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Ukraine: Human rights under pressure, their advocates under attack

Introduction

Starting from 28 November 2018, under the presidential decree of 26 November, martial law was introduced in 10 Ukrainian regions following the armed incident, and the arrest of, three Ukrainian warships and their crews by Russian border guards in the Black Sea on 25 November. According to the decree, certain rights and liberties could be restricted in these regions, which border the Russian Federation and the break-away territory of Transnistria in Moldova, for the duration of the martial law, initially set to last for 30 days. At the time of writing, During the duration of the martial law, Amnesty International observed reports that the authorities began restricting public assemblies, freedom of movement for non-residents, in particular citizens of the Russian Federation, and media freedom. The Central Election Commission also cancelled local elections in the regions concerned for the duration of the martial law.

There is also a widespread feeling among the Ukrainian human rights community that the implementation of martial law has not been effectively communicated. The government has not provided detailed explanations as to why it is necessary to restrict particular rights in relation to the naval incident and how these changes will affect people's rights and local communities. The martial law ended on 28 December 2018. It was not renewed by the end of the year.

The state of martial law should not be used to enable human rights violations. Under international human rights law, including treaties that Ukraine is a part of, the scope of the martial law should be limited to the extent strictly required by the exigencies of the situation. This requirement relates to the duration, geographical scope and any measures of derogation resorted to with the introduction of martial law. Under a state of martial law, no derogation can be made from the right to life, the prohibition of torture and other ill-treatment, and the right to a fair trial. Further, the authorities, including army commanders, must make it clear that military personnel of all ranks will not be exempted from prosecution for human rights violations committed when carrying out their duties.

This document does not serve as an exhaustive review of the human rights violations that have occurred, rather, it seeks to provide a bird's-eye view of the human right trends and challenges in Ukraine in 2018.

Summary

The Ukrainian authorities have failed to prevent or investigate numerous human rights violations committed by violent groups in 2018, perpetuating a feeling of impunity among their members which risks encouraging further attacks against human rights activists, political opponents and ethnic minorities.

Independent journalists and media companies, especially those who are accused of disseminating "pro-Russian" views, have increasingly come under pressure by both the authorities and members of violent groups. This pressure has come in the form of threats and

physical violence from violent groups to the parliament voting on imposing sanctions and cancelling broadcasting licenses, aimed at shutting down specific media outlets.

In Russia-occupied Crimea and separatist-controlled territories in Donbass, the human rights situation continued to deteriorate, with the rights to freedom of expression, peaceful assembly and association under serious threat. People who speak out to challenge the de facto authorities in Crimea have been either chased out of the peninsula or imprisoned under trumped-up charges.

With presidential and parliamentary elections scheduled in 2019, politically-motivated violence and reprisals, including prosecutions, against independent media and human rights activists are likely to rise further unless and until the authorities fully and in earnest commit to ensuring and protecting all human rights for every person in Ukraine, without discrimination on the basis of ethnicity, gender or political views. Ukrainian authorities should take decisive steps to stop the surge of violent attacks by ensuring effective, impartial and transparent investigations of all cases. Those who are suspected of being involved in violence should be brought to justice in fair trial proceedings. The authorities should also unequivocally recognise the important role played by civil society activists, and fully respect the right to freedom of expression, including media freedom, and victims of violence should be provided with access to adequate remedy.

Impunity for members of violent groups in connection with violent attacks

2018 was marked by a sharp surge of violent attacks against a range of individuals and groups, often in the name of patriotism and “traditional values”. Those subjected to violence come from different walks of life, and include journalists, human rights defenders, especially those working on women’s rights and the rights of LGBTI people, members of ethnic minorities – particularly Roma – and those whose political views the attackers regard as “pro-Russian”. In almost all instances, the law-enforcement authorities have been slow to react and perpetrators were rarely, if ever, brought to justice. The Ukrainian authorities have not explicitly condemned the violence, while those who perpetrate it have continued to enjoy near-total impunity. Moreover, allegations have been made by various commentators in the media, including on social media, regarding financial and other support these groups may be receiving from certain members of the authorities. Altogether, this has contributed to a feeling among the human rights community in Ukraine that members of these groups are often deliberately allowed to be above the law. This also has a chilling effect on members of Ukraine’s civil society and has discouraged them from holding or taking part in public events, and has reinforced the intimidation sought by the far-right groups who attack the relevant events.

International Women’s Day rallies

There were simultaneous attacks by violent groups in Kyiv, Lviv, Uzhgorod and other cities and towns targeting International Women’s Day rallies on 8 March. Violent attacks were launched against peaceful women’s rights events in broad daylight. Prior to these events, specific far-right groups and their members had issued threats online against the organisers and intended participants. The physical presence of police forces during the rallies did not serve as a deterrent to those who had issued the threats, and no immediate arrests were made of those who perpetrated violence. Subsequently, a number of social media users accepted responsibility for the relevant attacks. Nonetheless, the Ukrainian authorities have failed to investigate (in most cases), or investigate effectively the relevant threats and attacks, and bring those responsible to justice.

In Uzhgorod, four women and two men threw paint at women rights activists in the presence of local police. The attackers were apprehended by the local police and then released shortly after. Following complaints from the victims of the attack, the police started an investigation under three articles of the Ukrainian Criminal Code – hooliganism (Article 296 part 2), hate crimes (Article 161 part 1) and interruption of lawful activities by civil society organisations (Article 170). Subsequently, the leading investigating officer in the case closed the

investigation into Articles 161 and 170 because he considered them inapplicable to the case. The victim's lawyer told Amnesty International that she has filed an appeal. The lead investigator also requalified the investigation under Article 296 to lesser charges under Article 125 (intentional minor injury), which carries a fine or public labour as opposed to other penalties, including prison sentences, under Articles 161, 170 and 296. The lawyer's appeal was successful, and a judge ordered the case to be additionally investigated. A subsequent judge on 30 November, however, disregarded the appeal ruling and ruled for the investigation to be submitted to court with only the lesser charge under Article 125. It was unclear, at the time of writing, how these two opposing rulings will affect the inclusion of the hatred motive under Article 161 into the case. The police also did not properly inform the victims in the case of these developments and they only found out about it after their lawyer specifically inquired about the course of the investigation.¹

In Lviv, attackers threw bricks at a tram carriage with activists inside as they were leaving the International Women's Day rally. Despite available video evidence, no one has been arrested in connection with the attack. Later in the day, another demonstrator was beaten by far-right activists near his home and suffered a fractured skull.

In Kyiv, the police present at the scene did not intervene when attackers threw "brilliant green", a type of antiseptic that is hard to wash off, at the participants after the march. Olena Shevchenko, one of the organisers of the rally, was also told by the police at the scene that she allegedly violated the rules governing public demonstrations in the Administrative Code of Ukraine. On 12 March, a court hearing in the case for the alleged violation of rules governing public assemblies against Olena Shevchenko was held at a Kyiv court but it had to be adjourned after some 20 men entered the court building and threatened Shevchenko and her lawyer Oksana Guz with violence. They had to call a private security company to be able to leave the premises. During the adjourned hearing on 15 March, the judge acquitted the defendant.²

Roma communities

Each spring, Roma communities from western Ukraine travel to bigger cities in search of seasonal work such as collecting scrap metal. They often live in makeshift camps near transportation hubs such as railway stations or in desolate parks or remote wooded areas, such as Lysa Hora in the Holoseevskiy District of Kyiv. The arrival of the Roma seasonal settlers has frequently provoked xenophobic rhetoric online from various far-right groups. In 2018, there was a troubling spike in the number of violent attacks against Roma camps, including two murder cases. The authorities' response to these incidents has been slow and often ineffective.

On the evening of 20 April 2018, members of the far-right group C14 attacked the makeshift camp of a group of Roma families in Lysa Hora. Prior to the attack, the site was visited by men some of whom identified themselves as C14 members who claimed to be members of Holosiyivskiy District administration, on at least two occasions, two months previously and shortly before the attack. The visitors demanded that the Roma families promptly leave the site. According to eyewitnesses, during the attack on 20 April the assailants used pepper spray gas, knives and other cold steel weapons, and possibly firearms. Some of the eyewitnesses' accounts are confirmed by publicly available video of the incident. The attackers burnt down 15 tents and chased out the residents. The following day, in reply to media queries, the police stated that they had not received any complaints about the incident and refused to comment on it. Meanwhile, members of C14 reported the event online as their successful initiative, and

¹ For more information about the attack in Uzhgorod and how Amnesty International is calling people to action, please see <https://www.amnesty.org/en/latest/campaigns/2018/06/vitalina-lgbti-activist-in-ukraine/>;

² For more information on the events in Ukraine during the International Women's Day marches in 2018, see Amnesty International, "Ukraine: Authorities failing women's rights activists by pandering to far-right groups", available at <https://www.amnesty.org/en/latest/news/2018/03/ukraine-authorities-failing-womens-rights-activists-by-pandering-to-far-right-groups/>.

claimed – in deliberately ambiguous language – that they used “persuasion” but not violence to achieve their goal. It was not until 25 April, when a video taken during the attack, was published online by LB.ua news site that the Minister of the Interior, Arsen Avakov, publicly condemned the attack as ethnically motivated and the police officially confirmed that they were investigating the incident. The video clearly showed men violently chasing women with children; they can also be seen throwing objects and spraying gas from canisters at the victims of their attack.³ Eventually, the police detained one of the leaders of C14, who had posted about the attack on his Facebook page, and officially charged him with hooliganism (under Article 296 of the Ukrainian Criminal Code) in connection with this attack. Members of C14 and other far-right groups, protested the decision to prosecute their leader by showing up during court hearings in the case and resorting to intimidating actions against the authorities. Then, on 30 October, the Holosiyivskiy District Court in Kyiv noted that the Ukrainian police had committed procedural violations when their members served the self-proclaimed attacker with criminal charges (notice of suspicion). The court annulled the charges, and while the criminal case is still open no-one is currently charged with the offence as a result. The Prosecutor’s Office stated that it would appeal the decision but had not yet done so at the time of writing.

On 1 July, unidentified assailants stabbed and killed a 30-year-old Roma woman in Berehove, Zakarpattya region, in western Ukraine. About a week earlier, on 23 June, masked men armed with knives and other weapons raided a Roma camp in Lviv, western Ukraine. Close to midnight, approximately 10 masked men wielding knives and hammers attacked a recently-erected Roma settlement on Truskavitska street in Lviv. The attackers killed a 23-year-old man and injured two 19-year-old men, a 30-year-old woman and her 10-year-old child. The residents of the Roma camp called the police, who arrived shortly afterwards. The police arrested seven alleged perpetrators, all aged under 18, and the alleged organiser of the attack, a 20-year old man.

The Prosecutor’s Office in Lviv also announced that a total of 14 individuals were wanted in connection with the attack; six of them are still at large at the time of writing.

All those arrested are being investigated as suspects in the case of a murder by a group, hooliganism, hate crime and involving minors in criminal activities (under Articles 115 Part 2; 161; 296 and 304 of the Ukrainian Criminal Code). At the time of writing, the investigation is still ongoing.

In light of the slow and often ineffective response by the Ukrainian authorities to these attacks, the climate of impunity for their perpetrators prevails. Often, rather than taking a strong and uncompromising position regarding violence by members of far-right groups, senior members of the authorities appear to seek to shift the blame elsewhere. For example, in his latest public pronouncement on 25 June about the killing of a Roma man two days earlier, the Head of the Ukrainian Security Service, Vasyl Hrytsak, alleged that Russia or some Russia-based group could be complicit in the attack, but did not clarify or substantiate this claim. There have been a number of other instances when senior Ukrainian officials alleged that Russia was responsible for, or complicit in, crimes committed in Ukraine.⁴

Lesbian, gay, bisexual, transgender, and intersex events

Another regular target of attacks by members of far-right groups were lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights activists and events dedicated to the rights of LGBTI people. In most cases, they exhibited aggressive homophobic and transphobic behaviour including verbal abuse and threats, and engaged in physical attacks against participants in

³ A video of the attack obtained by the LB.ua website is available here <http://bit.ly/2HwXUCn> (accessed 22 November 2018).

⁴ For more details about this and other attacks against Roma, see Amnesty International, “Ukraine: Swift, Decisive, Action Required To Bring Perpetrators of Two Fatal Attacks Against Roma to Justice”, available at <https://www.amnesty.org/en/documents/eur50/8708/2018/en/> (accessed 22 November 2018).

LGBTI-themed events. In several instances, the police failed to take sufficient action to protect participants and enable them to safely hold LGBTI-themed events. By contrast, during the LGBTI prides in Kyiv, Odesa and Kryvyi Rih the police provided sufficient protection and ensured that violence towards LGBTI rights activists was avoided.

The annual Kyiv Pride demonstration, “March of Equality”, held on 17 June 2018 brought together thousands of people in a display of solidarity with LGBTI people in Ukraine and marked a significant human rights achievement for the country. Up to 5,000 people took part in the rally that peacefully marched the length of a mile from the National Opera of Ukraine to Leo Tolstoy Square.⁵

In most other cases involving far-right groups, however, the Ukrainian authorities failed to protect the participants and ensure that the planned events could take place safely. Thus, for example, an open public event ‘The Offensive against LGBTI Rights as a Form of Censorship: The Russian experience’ was due to be held at the privately hired Underhub venue in Kyiv on 10 May, with representatives from Amnesty International, Human Rights Watch and Kyiv Pride participating as speakers. More than 20 attackers arrived at the venue and threatened the participants with violence unless they left. The owner of the venue told the organizers to cancel the event and vacate the premises. Five officers from Pechersk District Police force were present but refused to intervene. Only after the arrival of a group of City Patrol Police more than an hour later were the participants able to safely leave the venue, but the event had to be cancelled. Amnesty International has complained to the police about the incident, including the inaction of the District Police officers, the unlawful disruption of the event and the threats made against its intended participants but at the time of writing the organisation is not aware of any tangible progress in the case, and whether any official investigation into the complaints has taken place.⁶

In a handful of cases when investigations did start, the police rarely, if ever, have considered the aggravating hate motive of the attacks, including in the attacks against LGBTI activists and ethnic Roma, and have treated the incidents merely as hooliganism, which is a minor offence. By failing to prevent such attacks where sufficient prior knowledge exists, or prosecute perpetrators in the event of attacks, the Ukrainian authorities fail to uphold the country’s international human rights obligations and ensure the right to freedom from discrimination, as well as the rights to freedom of expression and peaceful assembly, for all in Ukraine. To successfully remedy the harm suffered by victims, a full, timely independent and effective investigation is needed in each and every such incident.

Violence against human rights defenders and other civil society activists

International human rights organisations, including Amnesty International, have documented more than 50 attacks on activists and human rights defenders in Ukraine during 2018.⁷ A coalition of local human rights groups puts the number even higher at more than 300 attacks.⁸ Those under attack include people working to defend the rights of LGBTI people, protect the environment, and campaign against corruption.

⁵ For additional details, see “Ukraine: “March of equality” in Kyiv is a new human rights triumph”, available at <https://www.amnesty.org/en/latest/news/2018/06/ukraine-march-of-equality-in-kyiv-is-a-new-human-rights-triumph/> (accessed 22 November 2018);

⁶ For more information on the attack against this event, see Ukraine: Attack on LGBTI event highlights police failure to confront far-right violence, available at <https://www.amnesty.org/en/latest/news/2018/05/ukraine-attack-on-lgbti-event-highlights-police-failure-to-confront-far-right-violence/> (accessed 22 November 2018);

⁷ See Amnesty International, “Ukraine: Address Attacks Against Activists and Human Rights Defenders”, available at <https://www.amnesty.org/en/documents/eur50/9201/2018/en/>.

⁸ For a map of the attacks from the Ukrainian Coalition for Protection of Civil Society, see <http://cs-coalition.org/ua/mapa-zahroz> (accessed 22 November 2018);

In the vast majority of cases there has been no effective police investigation into these incidents and those responsible have not been brought to justice. In the absence of effective official investigation, those who suffered the attacks or their friends and colleagues have often resorted to conducting their own investigations by gathering evidence and interviewing witnesses, which in some cases has led to the identification of suspects. Without an official authority, however, these efforts were limited in terms of what they could achieve. In some of the most violent and shocking cases, such as the murder of the environment activist Mykola Bychko in Ekshar, Kharkiv region, some initial tangible progress in the investigations ultimately failed to deliver justice. Typically, in response to public outcry, officials make public promises to establish the perpetrators. These are often not followed through while public interest gradually tends to fade. There were also worrying pronouncements, such as that by the Prosecutor General Yuriy Lutsenko made on 27 September in the context of mounting public outcry in response to Kateryna Handzyuk's killing (see below) and other recent violent attacks against civil society activists,⁹ that the activists themselves were responsible for the violent attacks against them because they had criticised the authorities. The case of Kateryna Handzyuk, an anti-corruption activist from the southern city of Kherson who died of injuries sustained during an acid attack (details below), exemplified the inadequacies of the authorities' response to such attacks.

On 31 July, an assailant threw acid at Kateryna Handzyuk, a local council member who monitored police activities, in Kherson. She suffered 40% burns to her body, was hospitalised and had multiple surgeries but never recovered and died in hospital on 4 November.

Local police initially arrested a man and reported that he had confessed to the crime. It soon transpired that his "confession" had been forcibly obtained. According to his sister, the man had been outside Kherson on the date of the attack, and several other witnesses confirmed this. He spent a total of 19 days in detention and was released without charges. The police subsequently arrested six suspects, four of whom admitted their involvement in the attack. Initially, the police were investigating the case as an "attempted murder" but were not looking for anyone who might have commissioned this crime. Later, in October, in response to the repeated requests by the victim's lawyer, the crime was re-qualified as a "contract murder". The lawyer, like Handzyuk's numerous vocal supporters, was convinced that the attack had been commissioned by an influential person in retaliation for her civic activism. Eventually, the Security Service of Ukraine (SSU) took over the investigation from the National Police of Ukraine, already after Handzyuk's death in hospital. Since then, the authorities named two new suspects but, at the time of writing, those who had allegedly ordered the attack have not been identified or named publicly as such.¹⁰

The Ukrainian authorities should address threats, harassment and attacks against human rights defenders including, where applicable, by ensuring prompt, thorough, impartial and independent investigations into such incidents and bring those suspected of responsibility to justice in fair trials.

The Ministry of the Interior, the Prosecutor General's Office, and other relevant authorities should also take steps to prevent further attacks, including explicitly recognizing and facilitating the important work of human rights defenders, and acknowledging their contribution to the advancement of human rights. Decisive action is needed to ensure that human rights defenders can work in a safe and enabling environment where it is possible to defend and promote human rights without fear of punishment or reprisals. The authorities should also establish, in consultation with human rights defenders and civil society, national protection mechanisms for human rights defenders at risk.

⁹ See Lutsenko zvintuvativ aktyvistiv u "totalnyj nenavysti do vlady" (Lutsenko accuses activists of "total hatred for the authorities"), *Ukrayinska Pravda*, available at <https://www.pravda.com.ua/news/2018/09/27/7193378/> (accessed 7 December 2018);

¹⁰ Also see Amnesty International, "Ukraine: Legacy of murdered activist must be an end of impunity for attackers", available at <https://www.amnesty.org/en/latest/news/2018/11/ukraine-legacy-of-murdered-activist-must-be-an-end-to-impunity-for-attackers/>.

Harassment of journalists and independent media

2018 has also been marked by further encroachment against freedom of expression and media freedom. Criminal proceedings have been initiated against individuals who openly challenged the official narrative about the conflict in eastern Ukraine. Those who criticised the authorities on, for example, anti-corruption topics have faced harassment and intimidation through physical violence and surveillance of their communications. On 4 October, the Ukrainian parliament took an unprecedented step by voting measures intended to shut down 112 and NewsOne TV channels, both of which have regularly criticised the Ukrainian authorities. The parliament addressed the National Security and Defence Council (NSDC) of Ukraine, asking it to introduce sanctions against the companies that own these TV channels and to remove their broadcasting licenses. At the time of writing, these measures have not yet been implemented. The Ukrainian authorities must respect the right to freedom of expression. Any measures to restrict it should be justified by legitimate aims enshrined in national law and limited to the minimal scope needed to achieve them, as should any punitive measures for any alleged offense. Procedural safeguards, such as judicial review and the ability to appeal the restrictions, must be respected.

Anti-corruption journalists Nataliya Sedletska and Krystyna Berdinskyh were surprised to discover in late August that the Pecherskiy District Court in Kyiv had granted permission to the Prosecutor General's Office to monitor their phones' location, call logs and text messages for more than a year as part of an investigation against the Head of the National Anti-Corruption Bureau, Artem Sytnik. The journalists are witnesses in this case because they have been in contact with Sytnik during the course of the investigation. Sedletska was able to successfully overturn the initial decision of the Pecherskiy District Court while the hearing into Berdinskyh's appeal has been repeatedly delayed for procedural reasons, effectively leaving the decision approving surveillance of her phone in place.

Vasyl Muravytskiy, a journalist from Zhytomyr, is facing a plethora of charges including "high treason", "threatening the territorial integrity of Ukraine", "participation in a terrorist organization" and "inciting hatred". All charges arise from his work for Russian language websites, suspected by the Security Service of Ukraine (SBU) of being administered from Russia or from territories under separatist control in eastern Ukraine. The authorities arrested him on 2 August 2017, a few days after his first child was born.

The legal proceedings against Vasyl Muravytskiy have been marred by a number of irregularities, including intimidation against him and his lawyer and pressure by the Ukrainian security services and far-right groups. During the court hearing on 6 September 2018, members from a far-right group openly threatened Muravytskiy and his lawyer inside the courthouse and then physically assaulted the lawyer, causing some minor injuries, including bruising. During the assault, a police officer was present at the scene talking on his mobile phone and appearing to take no notice.¹¹ The key piece of evidence against Vasyl Muravytskiy presented by the SBU were his contractual relations with the Russian news agency RIA Novosti. This, in itself, does not constitute a criminal offence under Ukrainian law.

The SBU also published a list of articles authored by Muravytskiy which it alleged violate the Ukrainian Criminal Code. Amnesty International has analysed these articles and could not find any statements that constitute calls for violence or incitement of hatred, or any other criminal offence.

¹¹ For a full video of the incident, please see <https://www.youtube.com/watch?v=g9p5MghPuXA> (accessed 7 December 2018).

Ukrainian authorities must drop all charges against Vasyl Muravytskyi, a journalist and prisoner of conscience who has spent months in detention for criticizing the Ukrainian authorities' approach towards Russian-occupied Crimea and the conflict in eastern Ukraine.¹²

Shrinking space for civil society organisations

At the start of the new parliamentary season in September, the Ukrainian authorities touted the dangerous possibility of adopting a “foreign agents” law for civil society organisations. When addressing the Parliament on 20 September, President Petro Poroshenko also expressed his support for the idea with the aim to expose alleged networks of Russian-funded organisations. While there is no text of the draft law available at the time of writing, local civil society organisations have already raised alarm that such a document could be used to target all independent civil society organisations by imposing on them discriminatory reporting and other requirements, with severe penalties for non-compliance. Earlier in the year, members of civil society organisations exposing corruption were obliged for the first time to submit personal financial declarations, akin to those required from government officials. This measure, adopted in 2017 and which came into force in 2018, is widely seen by the human rights community in Ukraine as a reprisal against anti-corruption activists who have exposed dozens of former and current officials.

Accountability for conflict-related abuses

The simmering conflict between Ukrainian and Russian-backed forces in eastern Ukraine continued in 2018 with daily exchanges of fire in breach of the Minsk II cease-fire agreement, signed in February 2015. At the same time, Amnesty International continued to receive reports of illegal detentions, torture and ill-treatment being carried out by both sides of the conflict. This shows that the concerns outlined in the Amnesty International report, “*You Don’t Exist*”, from 2016 have not been adequately addressed.¹³ Both sides continue to commit human rights violations and have made little to no attempt to prevent or remedy them.

The inaction of the authorities in response to the well-documented in the report allegations of SBU operating “secret prisons”, despite ample evidence of wrongdoing and personal promises from top government officials to personally oversee the investigation, is indicative of their resistance to an effective investigation of these allegations. In May 2018, a lawyer representing Kostyantyn Beskorovaynyi, one of those secretly detained for more than a year at the premises of the Kharkiv SBU building, told Amnesty International that the Military Prosecutor’s Office in Donetsk Region had changed Beskorovaynyi’s procedural status from “victim” to “witness” and had then closed the case into his enforced disappearance and unlawful detention. Neither Beskorovaynyi, nor his lawyer, were informed of this decision and it was only after the lawyer specifically inquired about the progress in the investigation that it was discovered. After several unsuccessful attempts to appeal the first decision, Beskorovaynyi’s status has ultimately been restored to that of a “victim”, and the investigation has been restarted. However, the investigation has failed to produce any tangible results in more than two years after Beskorovaynyi’s release.

Stanislav Aseev, a Ukrainian freelance journalist and prisoner of conscience, has been unlawfully imprisoned by the de facto authorities of the self-styled “Donetsk People’s Republic” (“DNR”) since early June 2017. It is understood that Stanislav Aseev started a hunger strike at the end of June 2018, demanding his release and better detention conditions

¹² For more details about the case, see Amnesty International, “Ukraine: Drop spurious charges against prisoner of conscience on trial for treason”, available at <https://www.amnesty.org/en/latest/news/2017/12/ukraine-drop-spurious-charges-against-prisoner-of-conscience-on-trial-for-treason/>.

¹³ The full report Ukraine: “You Don’t Exist”: Arbitrary Detentions, Enforced Disappearances, and Torture in Eastern Ukraine is available at <https://www.amnesty.org/en/documents/eur50/4455/2016/en/> ;

and medical care in the meantime. Stanislav Aseev is currently being held in an informal detention facility called Izolyatsiya, which used to be a factory and then an art space before the beginning of the conflict in eastern Ukraine in 2014. The de facto authorities have repeatedly denied visits to Stanislav Aseev by the UN Special Monitoring Mission to Ukraine. The UN Mission has confirmed Stanislav Aseev's location with a former detainee in Izolyatsiya, who spoke to the mission after his release.

There are also credible allegations that, in June 2017, Stanislav Aseev was subjected to torture or other ill-treatment in detention, although Amnesty International is not able to independently confirm this information.

The detention conditions in Izolyatsiya do not comply with international standards, according to people who were held in the facility and released during a prisoner exchange between the Ukrainian authorities and the "DNR" in December 2017. The space, amongst other things, does not have a health-care service and health-care is provided only on an ad hoc basis. According to Ehor Firsov, a former Ukrainian MP and friend of Stanislav Aseev, Stanislav Aseev is being held in a humid, cold room in the basement of Izolyatsia and, as a result, has developed a bad cough, for which he has not received adequate treatment.

Agents of the so-called "Ministry of State Security" ("MGB") of the "DNR" claim Stanislav Aseev committed espionage, an accusation which appears to be related to Stanislav Aseev's work as an undercover journalist, reporting on Donetsk. The "investigation" into the espionage allegations are ongoing. There are serious concerns about his health and the arbitrary nature of the proceedings against him.¹⁴

Human rights violations in Crimea

The constant and steady deterioration of human rights in Crimea since its occupation and annexation by Russia in 2014 has continued over the past year. The rights to freedom of expression, peaceful assembly and association have been suppressed, and Russia's unduly restrictive legislation – and in many instances much more repressive practice – have been introduced wholesale in Crimea by Russia since 2014. Free peaceful protest is effectively no longer possible, several independent groups and organisations have come under pressure and intimidation or been outlawed arbitrarily – specifically the Mejlis of the Crimean Tatar People – and criticism of the authorities is usually followed by reprisals, often through administrative or criminal proceedings. Russia has continued to violate international humanitarian law, which obliges it to respect the laws of the occupied territory. Dozens of ethnic Crimean Tatars have been arrested under politically motivated charges, including many as alleged members of the Islamist organisation Hizb ut-Tahrir, which is listed as a "terrorist" group in Russia. Those standing trial under terrorism-related charges are transferred to Rostov-on-Don in Russia to face the Northern Caucasus Region Military Court, in violation of international humanitarian law.

In the face of ongoing reprisals against members of the Crimean Tatar community and faced with the denial of their right to freedom of association, a group of relatives of Crimean Tatars prisoners created an informal group known as the Crimean Solidarity. The group meets occasionally, and its primary purpose is offering peer to peer support to its members and their families. In the absence of free media and faced with severe restrictions of freedom of expression, the group also seeks to keep the Crimean Tatar community informed about reprisals faced by its members and to disseminate the relevant information outside Crimea. Their meetings are regularly interrupted by the de facto authorities on various pretexts, such as random ID checks, and its members are harassed by de facto law enforcement officials in other ways. On 22 March, the de facto authorities arrested one of the most active members of the group, blogger Nariman Memedeminov, accusing him of "propaganda of terrorism", on

¹⁴ For more information, see Amnesty International, "Ukraine: Prisoner Journalist Goes on Hunger Strike: Stanislav Aseev", available at <https://www.amnesty.org/en/documents/eur50/8754/2018/en/>.

account of some videos he had posted on his YouTube blog between 2013 and 2015. Nariman Memedeminov remains in custody while the criminal investigation against him is ongoing.

It is not only members of the Crimean Tatar community who have faced violations of their right to freedom of association in Crimea. Olha Pavlenko and Alena Popova are activists from the independent Ukrainian Cultural Centre in Simferopol, an organisation created in 2015 that seeks to preserve and promote Ukrainian language, history and culture in Crimea by organising events such as movie screenings, literary discussions and publishing a Ukrainian-language newspaper. In April 2018, they were summoned to the de facto Prosecutor's Office in Simferopol "to discuss" the work of their organisation, but refused to give statements, citing their right not to testify against themselves. It is unclear whether there were any criminal proceedings against them at the time. In the early hours of 29 August, officials from the Russian Federal Security Service raided and searched the house of Olha Pavlenko in connection with "suspicions" that she may have links with the Right Sector, an organisation registered in Ukraine and banned in Russia as "extremist". She then chose to promptly leave Crimea, fearing for her safety.

Oleg Sentsov, a film director from Crimea arrested by de facto authorities in 2014 and sentenced in Russia to 20 years in prison following a deeply flawed trial, held a hunger strike between 14 May and 5 October in protest against the politically motivated prosecution and imprisonment of dozens of Ukrainians in the Russian Federation. Amnesty International requested a permission for its representatives and an independent medical expert to visit Sentsov in prison. On 30 July 2018 the organisation received a letter from Valery Balan, Deputy Director of the Russian Federal Penitentiary Service, denying the request. The letter stated that Sentsov's health had been assessed as stable with no "negative dynamic". As a result of the hunger strike, Oleg Sentsov's health reportedly deteriorated significantly. Amnesty International reiterates its call for his immediate release.¹⁵

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¹⁵ See Amnesty International, "Russia: Amnesty International denied access to Oleg Sentsov, on hunger strike for 81 days" for additional details. Available at <https://www.amnesty.org/en/latest/news/2018/08/russia-amnesty-international-denied-access-to-oleg-sentsov-on-hunger-strike-for-81-days/>.