraine published a story about a bad PR manager whose prototype is Iryna Fedoriv / Argumentum, 21 September 2021: <http://www.argumentum.info/2021/09/fedoriv.html>

<sup>315</sup> Literary Ukraine published a story about a bad PR manager whose prototype is Iryna Fedoriv / From-UA, 21 September 2021: <https://from-ua.com/news/611459-literaturnaya-ukraina-opublikovala-rasskaz-o-vernoi-piarshhice-prototipom-kotoroi-yavlyaetsya-irina-fedoriv.html>

<sup>316</sup> Maksym Chereschnia. “Fedorivism,” or paid journalism under the guise of feigned honest motivations / Literary Ukraine, 30 July 2021: <https://litukraina.com.ua/2021/07/30/maksim-chereshnja-fedorivshhina-abo-zamovna-zhurnalistika-pid-prikritjam-vdavano-chesnih-motiviv/>

website, and Olha Matiushyna, a former village head of Kotsiubynske and civil activist, both of whom used to oppose illegal construction in the Bilychi Forest near Kyiv on land plots that were allocated for development in a non-transparent way<sup>317</sup>.

The text contains manipulative claims and appears to have been written for the purpose of sharing the “background”: dubious and false claims about the activists are presented as verified common knowledge.

The same method was also used in a number of discreditation campaigns against public figures in Ukraine, but this was the first time in our monitoring practice that we encountered stylized presentation as a fiction piece.

Iryna Fedoriv is the editor-in-chief of Chesno, blogger, former member of the 6th village council of Kotsiubynske (from November 2010). As an activist, she consistently advocates for the preservation of the Bilychi Forest which is adjacent to the village; there have been attempts to allocate some of the forest lands for development. There is an ongoing conflict around Kotsiubynske’s merger with either Kyiv or Irpin, which will determine who will make decisions about the village’s property.

Olha Matiushyna is a civil activist from Kotsiubynske, Kyiv Region, a former head of the village (elected in 2015). She has also advocated for the preservation of the Bilychi Forest (which is now included in the Holosiyivsky National Nature Park, which makes construction impossible). In January 2021, her car was burned.

Discreditation campaigns against both activists on local Kyiv Region websites and social media were also launched before, particularly in 2020. The activists associate the pressure on them with people who are close to the Irpin city government.

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

- On **22 September 2021**, in **Chernihiv**, unidentified individuals slashed the tires of a car belonging to **Pavlo Bystrov**, a representative of the Sivershchyna Coalition.<sup>318</sup> The victim links the incident to his activities in opposing the cultivation of land plots on the shores of rivers Desna and Snov in Chernihiv Region and the transformation of pastures and hayfields into arable land. He did not report receiving any threats before or after the incident, but he considers these actions to be an intimidation attempt.

On 23 September 2021, the Chernihiv Region Department of the National Police opened a case following Pavlo Bystrov’s report according to Part 1 of Article 194 of the CCU (intentional destruction or damage of property).

Pavlo Bystrov is a member of the presidium of the Chernihiv Regional Employer Coalition Sivershchyna. He exposes the cultivation of land plots near rivers and the destruction of forests, because, according to him, in particular, fertilizers end up in the water and harm the environment. The activist says that he reports these facts to the law enforcement and courts, as well as speaks publicly on the topic.<sup>319</sup>

<sup>317</sup> Iryna Fedoriv. Personal Facebook page, 21 September 2021: <https://www.facebook.com/fedoriv.iryna.chesno/posts/1518291875189618>

<sup>318</sup> In Chernihiv, environmental activists signed an environmental manifesto after an attack on one of them / Ecopolitics, 7 October 2021 : <https://ecopolitic.com.ua/ua/news/u-chnernigovi-ekoaktivisti-uklali-ekologichnij-manifest-pislya-napadu-na-odnogo-z-nih>

<sup>319</sup> Fighting corruption in Chernihiv. Topic one: the environment / sknewsTV, YouTube channel: [https://www.youtube.com/watch?v=qehbuhzo0\\_A](https://www.youtube.com/watch?v=qehbuhzo0_A)

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

- On **30 September 2021**, at around 3 a.m., unidentified individuals burned the cars of two members of the board of the Favorite Association of Co-owners of Apartment Buildings (ACOAB) in **Kyiv**, **Maryna Khokhriakova** and **Viktoria Fedorenko**; the fire also damaged the cars of two other residents of the same building<sup>320</sup>. According to the victims, both cars were set on fire practically at the same time, which was recorded by nearby surveillance cameras.



■ A photo from Serhiy Fedorenko's Facebook page

Maryna Khokhriakova associates the incident with the work of the ACOAB. According to the activist, there is an ongoing trial based on the Board's lawsuit about possibly illegal capture of non-residential rooms in one of the Association's buildings, and one of the residents is trying to get the court to approve the connection of additional cables.

Viktoria Fedorenko also explains the incident as an attempt to oppose their public activities. She says that they have nothing in common except their work at the ACOAB, she has no personal conflicts or debts, so the activist does not consider any other versions except for this one.

The Kyiv Region Police have launched proceedings based on the events according to Part 2 of Article 194 of the Criminal Code of Ukraine (intentional destruction or damage of property)<sup>321</sup>. According to the victims, they have also reported a murder threat because they view the arson as a warning.

The Favorite ACOAB was founded in 2004. The ACOAB comprises two buildings; both current and previous leadership of the ACOAB have had conflicts with some of the residents due to their arbitrary capture of non-residential rooms.

In May 2020, ZMINA documented an incident involving Maryna Khokhriakova, a former head and current board member of the Favorite ACOAB, who received a delivery of funeral paraphernalia from an unidentified man<sup>322</sup>. In addition, on 16 October 2020, the current head of the ACOAB, Ihor Duhanets, was attacked<sup>323</sup>.

<sup>320</sup> Serhiy Fedorenko. Personal Facebook page, 30 September 2021: <https://www.facebook.com/sergio.fedorenko/posts/10159703210566108>

<sup>321</sup> A criminal case has been opened following an arson of cars in Obolon district in the capital / Website of the Kyiv Police, 30 September 2021: <https://kyiv.npu.gov.ua/news/novini/za-faktom-pidpalu-avtivok-na-stolichnij-oboloni-rozpochato-kriminalne-provadhennya/>

<sup>322</sup> A member of a Kyiv ACOAB got a coffin and a wreath brought to her door "from friends and colleagues" / ZMINA, 1 June 2021: <https://zmina.info/news/predstavnyczi-kyivskogo-osbb-prynesly-pid-dveri-trunu-i-vinok-vid-druziv-i-koleg/>

<sup>323</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. – Kyiv, 2020. – 123 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)

## OCTOBER 2021

#physical\_attack

#destruction\_or\_damage\_of\_property

#legal\_persecution

- On **8 October 2021**, in **Kyiv**, the activist **Yuriy Yukhymenko** and several other representatives of the Mykil'ska Slobidka initiative group were beaten as they were attempting to prevent construction equipment from entering a construction site at 7/9 Mykil'sko-Slobidska Str., where, according to the activists, a new residential project is being built illegally.

According to the victim, he was attacked from the side by people who arrived together with the construction workers (he explains that he is a war veteran and has one artificial eye, so he could not react to an attack from that side quickly): he was beaten on the head and torso, probably with brass knuckles. There are other victims besides him, according to Yukhymenko, and some other activists tried to enter the confrontation with the "titushkas" but were detained. Yukhymenko himself stood in the path of a truck, but it did not stop and he was hit by the truck. The victim says he had a traumatic brain injury, bruises of the chest and an injured spleen.

Between 8 and 11 October, he was in hospital, but in the evening of 11 October he left to go home. According to Yuriy Yukhymenko, during this time, unidentified individuals slashed the tires of his car twice (before the incident, on the night between 7 and 8 October, as well as the next night when the activist was already hospitalized).

The details of the events at the construction site reported by Yukhymenko are confirmed by Olena Medvedenko, a participant of NGO Mykil'ska Slobidka, who witnessed some of these events but was not physically injured herself. According to her, Yuriy Yukhymenko was beaten when he tried to defend another activist, Oleksandr Sikun, whose nose was broken.

According to Medvedenko, another activist, Valeria, also suffered bodily injuries (and the activist herself told ZMINA Human Rights Centre that she breathed in the tear gas which she tried to spray at the "titushkas"), and another man besides Yuriy Yukhymenko who was hit by a truck (she says that this happened about two hours after the beginning of the confrontation; Yukhymenko says that the other victim's name is Oleh, but neither of them know his last name, and we did not succeed at contacting him after the incident). Olena Medvedenko said that there were two groups of "titushkas" who came to support the developer: one group was wearing the uniform of construction workers (this group did not hit people, only pushed them), and the other group, young men in tracksuits, used violence. Both groups dispersed when the police and the municipal guard arrived at the site. One of the activists chased a "titushka" into the backyards, and the police arrested both, but then, according to Medvedenko, they were released in a few hours. She does not know whether reports were written on either of them.

Oleksandr Sikun reported that he was attacked from behind, hit on the head, and then he does not remember some of the events very clearly. He says that he has a broken nose, concussion and bruised chest. He spent four days in the emergency hospital. According to Sikun, police officers came to visit him at the hospital and record his testimony.

Based on the facts of the events described above, the Kyiv Police launched proceedings according to Part 2 of Article 296 of the Criminal Code of Ukraine (hooliganism perpetrated by a group of individuals). As of the end of 2021, an investigation is underway. At the same time, as it became

clear later, the developer's representatives filed a report with the police about obstruction of their economic activities<sup>324</sup>.

Yuriy Yukhymenko and Oleksandr Sikun are active residents of buildings near the construction site in Kyiv at 7/9 Mykilsko-Slobidska Str., where the confrontation took place. The initiative group which opposes the construction of the residential project consists of representatives of NGO Mykilaska Slobidka and other residents of nearby buildings.

According to Khmarochos<sup>325</sup>, it was planned to construct the residential project Sundance at 7/9 Mykilsko-Slobidska Str.: three 25-storey buildings on the bank of the Dnipro River. The construction was frozen for many years due to lawsuits and criminal cases (according to articles on fraud, arbitrary actions, etc.), the land plot was arrested.

The publication reports that the land plot in question partially belongs to a sanitary protection area where construction of residential facilities is prohibited according to Part 2 of Article 114 of the Land Code. In addition, this territory is partially below the flood line.

Meanwhile, LLC Nova Slobidka resumed construction in 2021. The company's representatives put leaflets in neighbourhood residents' mailboxes, assuring them that the construction was legal, conducted on a land plot they had purchased, and that the developer is prepared to invest in social infrastructure as well.

## #privacy\_violation

- In the afternoon of 12 October 2021, in Kyiv, the civil activist Mykola Vyhovsky found a device under his car which looked like a movement tracker. According to the activist, as he was driving off a curb, he heard an uncharacteristic "metallic" sound and, after deciding to check what it was, he found an object covered with film which was attached by a magnet. The activist initially thought it could be explosives, but after examining the finding, he decided to take the film off and, according to him, found a GPS tracker with a SIM card inside.



■ The device discovered by Mykola Vyhovsky under the bottom of his car

Later, on 25 October 2021, after a technical examination of his car in a garage, Mykola Vyhovsky found another device, possibly intended for audio surveillance. According to the activist, the device was installed behind the car radio, so the person who did it had to have entered the car. Vyhovsky does not know how long they were in there.

Mykola Vyhovsky associates the incident either with his active participation in the March for Kyiv demonstration, which took place earlier in the capital, or with his advocacy against the Bill "On urban planning reform," which was adopted as a basis in July 2021<sup>326</sup>. According to Vyhovsky, the bill interferes with architects' intellectual property rights and will benefit unscrupulous developers.

<sup>324</sup> In Kyiv, an investor suffered losses of UAH 32 million due to an illegal blocking of passage to their private property / Lb.ua, 13 October 2021: [https://rus.lb.ua/economics/2021/10/13/496224\\_kieve\\_investor\\_pones\\_ubitki\\_32 mln.html](https://rus.lb.ua/economics/2021/10/13/496224_kieve_investor_pones_ubitki_32 mln.html)

<sup>325</sup> Confrontations in Mykilaska Slobidka: the developer has restored the construction of three 26-story residential projects / Khmarochos, 4 August 2021: <https://hmarochos.kiev.ua/2021/08/04/na-mykilskij-slobidczi-sutycky-zabudovnyk-ponovyv-budivnyctvo-troh-26-poverhovyh-zhk/>

<sup>326</sup> Bill "On introducing changes to some legislative acts of Ukraine on reforming the urban development sphere" has been adopted as a basis / Verkhovna Rada of Ukraine, official website, 1 July 2021: <https://www.rada.gov.ua/news/Povidomlennya/211495.html>

According to the activist, he noticed that he was being followed before the March for Kyiv.

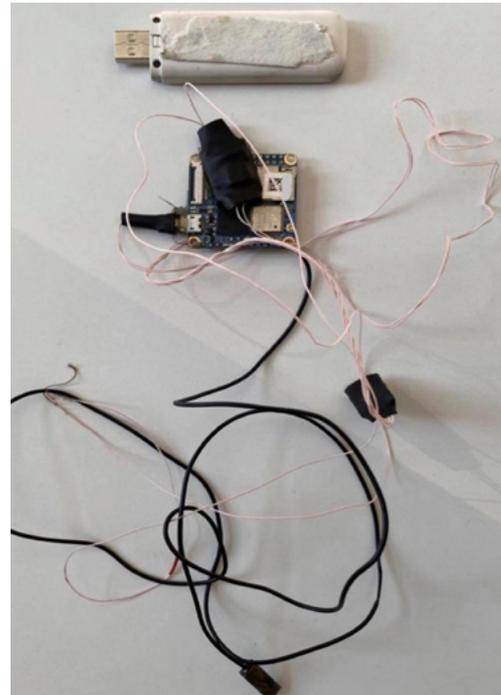
On 8 November 2021, the activist Mykola Vyhovsky filed a report with the Security Service of Ukraine about a crime regarding the surveillance devices found in his car and audio surveillance, according to the articles on violating the sanctity of private life (Article 182 of the CCU) and on illegal use of special technical equipment for obtaining information (Article 359 of the CCU).

On 11 November, more than a dozen non-governmental organizations made a public statement demanding to effectively investigate the surveillance of Mykola Vyhovsky, since it may precede an attempt on his life.

On 23 November, it became known that the Service denied opening proceedings based on the report. The activist's attorneys also declared that they were denied information about possible covert investigative actions conducted against their client. So there are reasons to believe that the surveillance was illegal. They filed a complaint with the court against the inaction of law enforcement agencies.

After this, the SSU told Radio Svoboda that it handed Vyhovsky's report over to the National Police<sup>327</sup>.

Mykola Vyhovsky is a public figure, a former coordinator of the Chesno Movement. He ran in the 2019 election as a member of the Golos party. He actively participated in actions in support of Serhiy Sternenko; at one of these rallies, on 15 June 2020 near the Shevchenkivsky District Court of Kyiv, he was arrested with the use of force together with four other participants. Misdemeanour reports were written against all of them, but there were no grounds for the reports, as the Shevchenkivsky District Court of Kyiv determined later<sup>328</sup>.



■ The audio recording device discovered in Vyhovsky's car behind the car radio

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

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

- On **15 October 2021**, **Viktoriya Nesterenko**, the leader of the NGO Together with the Law, reported an attack on her Instagram page which she used, among other things, to talk about the rights of Muslim women and to make this group of people visible<sup>329</sup>.

Bots started following Nesterenko's page en masse (when she noticed it, there were already over 8,000 new followers: mostly "empty" accounts), which forced her to close the page, make it private, so that the human rights content could be read only by her followers. After this, the bots could not follow the page, but they continued to make follow requests.

<sup>327</sup> The SSU sent the activist Vyhovsky's report about surveillance to the National Police / Radio Svoboda, 24 November 2021: <https://www.radiosvoboda.org/a/news-sbu-zayava-vyhovskoho/31576635.html>

<sup>328</sup> The activist Vyhovsky, arrested near the Shevchenkivsky Court, has been acquitted / ZMINA, 11 August 2020: <https://zmina.info/news/zatrymanogo-pid-shevchenkivskym-sudom-aktyvista-vygovskogo-vpravdaly/>

<sup>329</sup> Viktoriya Nesterenko. Personal Facebook page, 15 October 2021: <https://www.facebook.com/nesterenkoviktoriiia/posts/4530860653637311>

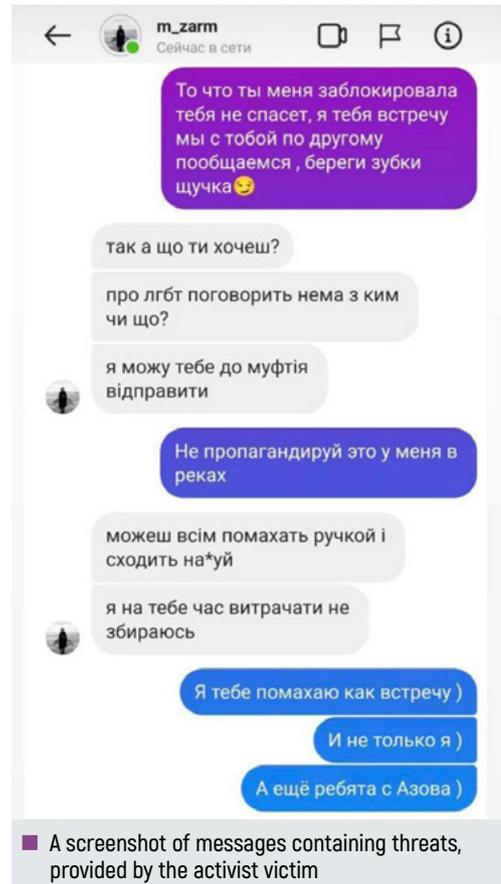
The activist believes that the bots were added in order to file complaints against her page later, until the social media blocks her. According to her, this has happened to her acquaintance from Russia named Gulnara, who also had a social media blog about Muslim women.

According to the victim, about two weeks before these events many of the feminists she knew from different countries (including Ukrainians, Russians, women from post-Soviet countries living in the EU, etc.) began reporting persecution, particularly by attacks on their social media accounts by the subscribers of the Russian Telegram channel Chechnia's Basement<sup>330</sup>. It later became known that the channel was blocked<sup>331</sup>.

Nesterenko thinks that she could have been noticed by the radicals because of her comments on the pages of the activists who were persecuted, particularly the Russian journalist Svitlana Anokhina, who works with the topic of domestic violence. She did not report the incident to the police. The activist notes that she occasionally experiences threats of the "Sharia court" (once, she was threatened with an encounter with "the boys from Azov") or offensive messages from radically inclined men.

Viktoria Nesterenko is the leader of a human rights organization Together with the Law, founded in 2008. The organization's work involves, in particular, monitoring the violations of Muslim rights in Ukraine (particularly in the territories that are not controlled by the Ukrainian government), as well as educational events and advocacy campaigns to oppose discrimination.

Nesterenko uses her social media pages as platforms to spread information about her work, particularly in the field of women's rights, as well as to bust the myths about Muslims and to cover cases of human rights violations.



## #physical\_attack

- On **18 October 2021**, in **Kharkiv**, an unidentified individual (possibly an employee of Kharkivzelenbud) attacked the environmental activist **Iryna Kravchenko** while he was filming him and other people chopping sawed-off tree branches in the city centre.

According to Kravchenko, she was walking her dog when she heard the sounds of a chainsaw and saw that a number of trees had their branches sawed off down to the trunk and that a group of people were chopping them into pieces on the ground. At that point, says the activist, she asked a member of this group to demonstrate a permit to do this work, but the representative flipped her off in response, so Kravchenko called the police to verify the legality of the works, and while she was waiting for the law enforcement officers to arrive, she started recording the situation on video.

<sup>330</sup> Pointless and "ruthless": why the accounts of North Caucasus feminists were attacked / News Tracker, 7 October 2021: <https://newstracker.ru/article/general/07-10-2021/bessmyslenno-i-besposchadno-zachem-atakovali-akkaunty-feministok-severnogo-kavkaza>

<sup>331</sup> The Telegram channel Chechnya Basement, which attacked the Caucasian activists, has been blocked / Caucasus Realities, 13 October 2021: <https://www.kavkazr.com/a/atakovavshiy-kavkazskih-aktivistok-telegram-kanal-podval-chechni-zablokirovan/31506697.html>

At this point, according to the activist, one of the men who were present started demanding that she delete the video, and when she refused, noting that she was livestreaming everything, he started swearing and threatening her (“I’ll teach you to film, b\*tch”), knocked her down and took her phone away (she continued filming throughout, so the conflict has been recorded on video<sup>332</sup>).

Then she called the police again from another phone she had on her. The victim reports that the police and the prosecutor’s office initially denied opening proceedings based on her report of the attack, so she went to court. The Moscow District Court of Kharkiv made the decision to obligate the prosecutor’s office to initiate an investigation<sup>333</sup>.

On 5 November, a case was opened based on the fact of an attack on Iryna Kravchenko according to Part 1 of Article 296 (hooliganism) of the CCU.

Kravchenko had to separately request that she be recognized as a victim in this case (she was featured as a witness before). According to her, during the interrogation, the interrogator expressed doubts that there should be any permits whatsoever to chop off tree branches, saying that it was her own fault that she was attacked, and then started threatening Kravchenko herself with opening a case against her for cruelty against animals, because the dog she was walking was supposedly stressed out<sup>334</sup>.

As of December 2021, the attacker was not identified.

Iryna Kravchenko is a member of the Green Kharkiv initiative which maps trees in the city to track their condition, grounds for and legality of branch-cutting or their destruction. She participated in the Climate March 2021 in Kharkiv.



■ The man who attacked Iryna Kravchenko (screenshot from the victim’s video livestream)

## #discreditation

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

- On **17 October 2021**, a persecution campaign started against **Mykhailyna Skoryk-Shkarivska**, an **Irpın** councillor and civil activist, due to her social media posts and statements against hate speech about the Roma people after right-wing radicals made calls to chase them out of the city.

The trigger for this was the beating of Pavlo Polishchuk, the director of the Irpin coffee shop Ukrainian Military Coffee (which is linked to Andriy Medvedko from the right-wing group Society of the Future<sup>335</sup>), after which a number of far-right organizations (Society of the Future itself, the Right Sector, etc.) coordinated on social media and came out with torches to buildings inhabited by the Irpin Roma Community, accusing them of involvement in drug trafficking without providing any evidence and extrapolating a specific negative experience to the entire community, which indicates the presence of signs of hate speech.

<sup>332</sup> Irina Kravchenko. Personal Facebook page, 18 October 2021: <https://www.facebook.com/Irina.Kravchenko.kh/posts/1244120179401760>

<sup>333</sup> Irina Kravchenko. Personal Facebook page, 17 November 2021: <https://www.facebook.com/Irina.Kravchenko.kh/posts/1263194614160983>

<sup>334</sup> Irina Kravchenko. Personal Facebook page, 8 December 2021: <https://www.facebook.com/Irina.Kravchenko.kh/posts/1276454226168355>

<sup>335</sup> In Irpin, right-wing radicals came out to protest against the local Roma: here is what happened / ZMINA, 19 October 2021: <https://zmina.info/articles/v-irpeni-pravoradykaly-vyjshly-na-akcziyu-proty-miscevyh-romiv-rozpovidayemo-shho-vidbulos/>

On the same day, Skoryk-Shkarivska wrote a post on the Irpin Daily Facebook page, which she moderates, with a call to pay attention to the speculations with the “Roma subject” and to the incitement of ethnic animosity; the post was later deleted by Facebook, and the victim assumes it was due to complaints by right-wing radicals. In the post, Skoryk-Shkarivska, among other things, named specific organizations which, as she became aware, were involved in the anti-Roma action: C14 (now renamed as the Society of the Future and the Basis of the Future), the National Corps, the Right Sector, representatives of the Freedom Party.

In two days, there was a session meeting of the Councillor Commission of the Irpin City Council, where, among other things, the issue of the incident with Polishchuk was discussed; Skoryk-Shkarivska spoke at the meeting and noted that naming the ethnic identity in this case could have provoked an ethnic conflict, that the beating had nothing to do with veterans, and that drug trafficking should be investigated by the police and not by citizens through lynching.

After Mykhailyna Skoryk-Shkarivska’s speech, her phone number was published in the private section of the right-wing radical Telegram channel Catharsis, and her social media profiles (particularly on Instagram) were published in the channel’s open section.

After this, followers of right-wing radical channels started leaving comments under her posts with insults against her and her family (particularly under photos of the activist’s little son) and with hate speech against the Roma. On Telegram, as Skoryk-Shkarivska reported, she started receiving text messages with insults and GIFs with Adolf Hitler, Nazi swastikas and child pornography.

In addition, the victim’s phone number was SMS-bombed (when an algorithm tries to register a user with a certain phone number at as many services as possible), and she started receiving multiple calls from Russian phone numbers.

The far-right Telegram channels Catharsis, Grant Detector, and the personal Telegram channel of Yevhen Karas from the Society of the Future started publishing messages with manipulative and unverified information about the activist, particularly fake reports of her alleged participation in the session meeting under the influence of alcohol (ZMINA investigated and disproved this case in the 2020 monitoring report<sup>336</sup>).

Messages with this content were published by Dmytro Korchynsky, the leader of the Brotherhood Party<sup>337</sup>.

<sup>336</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. – P. 56.

<sup>337</sup> Dmytro Korchynsky. Personal Facebook page, 19 October 2021: <https://www.facebook.com/korchynskiy/posts/4448680135197484>

3. Михуїліна каже, що пережила цькування із залученням ботів. Це вона про вас, якщо що. Що ви ботва, отримали свої 15 рублів від Кремля???

Сука, як же смішно, коли депутат пише пост на захист циган, яких ненавидять тупо усі, незалежно від політичних вподобань. Потім передбачувано отримує хейт в коментарях. Видаляє пост і каже що то все боти.

Зручно, хуле.

Р. С. Її інста:

<https://instagram.com/mika.skoryk>

■ A screenshot of one of a series of posts about Mykhailyna Skoryk-Shkarivska on the far-right Telegram channel Catharsis



■ Screenshots of offensive Instagram comments

Another day later, right-wing radicals came out to a rally in Bucha with a demand to fire Mykhailyna Skoryk-Shkarivska from the position of the mayor's advisor<sup>338</sup>.

After this case, a group of individuals, particularly Yevhen Karas from the Society of the Future and a number of members of other organizations came to a meeting with the mayor of Bucha Anatoliy Fedorchuk, who was visiting Kyiv, with the same demand. Mykhailyna Skoryk-Shkarivska also came to this meeting. The attending right-wing radicals shouted at her, accused her of adultery, etc.<sup>339</sup>

On 22 October, right-wing radicals came to the opening of the Veteran Hub in Bucha and started making statements against Mykhailyna Skoryk-Shkarivska again, claiming that she had allegedly said that veterans are dangerous and that they all have PTSD. In fact, she had called to stop inciting veterans to commit violent actions and supported this call by referring to the complex mental state which some of them are in<sup>340</sup>.

In view of the above, Skoryk-Shkarivska went to the prosecutor's office, and on 28 October 2021 proceedings were launched according to Part 1 of Article 350 (a threat or violence against an official or a citizen fulfilling their civic duty) of the Criminal Code of Ukraine. As of the end of 2021, nobody was declared a suspect.

Катарсис



Катарсис

Так, це останнє відео з циклу піз...

**МИХАЙЛИНУ СКОРИК МАЄ БУТИ ЗВІЛЬНЕНО!**

Мразь Михуїлина, яка віджала квартири у дітей загиблого в Іловайську героя, яка любить інтереси циган та наркобариг, про яку ми весь день пишемо, ще й знаходиться на посаді радника мера Бучі.

Те, що такі мрази будують політичну кар'єру — наше велике недопрацювання.

Отже, завтра 12:00, Бучанська міська адміністрація.

Активісти різних правих організацій будуть вимагати звільнення Михуїлини з посади радника мера Бучі Федорука.

Приходьте!

■ A screenshot from the far-right Telegram channel Catharsis

## #illegal\_detention\_or\_search

- On **25 October 2021**, in **Kyiv**, during a developer's attempt to bring construction equipment to a land plot near the Livoberezhna Subway Station, the police arrested the activist **Oleh Mykhailenko** and wrote a report about him according to Part 1 of Article 173 (petty hooliganism) of the Misdemeanour Code of Ukraine.

The detention was reported by Olena Medvedenko<sup>341</sup>, a member of NGO Mykilska Slobidka. According to her, the land plot is the site of an indefinite protest demonstration by the residents of nearby buildings who have been opposing illegal construction in Mykilska Slobidka for several years. Representatives of the city beautification services have brought concrete blocks to stop the construction equipment from entering (and activists are keeping watch there), but this time representatives of the developer, who claimed that they have the right to build a residential project there, came to dismantle the blocks and brought the police with them<sup>342</sup>.

According to Oleh Mykhailenko, the activists tried to block the path of the equipment. The police and people wearing construction workers' uniforms tried to push the protesters aside and make

<sup>338</sup> Kristian Udarov. Personal Facebook page, 20 October 2021: [https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=3008691319418925](https://www.facebook.com/watch/live/?ref=watch_permalink&v=3008691319418925)

<sup>339</sup> Kristian Udarov. Personal Facebook page, 20 October 2021: [https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=590661795317064](https://www.facebook.com/watch/live/?ref=watch_permalink&v=590661795317064)

<sup>340</sup> Kristian Udarov. Personal Facebook page, 22 October 2021: <https://www.facebook.com/kristianudarov/videos/4462287410531066>

<sup>341</sup> Olena Medvedenko. Personal Facebook page, 25 October 2021: <https://www.facebook.com/OlenaMedvedenko2018/posts/10227363722019043>

<sup>342</sup> Olena Medvedenko. Personal Facebook page, 25 October 2021: <https://www.facebook.com/OlenaMedvedenko2018/posts/10227363352529806>

a corridor for the equipment to pass. Mykhailenko says that there were several episodes of pushing, and in the process he tried to push away one of their opponents, as he thought (because they were a person wearing civilian clothes); he was immediately put into a hold and arrested, which was how he realised that it was a police officer. The activist does not recall that person introducing themselves or articulating their membership in the law enforcement in any way. In addition, in the commotion, as Mykhailenko notes, he sprayed antiseptic spray into someone's face—he says he was confused because there were many of them—and, as it turned out, they were a law enforcement officer as well.

The activist was arrested at around 4 p.m., brought to the Dniprovsky District Department and kept until about 7 p.m., writing a misdemeanour report on him. According to Mykhailenko, there was no use of force against him at the police precinct (only his arms were bent back when he was being arrested).

On 25 November 2021, the Dniprovsky District Court of Kyiv closed the case against Oleh Mykhailenko due to the lack of signs of a misdemeanour in his actions, since the police provided no evidence, such as a video recording, to confirm the circumstances indicated in the protocol; in addition, there was no testimony from the witnesses of the misdemeanour described in the report<sup>343</sup>.

Oleh Mykhailenko is a participant of protests against the development of Mykilska Slobidka, where construction work has been resumed after a break of several years (the construction was frozen due to ongoing lawsuits against it). In early October 2021, ZMINA recorded a case of beating of the protesters by unidentified individuals (see above).

## #physical\_attack

- On **25 October 2021**, in the village of **Stobkyhivka** in Volyn, a group of individuals attacked the activist **Roman Yakymchuk** and the film crew of the Kyiv Live TV channel while they were filming a story about the possibly illegal wood harvesting in the region. Yakymchuk claims that there are about fifty sawmills in the village, but only one in five actually has the permits.

According to the activist, he showed some of the sawmills and wood warehouses to journalists, and they went to the address where one of these enterprises is registered. It was the house of Ivan Sukhatsky (assistant to Valeriy Sterniychuk, a Sluha Narodu councillor<sup>344</sup>), and there they were attacked by this person's brothers (Serhiy and Stepan Sukhatskys)<sup>345</sup>.

The victim reports that he has bruises and hematomas on his body as a result of the attack.

The police have launched proceedings according to Part 1 of Article 125 of the CCU (intentional light bodily injuries). As of the end of 2021, the investigation was underway, and nobody was declared a suspect, according to the victim<sup>346</sup>.

Roman Yakymchuk is not a member of any non-governmental organization, he acts as an active citizen. He publishes posts on his Facebook page about the situation with illegal wood harvesting, files reports with law enforcement agencies, and tries to draw the media's attention to the situation. In addition to this activism, he manages a farm together with his father and brother.

<sup>343</sup> Case #755/18975/21 / Zakon online, website: <https://zakononline.com.ua/court-decisions/show/101438662?from=755%2F18975%2F21&>

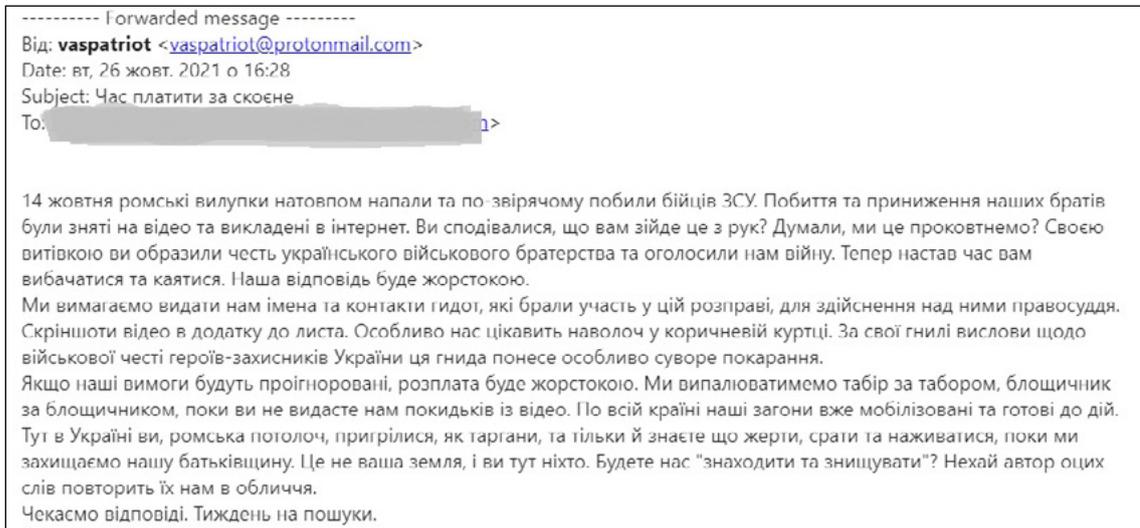
<sup>344</sup> Sukhatsky Ivan Stepanovych / Posipaky, website: <https://posipaky.info/minion/337675>

<sup>345</sup> LIVE Online TV channel / YouTube channel: [https://www.youtube.com/watch?v=d0nRBL9\\_Fu8](https://www.youtube.com/watch?v=d0nRBL9_Fu8)

<sup>346</sup> Roma Yakymchuk. Personal Facebook page, 4 January 2022: [https://www.facebook.com/permalink.php?story\\_fbid=687933835733278&id=100035500037255](https://www.facebook.com/permalink.php?story_fbid=687933835733278&id=100035500037255)

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

- On **26 October 2021**, a number of representatives of **Roma NGOs** received emails with an ultimatum and threats of physical violence. The reason behind the emails was a fake video spread earlier in which Roma people were allegedly beating people wearing military uniforms<sup>347</sup>.



- A screenshot of an email with threats, provided by the victims

The incident was reported to ZMINA Human Rights Centre by the Roma human rights advocate Yulian Kondur. He also provided one of these emails to the organization, sent from the Protonmail email server, with screenshots of the aforementioned video attached to it.

According to Kondur, emails of this sort were received by representatives of the Coalition of Roma Organizations in various regions, particularly in Zakarpattia<sup>348</sup>. They also received an ultimatum that members of Roma organizations must give away the “people from the video” who allegedly beat up the soldiers. Otherwise, the letter claims, its authors will commit cruel violence against members of Roma communities.

Yulian Kondur says that he cannot view the email as a threat against him personally, but it expresses the idea that all Roma people supposedly bear collective responsibility for one another. According to him, he himself did not go to the police, but he had a conversation with SSU representatives who said that the emails were likely sent from the territories which are not controlled by the Ukrainian government.

Earlier, ZMINA recorded intimidation attempts based on a similar pattern against the LGBT Association Liga in Mykolayiv. Back then, the criminals sent emails to the organization’s members and to local media (from the Protonmail service as well), in which they declared an intention to organize a terrorist attack<sup>349</sup>.

Yulian Kondur is a representative of the Coalition of Roma Organizations of Ukraine, project coordinator at the Chirikli Foundation, and a lawyer.

<sup>347</sup> Members of Roma organizations received threats due to a previously spread fake video / ZMINA, 29 October 2021: <https://zmina.info/news/representatyvny-romskyyh-organizacij-zayavyly-pro-pogrozy-cherез-poshyrene-ranishe-fejkove-video/>

<sup>348</sup> Threats against the Roma / Tv21 Ungvar, YouTube Channel: <https://www.youtube.com/watch?v=zp-LL7UtwaM>

<sup>349</sup> Unidentified individuals are threatening again to blow up the office of the LGBT Association Liga in Mykolayiv / ZMINA, 8 April 2021: <https://zmina.info/news/nevidomi-znovu-pogrozhyut-pidirvaty-ofis-lgbt-asociazciyi-liga-u-mykolayevi/>

## NOVEMBER 2021

## #discreditation

- On **4 November 2021**, the **OPORA Civic Network** reported a discreditation campaign launched against its representatives in several media and social media, which started after the election of the mayor of Kharkiv on 30 October and lasted for several days.

As ZMINA Human Rights Centre was informed by the Network's representative Yana Zolotarivna, OPORA observers were baselessly accused of absence at polling stations, attempts to disrupt voting by pressuring the election commission, and collaboration with one of the candidates, Mykhailo Dobkin.

This was reported, in particular, by websites such as the *Pervaya Stolitsa*<sup>350</sup> (at least six materials about the organization on this topic and in this vein were recorded), *Kharkovskiye Izvestiya*<sup>351</sup> and *Redpost*<sup>352</sup> (two materials).

In addition, materials with similar accusations also appeared on a number of local social media pages. OPORA activists discovered that a significant fraction of the publications and social media pages had the same advertisers, which can be a sign, in particular, of a coordinated campaign against the election observers, and of the fact that some Facebook posts with misinformation were paid for as political ads<sup>353</sup>.

According to Yana Zolotarivna, discrediting materials against the OPORA Civic Network started after the observers discovered differences between the numbers provided by local election commissions and by district territorial election commissions in favour of the winner of the Kharkiv election, Ihor Terekhov<sup>354</sup>.

The OPORA Civic Network is a nonpartisan non-governmental organization which conducts monitoring and analysis in the field of elections, parliamentarism, education, public property management, energy efficiency, local self-government, and comprehensive implementation of the open data principle. Since 2007, OPORA observers have been analysing the electoral process, monitoring all its stages, working to perfect the electoral law according to international standards.

<sup>350</sup> OPORA decided to support Dobkin and is prepared to go to court for him / First Capital, 2 November 2021: <https://1stolica.kh.ua/news/opora-reshila-podderzhat-dobkina-i-gotova-za-nego-suditsja/>; On the internet, national patriots are being called to come out in support of Dobkin and to block Kharkiv / First Capital, 2 November 2021: <https://1stolica.kh.ua/news/v-seti-prizyvajut-nacional-patriotov-vyiti-v-podderzhku-dobkina-i-zablokirovat-harkov/>; OPORA observers reported violations at polling stations where they weren't even present / First Capital, 2 November 2021: <https://1stolica.kh.ua/news/nabljudateli-opory-zajavili-o-narushenijah-na-uchastkah-na-kotoryh-ih-vovse-ne-bylo/>; Dobkin's headquarters coordinated the actions of OPORA / First Capital, 2 November 2021: <https://1stolica.kh.ua/news/shtab-dobkina-koordiniroval-dejstvija-opory/>; OPORA head, Ayzovskaya, is working in Dobkin's interests / First Capital, 4 November 2021: <https://1stolica.kh.ua/news/rukovoditel-opory-ajvazovskaja-rabotaet-v-interesah-dobkina/>; Dobkin's shadow accounting in this election has exceeded Yanukovich's shadow accounting / First Capital, 4 November 2021: <https://1stolica.kh.ua/news/chernaja-buhgalterija-dobkina-na-jetih-vyborah-perepljunula-cheruju-buhgalteriju-janukovicha/>

<sup>351</sup> They had the task to find something: UVK on representatives of NGO OPORA at the election (video) / Kharkovskiye Izvestia, 5 November 2021: <https://izvestia.kharkov.ua/tv-proekty/u-nih-byla-zadacha-cto-to-najti-uvk-o-predstaviteljah-oo-opora-na-vyborah-video/>

<sup>352</sup> OPORA threatens election commission members. Kharkiv election. Continued (video) / Redpost, 2 November 2021: <https://redpost.com.ua/news/1237861-opora-ugrozaet-chlenam-izbirkoma-harkovskie-vyboryi-prodolzhenie-video/>; Dobkin and Raynin are preparing fake documents against Terekhov, – Kernes's Block / Redpost, 2 November 2021: <https://redpost.com.ua/news/1237850-dobkin-i-raynin-gotovyat-falshivye-dokumenty-protiv-terehova-blok-kernesa>

<sup>353</sup> 7 coordinated Facebook pages joined the information attack on OPORA / OPORA, 4 November 2021: [https://www.oporaua.org/news/polit\\_ad/23716-do-informatsiinoyi-ataki-na-oporu-doluchilis-7-koordinovanikh-feisbuk-storinok](https://www.oporaua.org/news/polit_ad/23716-do-informatsiinoyi-ataki-na-oporu-doluchilis-7-koordinovanikh-feisbuk-storinok)

<sup>354</sup> Statement of the OPORA Civil Network on the results of extraordinary elections of the Kharkiv mayor / OPORA, 5 November 2021: <https://www.oporaua.org/statement/vybory/mistsevi-vybory/23721-zaiava-gromadianskoyi-merezhi-opora-pro-rezultati-pozachergovikh-viboriv-kharkivskogo-miskogo-golovi>

On 31 October, there was a mayoral election in Kharkiv. The position had been vacant since the previous mayor of Kharkiv, Hennadiy Kernes, died. The election winner was Ihor Terekhov. Another prominent Kharkiv political figure, Mykhailo Dobkin, has expressed intention to challenge the election results.

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

- In the evening of **5 November 2021** in **Rubizhne**, Luhansk Region, an unidentified individual tried to set fire to the car of **Valeriy Kharchuk**, the leader of the civil association Anti-Corruption Regional Front. According to the victim, the criminal poured a flammable liquid on the car and tried to set it on fire, but he was frightened by the activist's mother, who saw what he was doing and called her son, so the arsonist could not finish what he started: only the fender liner started burning, but the activist managed to put it out by himself.

As Valeriy Kharchuk claims, when he ran out, he saw the bottle with a flammable liquid still standing next to the car, so he later gave it to the law enforcement for forensic testing. The criminal was also recorded by surveillance cameras.

The Luhansk Region Police have launched proceedings based on the fact of the events according to Part 2 of Article 194 (intentional destruction or damage of property) of the Criminal Code of Ukraine. As of the end of 2021, the investigation was ongoing and nobody was declared a suspect.

The victim associates the arson with his speech at a rally in Rubizhne earlier that day, where he accused the city government of abuses of power by giving themselves bonuses and raises "for intensity" in the period when citizens could not make appointments with them due to the quarantine<sup>355</sup>.

Valeriy Kharchuk is the head of the NGO Anti-corruption Regional Front (active since 2013) which monitors local government purchases, land distribution, etc. According to the activist, they publish the findings of their investigations on the Anti-corruption Front Facebook page and challenge decisions which they believe to be illegal by reporting them to the law enforcement.

The aforementioned incident is one of a series of attacks committed against Valeriy Kharchuk in 2021. His cars were damaged four times: on 1 June, unidentified individuals threw acid at two of his cars which he uses in his business; on the night of 5 April, unidentified individuals set one of his cars on fire; on 15 March, unidentified individuals threw acid at his other car, and later, on 16 July, the same car was burned (see above).

In addition, on 2 July, Valeriy Kharchuk reported that he and another activist were attacked with a chair by the mayor of Rubizhne Serhiy Khortiv when they came to him to discuss the closing of a school for children with scoliosis (see above). The City Council replied to ZMINA's request that citizens had not filed a complaint about an attack by the mayor to the Council. In turn, the Luhansk Region Police informed us that they had launched proceedings based on the events described here, but nobody has been declared a suspect so far.

On 9 September, unidentified individuals threw paint at the door of the apartment where Kharchuk lives with his family.

<sup>355</sup> Fayne Rubizhne. Facebook group, 5 November 2021: <https://www.facebook.com/groups/374580119589298/posts/1516273268753305/>

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

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

- On **15 November 2021**, in **Kyiv**, unidentified individuals stuck a knife into the door of the activist **Dmytro Perov**, who opposes the destruction of antique buildings in the Ukrainian capital, and taped two nails next to it. The activist discovered this in the morning when he was leaving for work<sup>356</sup>.

According to Perov, this was an attempt to put psychological pressure on him and his family (the activist lived with his grandmother at the time of the events).

He associates the incident with his activities in defence of antique buildings which still remain in Kyiv. Dmytro Perov has expressed two versions. One is linked to the Dmytriyev Homestead in Khoryva Street, since before the incident the activist had joined a lawsuit against the illegal cancellation of its status as a monument<sup>357</sup>.

The other version involves the continuing construction works, despite a ban on construction, in Turgenivska Str., where Vasyl Malin's Homestead is located. Perov wrote a social media post about this<sup>358</sup>, and at ten o'clock the same night he received calls from unidentified individuals who insisted on a meeting with him, promising to call him again in a few days. Instead, the activist found the aforementioned "message" on his door.

The police have launched proceedings according to Article 171 (obstruction of the legal professional activities of a journalist) of the Criminal Code of Ukraine. As of the end of 2021, nobody was declared a suspect.

Perov says that he moved soon after the incident with the knife, but after this his grandmother told him about a night visit by strangers who were banging on her door (she did not open, and it never happened again).

Dmytro Perov is a member of the NGO Green Minute, a lawyer in the Renovation Map initiative, a member of the Narodovladdia Party (led by Yuriy Levchenko, who used to be a member of the Freedom Party), and a journalist.



■ A photo from the activist Mykhailo Pohrebysky's Facebook page

<sup>356</sup> Unidentified individuals stuck a dagger in the door of a defender of Kyiv's architectural heritage / ZMINA, 15 November 2021: <https://zmina.info/news/nevidomi-vstromlyl-kyndzhal-u-dveri-zahysnyka-arhitekturnoyi-spadshhyny-kyyeva/>

<sup>357</sup> The court of appeal cancelled the District Administrative Court decision regarding the building in 2 Khoryva Str. / Podil District State Administration in Kyiv City. Official web portal of the KCSA, 3 March 2020: <https://podil.kyivcity.gov.ua/news/15664.html>

<sup>358</sup> Dmytro Perov. Personal Facebook page, 12 November 2021: <https://www.facebook.com/AmiDPerov/posts/1529431474122535>

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

- On **21 November 2021**, at around half past three a.m., in **Kamyanske**, Dnipropetrovsk Region, unidentified individuals set fire to a car belonging to **Ihor Ilkov**, the leader of the organization Joint Action Kamyanske. According to the victim, the wind blew and the car of his common-law wife also caught fire; both cars burned up.

Ihor Ilkov associates the incident with his civil activism and criticism of the local government. According to him, he published facts of abuses which, in his opinion, took place in the city, on his Facebook page, and worked with some of the media.



■ A photo from the victim's Facebook page

The police launched proceedings according to Part 2 of Article 194 (intentional destruction or damage of property) of the Criminal Code of Ukraine. As of the end of 2021, the investigation was still ongoing and nobody was declared a suspect.

Ihor Ilkov is a co-founder and leader of the NGO Joint Action Kamyanske, which specialises in consumer rights protection and, among other things, monitors the city's purchases. He ran for the Kamyanske City Council as a member of the Proposal Party.

In 2020, ZMINA and the Ukrainian Helsinki Human Rights Council reported a troubling trend of a series of attacks on civil activists and journalists in Kamyanske, Dnipropetrovsk Region, in the past few years; investigations of these cases mostly do not find the people involved in these crimes<sup>359</sup>.

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

### #discreditation

On **27 November 2021**, STALKERUA, the Telegram channel of the far-right figure Oleksiy Svyntarenko, published a post about the civil activist and media figure **Pavlo Bondarenko**, in which he was accused of "leading the leftists near the Podil District Department of Internal Affairs" in Kyiv<sup>360</sup>.

The post was referring to the spontaneous demonstration in the evening of 26 November, when several dozen outraged Kyiv citizens came to the district police department, which, according to their information, was about to release a group of young men who organized a pogrom in the Khvyliovy Bar in Podil on the same day and beat up several people, the establishment's guards, with telescopic batons. Bondarenko was among the people who came to the demonstration.

<sup>359</sup> Burning out with fire: WHAT the Kamyanske activists are being attacked FOR. UPDATED / UHHRU, 17 April 2020: <https://helsinki.org.ua/articles/vypaliuiut-vohnem-za-shcho-napadaiut-na-aktyvistiv-kam-ians-koho>; The police has not identified the attacker on the activist Filatov in Kamyanske, but recategorized the crime as a more serious one / ZMINA, 29 May 2020: <https://zmina.info/news/kamyanske-policiya-ne-vstanovyla-osobu-napadnyka-na-aktyvista-filatova-ale-perekvalifikovala-zlochyn-na-tyazhchij/>

<sup>360</sup> STALKERUA / Telegram channel, 27 November 2021: [https://t.me/ua\\_stalker/1360](https://t.me/ua_stalker/1360)

Svynarenko's post was also shared on the Volary Telegram channel, which has been criticised by human rights advocates multiple times for publishing the contacts of activists for the purpose of their persecution by the channel's subscribers, as well as on several other far-right Telegram channels.

Earlier, the Volary had already published messages about Pavlo Bondarenko in the context of the case of the attempt to deport Aleksey Bolenkov, a civil activist from Belarus<sup>361</sup>.

Bondarenko himself reported that after both publications, he did not receive any threats or insulting messages. Nevertheless, publications of this sort allow the subscribers of the aforementioned channels to recognize the activist and be aggressive towards him in the future.

Pavlo Bondarenko is a co-founder of the podcast production startup Radio Podil, an activist of various initiatives, particularly of Who Ordered the Murder of Katia Handziuk? and demonstrations in support of Serhiy Sternenko<sup>362</sup>.

Svynarenko made his post due to Pavlo Bondarenko's participation in a demonstration at the Podil District Department of Internal Affairs. In the evening of 26 November 2021 in Podil, Kyiv, over 15 young people wearing masks beat up the guards of Khvyliovy Bar, sprayed tear gas on the premises, broke the windows and the furniture on the terrace. In addition, the attackers spray-painted far-right slogans and symbols on the walls of the bar. In particular, they left the Wolfsangel, a Nazi and neo-Nazi symbol, on one of the walls.

This was the third case within a week when three Podil establishments faced pressure by members of radical right-wing groups who attempted to disrupt events planned at the venues and accused the establishments of drug trafficking (without providing any evidence of such trafficking).

The first two times, the right-wing radicals gathered near the establishments, blocked the public from entering and not letting anyone out, threw some kind of white powder at people (probably flour), used smoke bombs and left graffiti on the walls, but they did not use direct violence. After the third case, some of the attackers were arrested by the police, but later it became known that



<sup>361</sup> Volary. Telegram channel, 21 April 2021: <https://t.me/antiantifa/1077>

<sup>362</sup> Pavlo Bondarenko, Radio Podil: "If you want to do great things, you need to think not only about today" / The Ukrainians, 30 August 2021: <https://theukrainians.org/pavlo-bondarenko-radio-podil/>

they would likely be released. Then indignant Kyiv residents started gathering next to the Podil Police Department, where the detainees were kept, demanding to hold the pogrom perpetrators accountable.

Another demonstration against the law enforcement's inaction and possible covering of the pogrom perpetrators' illegal actions took place on 29 November near the building of the Ministry of Internal Affairs.

## #physical\_attack

- In the evening of **29 November 2021**, in the underground crossing on Independence Square in **Kyiv**, three unidentified individuals attacked a group of protesters who were returning from the **We Accuse the Police demonstration** near the building of the Ministry of Internal Affairs.

According to one of the victims, a friend of his was carrying a banner reading, "Why do sexy people (me) have to suffer from cops and far-rights," which she did not hide after the demonstration. The victim reports that three men in their 30s or 40s attacked his friend, asking "What do you have there?" and trying to take the banner away from her.

As the woman herself (Iryna) says, there were five attackers in total (a few men ran up to them later). They were wearing black tactical outfits (with Velcro fasteners for chevrons), and she had seen some of them nearby when she was walking across Independence Square and down the stairs into the underground crossing. The attackers started pushing them, grabbed her banner, but they fled when a friend of hers, a Swiss citizen, started complaining and calling for help in English (they realised that he was a foreigner). Iryna says that the attackers had something in their pockets (she believes they had pepper spray cans or knives), but they did not take the items out. According to her, when the attack happened, everyone fled from the crossing tunnel and there were no people nearby.

The next day after the attack, on 30 November, Iryna decided to file a police report, but it was not accepted. First the police said that the attack would be processed by the Subway Police, but when she contacted this branch, she was told that the victims never entered the subway, because they were attacked before the entrance, and sent to the district police department. The victim says that she waited there for 3.5 hours, but her report was never accepted. She only managed to file a report on 20 December.

The We Accuse the Police demonstration was a non-political rally on 29 November 2021 next to the Ministry of Internal Affairs building in response to the right-wing radical attack on Khvylioviy Bar in Kyiv, during which the attackers beat up the bar's guards and sprayed tear gas inside, as well as broke the windows and the outdoor furniture. Groups of far-right radicals tried to block the operations of Khvylioviy and two other establishments in Podil on weekends for three weeks. The law enforcement did not respond properly to multiple reports by co-owners and guests of these establishments.



■ A photo from the demonstration near the MIA building, published in the Telegram channel Visnyk Podilskoho Pizdetsiu

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

- On **30 November 2021**, the far-right figure Yevhen Karas published the personal information of **Maria Hubernik**, a civil activist and sex education lecturer, on his Telegram channel<sup>363</sup>.

The message was formulated in an offensive way (he called her a “trans mutant”) and included an accusation of her alleged promotion of drug use because Hubernik had participated in the We Accuse the Police demonstration against the law enforcement’s inaction during the blocking and pogroms of Podil businesses by the far right, which took place earlier (Yevhen Karas participated in at least one of these actions, announced it as a co-organizer and live streamed from there).

Now Karas published a video recording of the activist’s comment to a media outlet where she condemned the pogrom perpetrators’ actions, as well as screenshots from her social media pages with messages about the topics of her lectures.

The victim told the ZMINA Human Rights Centre that after Karas’s message, she started receiving calls from unknown numbers and some kind of direct messages which were immediately deleted by their senders. According to Maria Hubernik, she is concerned for her safety, because her lectures are open to the public. Some of the organisers have told her that they were contacted by someone, possibly by the right-wing radicals, and these people threatened to come (but they did not).

Hubernik says that she occasionally received messages from Karas’s comrades for over a week after his posts.

In addition, Yevhen Karas published a post about another participant of the aforementioned rally, a left-wing activist Vitaliy Dudin, baselessly accusing him of collaborating with the Security Service during the Yanukovych presidency<sup>364</sup>.

Dudin responded, refuting the accusation and providing the full version of the video from which a screenshot featuring Dudin was taken<sup>365</sup>. According to him, he did not receive any direct messages or calls after Karas’s publication.

Yevhen Karas also identified and mentioned another young woman, Anastasia, a KyivPride volunteer, who was present at the rally; he also accused her of promoting drug trafficking<sup>366</sup>. The activist told the ZMINA Human Rights Centre that after this, she received messages on Instagram from an unidentified individual who also left comments about “pills” under her photos, but she blocked him and the bullying stopped.

Maria Hubernik is a sexologist and blogger. She also attends women’s rights demonstrations as an activist, and after a 2021 rally she witnessed a far-right attack on a group of female activists (see the March incidents).

Vitaliy Dudin is a lawyer, an activist of the (left-wing) organisation Social Movement. Among other things, he opposes the impunity of far-right violence, supports trade unionism, and in 2021 he was among the organisers of a rally on the anniversary of the murder of Stanislav Markelov and Anastasia Baburova in Kyiv on 19 January.

<sup>363</sup> Yevhen Karas. Telegram channel, 30 November 2021: [https://t.me/KARAS\\_EVGEN/3166](https://t.me/KARAS_EVGEN/3166)

<sup>364</sup> Yevhen Karas. Telegram channel, 30 November 2021: [https://t.me/KARAS\\_EVGEN/3149](https://t.me/KARAS_EVGEN/3149)

<sup>365</sup> Vitaliy Dudin. Personal Facebook page, 30 November 2021: <https://www.facebook.com/vitaliy.dudin/posts/4980135712031341>

<sup>366</sup> Yevhen Karas. Telegram channel, 30 November 2021: [https://t.me/KARAS\\_EVGEN/3151](https://t.me/KARAS_EVGEN/3151)

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

- In the evening of **30 November 2021**, the far-right Telegram channel Catharsis (not accessible at the moment of the publication of the monitoring report) published the contacts of the Kyiv activist **Vitaliy Selyk**, noting that he “covered the KyivPride in a positive tone” and consulted the deputy head of the Kyiv City State Administration Kostiantyn Usov, who allegedly “announced a gay parade in his city” (Kryvyi Rih) while he was an MP.

This was probably a response by the Telegram channel’s administrators to Vitaliy Selyk’s coverage on his social media pages<sup>367</sup> of the demonstration organised by the Ukrainian Flag<sup>368</sup> organisation near the KCSA, during which some of its far-right participants (Kristian Udarov) were arrested and allegedly accused of cruel treatment of animals, because they brought sheep to the demonstration in a minibus<sup>369</sup>. The animals were confiscated and handed over to the Kyiv Zoo for safekeeping.

Vitaliy Selyk told the ZMINA Human Rights Centre that after the publication on Catharsis he started receiving mass calls from Russian phone numbers (a type of service along the lines of SMS bombing) and direct messages with GIFs of Nazi symbols and Adolf Hitler. In addition, according to the victim, he recorded at least three attempts to hack his Telegram channel, but they were unsuccessful thanks to two-factor authorisation.

Vitaliy Selyk is the head of the Urbanist Council of Kyiv NGO; since June 2021, he has worked as an advisor for the deputy head of KCSA Kostiantyn Usov. His interests as an activist include urban planning, health care and education reforms. He ran for the Kyiv City Council as a member of the Sluga Narodu party in Podil in the local election of 2020 but did not win.

During the Euromaidan events, he volunteered for the Euromaidan SOS. Before that, he worked with the art group The Last Barricade and was a member of the Foundation of Regional Initiatives. He worked in the media, organised educational and cultural events.

Although the Catharsis publication was probably a response to Selyk’s Facebook post which was picked up by the media, its text refers to his civic position as an activist, particularly in relation to human rights events such as the KyivPride.

## DECEMBER 2021

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

- On **5 December 2021**, a co-founder of the **Postup** Human Rights Centre received a call from a hidden number, during which the caller told her, “Postup! We’ve found you. You’re f\*cked.”

This person is not engaged in public activities on behalf of the organisation right now, but their colleagues assume that their number could still be somewhere in open access.

Postup representatives believe that the call could have been made from the occupied territories. If that is the case, it could also mean that pro-Russian militants or their supporters have gained access to the human rights organisation’s office in Luhansk.

<sup>367</sup> Vitaliy Selyk. Personal Facebook page, 30 November 2021: <https://www.facebook.com/selykv/posts/10215798271269581>

<sup>368</sup> Ukrainian flag. Facebook page, 30 November 2021: <https://www.facebook.com/ukrstyag/posts/365797642009869>

<sup>369</sup> UAnimals. Facebook page, 30 November 2021: <https://www.facebook.com/UAnimals.official/posts/4397127617009090>

The Postup Human Rights Centre was registered in 2000 in Luhansk, but for a few years before that it had already been working as a civil initiative. At first the activists provided aid to children from vulnerable social groups; later they also implemented educational and cultural projects in the region, conducted monitoring research and advocacy campaigns.

When the war in Eastern Ukraine began, Postup activists formed the initiative Vostok SOS (which is a separate charity foundation now) to help internally displaced people and residents of territories near the frontline, and to document human rights violations associated with the conflict.

## #legal\_persecution

- On **9 December 2021**, the Solomyansky District Court of Kyiv partially satisfied a lawsuit of the businessman Hennadiy Korban against the Protect Protasiv Yar NGO and its leader **Roman Ratushny** concerning the damage caused to his business reputation by mentioning his connections with Daytona Group, the company which tried to build high-rises in the territory of this natural area<sup>370</sup>.

According to Ratushny, Hennadiy Korban sued him personally as well as the organisation to make them refute certain information published on Facebook, particularly that he was allegedly the beneficiary of the notorious construction. The court obliged the activists to pay the businessman 50,000 UAH of moral compensation (25,000 from the organisation and another 25,000 from Ratushny) and to publish a refutation.

Ratushny demanded to call Dmytro Palanchuk, the CEO of Daytona Development Company, to court in order to make him explain what he meant when he spoke about the company's connections to Korban (which was mentioned, in particular, by the Chesno Movement, citing other media<sup>371</sup>, and noting that the developed refused to comment on it when asked by the organisation<sup>372</sup>), but Palanchuk did not appear at the hearings, and the decision was made without this information.

Ratushny also claimed that Facebook posts on the Protect Protasiv Yar page cannot be deleted by the NGO because the page does not belong to it, but rather to the Protasiv Yar community (an initiative group) which emerged even before the organisation was established.

Roman Ratushny is the head of the Protect Protasiv Yar organisation, established by the engaged residents of buildings near the aforementioned natural area. The struggle for the preservation of Protasiv Yar in Kyiv is still ongoing.

In 2019, the State Architecture and Construction Inspection of Ukraine issued an order to the developer Daytona Group, banning construction in Protasiv Yar. The developer immediately filed a complaint with the County Administrative Court of Kyiv, which cancelled the validity of the order. However, the activists challenged the first-instance decision, and soon they began to receive threats<sup>373</sup>.

For instance, the user Gennady Korban publicly threatened the activist Roman Ratushny, the head of the Protect Protasiv Yar civil initiative, in Facebook comments (later Hennadiy Korban claimed in conversation with the Chesno Movement that it was not his account). In

<sup>370</sup> Yevhenia Zakrevska. Personal Facebook page, 10 December 2021: <https://www.facebook.com/eugenijazz/posts/4796879537018474>

<sup>371</sup> Protasiv Yar of discord: who in Zelensky's administration is known to be involved in the scandalous development, TSRU / Channel 24, YouTube channel: <https://www.youtube.com/watch?v=hUqSUMAeeak>

<sup>372</sup> Construction in Protasiv yar: Korban's tracks and Zelensky's silence / Chesno, 24 October 2019: <https://www.chesno.org/post/3652/>

<sup>373</sup> Threats, confrontations, courts: what is going on around the construction in Kyiv's green areas / Radio Svoboda, 13 November 2019: <https://www.radiosvoboda.org/a/zabudova-zelnykh-zon-kyeva/30269365.html>

addition, Ratushny reported threats from Andriy Smyrnov and published an audio recording of a conversation with him (the latter later denied that there had been threats in his comment to Radio Svoboda<sup>374</sup>) and attempts at surveillance of him by unidentified individuals, which forced the activist to go into hiding. And the coordinator of the Protasiv Yar community, Yulia Kononenko, was attacked next to the planned construction site.

On 28 July 2020, the Kyiv City Council restored the status of a green area to the land plots in Protasiv Yar and ordered the Kyiv City State Administration to approve a request from the Protect Protasiv Yar NGO to create a regional landscape park there, but in April 2021, the County Administrative Court of Kyiv cancelled this decision<sup>375</sup>. Later, in September 2021, the Sixth Court of Appeal satisfied the complaint of the defenders of Protasiv Yar and cancelled the decision of the CACK<sup>376</sup>.

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

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

- On **9 December 2021**, in **Kyiv**, the civil activist **Mykola Vyhovsky** reported that the lock on the door of his car, which was parked in a parking lot, was damaged.

A few days later, on 11 December, the activist reported that someone stuck a piece of styrofoam into the keyhole of the door to his apartment.

The recurring nature of this petty property damage makes the activist think that it is an attempt to intimidate him.

The latest case, according to Vyhovsky, took place soon after his conversation with a detective regarding his report about items he discovered in his car which looked like location tracking and audio surveillance devices. At that time, Vyhovsky filed a report with the Security Service, but the latter did not launch proceedings but handed the case over to the National Police. According to Vyhovsky, the detective called him to say that he did not see a reason to open a case and invited him to a conversation, which he declined to do.

Mykola Vyhovsky is a public figure, a former coordinator of the Chesno Movement. He ran in the 2019 election as a member of the Golos party. In addition, he is a co-founder of the Civil Sector of Euromaidan, the Reanimation Package of Reforms coalition, he participated in the Who Ordered the



■ A photo from the activist's Facebook page

<sup>374</sup> Deputy head of the OP commented on the audio recording of a conversation with an activist due to which he is in hiding / Radio Svoboda, 4 December 2019: <https://www.radiosvoboda.org/a/news-smyrnov-ratushnyi-zabudova-protasiv-yar/30307249.html>

<sup>375</sup> The court returned the green area in Protasiv Yar to developers / ZMINA, 30 April 2021: <https://zmina.info/news/sud-povernuv-pid-budivnyctvo-zelenu-zonu-v-protasovomu-yaru/>

<sup>376</sup> Sixth Administrative Court of Appeal of Kyiv / Case #160/8226/20, 22 September 2021: <https://reyestr.court.gov.ua/Review/99795963>

Assassination of Katia Handziuk? initiative, co-organized and hosted rallies in support of Serhiy Sternenko and against police brutality, and co-organized the March for Kyiv, in which one of the key demands was to stop the chaotic development of the city.

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

### #discreditation

- On **25 December 2021**, Yevhen Karas, one of the leaders of the far-right association Society of the Future (formerly C14), published a series of posts on his Telegram channel in which he accused the left-wing activist **Aleksey Bolenkov** of involvement in drug trafficking in Podil without any evidence. He called for another so-called “crusade”<sup>377</sup> which is what right-wing radicals call their marches and attempts to block several bars and nightclubs in this Kyiv district which have disrupted several concerts and damaged the property of these establishments.

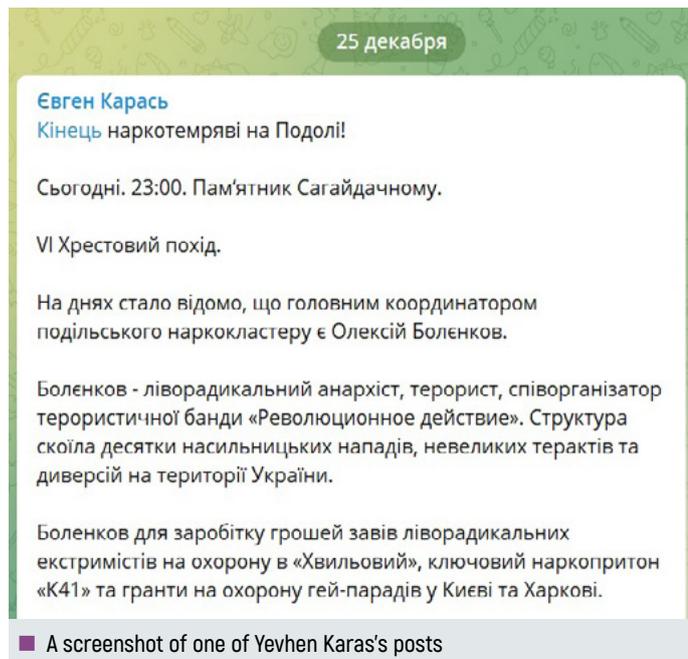
Karas claimed that Bolenkov helped employ anti-fascists as guards at the bars which are recurrently attacked by right-wing radicals. He also baselessly accused Bolenkov of arson of Lifecell cell phone towers in 2019, of attacks and even of terrorist attacks. In fact, however, Bolenkov is not featured as a suspect in any of the cases mentioned by Yevhen Karas.<sup>378</sup>

In addition to Bolenkov, Karas also mentioned the lawyer Masi Nayem and the civil activist Pavlo Bondarenko as people who helped Bolenkov. Earlier, Karas had also mentioned both of them in his posts in an attempt to discredit them; in addition, during one of the so-called “crusades” he groundlessly accused Nayem of involvement in drug trafficking, referring to the lawyer’s ethnicity (which we view as a case of hate speech).

Some of these posts by Yevhen Karas were also shared by Oleksiy Svynarenko, the leader of the far-right group National Resistance (STALKERUA Telegram Channel) and by the right-wing radical Telegram channel Catharsis, which has been criticised by human rights defenders on multiple occasions for publishing personal information and contacts as well as inciting the persecution of activists.

In the end, right-wing radicals held the event announced by Karas. This time there were no reports of vandalism on their part.

The activists mentioned in Karas’s posts have not reported any threats or offensive messages after his publications. At the same time, some comments under one of Karas’s posts can be viewed



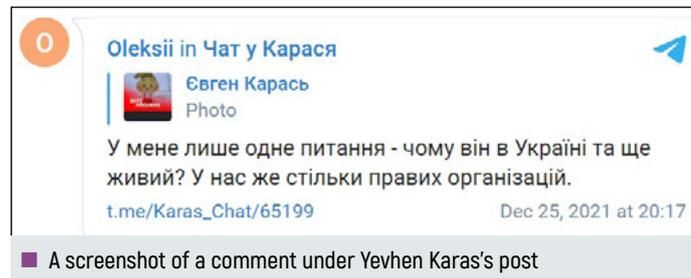
<sup>377</sup> Yevhen Karas. Telegram channel, 25 December 2021: [https://t.me/KARAS\\_EVGEN/3258](https://t.me/KARAS_EVGEN/3258)

<sup>378</sup> Yevhen Karas. Telegram channel, 25 December 2021: [https://t.me/KARAS\\_EVGEN/3259](https://t.me/KARAS_EVGEN/3259)

as threats against Aleksey Bolenkov: “I have just one question, why is he in Ukraine and still alive? We have so many right-wing organisations.”

Aleksey Bolenkov is a Belarusian anarchist and anti-fascist who moved to Ukraine during the Euromaidan and has lived here permanently for a long time. He participated in the Maidan protests, was a member of the left-wing radical organisation Revolutionary Action for a while but then left it.

At the moment, he has organised the La Revolte cooperative which is presented as an experiment in creating an ethical clothing brand; he also participates in human rights and social protest actions.



Svynarenko and Karas have been trying to bully and persecute Bolenkov during the entire story of the Security Service's attempt to deport him from Ukraine (which was successfully stopped through court): they spread discrediting materials, organised rallies, and Svynarenko tried to attack Bolenkov right in the courtroom of the Shevchenkivsky District Court of Kyiv.

Pavlo Bondarenko is a co-founder of the podcast production company Radio Podil and an activist of various initiatives, particularly Who Ordered the Murder of Katia Handziuk? and the rallies in support of Serhiy Sternenko.



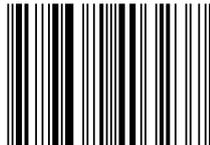




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ISBN 978-966-2403-23-7



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