

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Ukraine: Activists sentenced for a peaceful environmental protest**

Amnesty International is concerned about human rights abuses that have reportedly been perpetrated against environmental activists during demonstrations in Kharkiv. The organization considers that two activists, Andrei Yevarnitsky and Denis Chernega, are prisoners of conscience, who have been sentenced for exercising their rights to freedom of expression and freedom of assembly and has called for their immediate and unconditional release. Although their sentences were subsequently decreased, the organization still calls for the legality of the charges to be investigated and for them to be compensated for their ordeal.

Furthermore, Amnesty International is concerned that the police reportedly failed to protect demonstrators from the violent actions of employees of a security firm and loggers, resulting in several people being injured. The organization is also concerned about allegations of the use of violence against the peaceful protestors and the denial of medical care.

On 20 May 2010, logging crews employed by the Kharkiv City Council started felling trees in Gorky Park, a 1,800 hectare forest park first planted in the nineteenth century. The Kharkiv City Council is planning to build a road and construct commercial leisure facilities; however, it failed to conduct a public consultation as had been ordered by the State Environment Protection Department in 2007, nor were the necessary land allocation and land inspection certificates obtained. The construction work was based solely on a decision of the Executive Committee of Kharkiv City Council, taken on 19 May, the day before logging started, and giving permission to fell 503 trees. According to the environmental organization *Pecheneg*, during the first week alone loggers had already cut down 20 per cent more trees than allowed by the decision of the Executive Committee.

As logging crews started work on 20 May, local citizens and environmental activists started to gather in the park and attempted to stop the tree cutting by standing in front of the trees, sitting in the trees, and chaining themselves to the trees. More and more people joined the protest until, by 2 June, when the protest was forcibly dispersed by logging crews, about 200 people of all ages had gathered in the park. The protestors were opposed throughout the period by security guards employed by a commercial company, established by the City Council, called "Municipal Guard". The security guards were joined by logging crews and employees of a construction company. At various points during the protest they reportedly attempted to remove the protestors forcibly, swore at them and insulted them. Police officers were present throughout most of the events, but rather than protecting the protestors from the actions of the "Municipal Guard", loggers and construction workers, the police reportedly failed to protect the demonstrators from the violent actions of the "Municipal Guard", logging crews and construction workers.

#### **PRISONERS OF CONSCIENCE**

On 28 May, 10 to 12 people were detained by the police officers, amongst them **Andrei Yevarnitsky** and **Denis Chernega**. They had been in the park at 6am on 28 May when a large number of "Municipal Guard" security guards started to break up the human chain which had been formed by the demonstrators. The protestors were taken to the Dzerzhinsky district police station where they were detained for approximately eight hours before being brought before a judge and released. Eight of these people, including Andrei Yevarnitsky and Denis Chernega, have since been charged with offences. One was subsequently acquitted, two have been fined and three cases are still pending. On 9 June, Andrei Yevarnitsky and Denis Chernega were sentenced to 15 days' detention.

Video footage of the events shows that the demonstrators did not use any violence and went with the police officers peacefully. Witnesses state that at no point during these events did the police officers make any requests or demands to the demonstrators that might have resulted in these charges.

On 18 June the sentences of Andrei Yevarnitsky and Denis Chernega were reduced on appeal to nine days and they will be released at 18.00 today. However, Amnesty International remains concerned that they were sentenced for the peaceful expression of their views and asks for the legality of the charges against them to be investigated and for them to be offered just compensation for their ordeal. The organization is also asking the authorities to ensure that no one else is sentenced for the exercise of their rights of freedom of expression and assembly and to ensure that the police respect and protect these rights.

#### **ALLEGATIONS OF USE OF VIOLENCE BY THE “MUNICIPAL GUARD” AND LOGGERS**

Amnesty International is also concerned that on various occasions throughout the 14 days of the protest the demonstrators were subjected to beatings, threats, and dangerous tactics (described below) by the “Municipal Guard” and the loggers that put their lives and well-being at risk. The police reportedly did not intervene despite being present and thereby failed to protect the demonstrators. For example, on 21 May, Yuriy Kalchenko and Evgeniy Solovyov were reportedly beaten up by loggers.

On 27 May, two people were injured when a group of demonstrators were pinned to the ground by a mechanical digger deliberately lowering its shovel onto them. The demonstrators asked police officers on location for protection, but the police did not respond and shortly after this event unknown men in builders’ orange jackets beat up the demonstrators. Police officers reportedly watched for half an hour and took no action to protect the demonstrators. On 31 May, “Municipal Guard” personnel allegedly attempted to push the demonstrators away from the tree felling operations; several demonstrators were beaten, including journalists. Fifty-two year-old Liubov Melnik reported that she was hit several times on the back by security personnel suffering a spinal injury, and required hospitalization. Police officers were present but did not intervene. Protesters also reported that during the night of 31 May to 1 June wire traps were set along paths that were being used to bring food and water to the demonstrators and as a result several people tripped and were injured. On 2 June, at 4.45pm “Municipal Guard” personnel and loggers with chainsaws arrived. Reportedly, some demonstrators were threatened with chainsaws, and the loggers started to saw down the trees regardless of the fact that demonstrators were still sitting in the trees. One demonstrator, who was sitting high in a tree, was not able to climb down because the loggers had removed his ropes, and he was badly injured when a neighbouring tree fell on top of him as it was cut down. A second demonstrator was injured when employees of the “Municipal Guard” pulled him out of a tree by his ropes.

Amnesty International has reminded the Ukrainian authorities that according to international human rights law states have an obligation not just to protect freedoms of expression and assembly by not interfering with those rights, but also have a positive obligation to secure their effective enjoyment without interference by a third party. The organization is therefore urging the authorities to investigate the allegations of use of force and dangerous actions by the security firm “Municipal Guard” and logging crews, as well as the failure of the police to protect the protestors from the actions of non-state actors. If they are found to have acted illegally, the authorities should ensure that they are brought to justice in a fair trial and that the victims receive redress and reparation.

#### **THE RIGHT TO HEALTH**

Finally, Amnesty International has expressed its concern that injured demonstrators were reportedly refused medical care and pressurized not to report their injuries by “Municipal Guard” personnel. Reportedly, “Municipal Guard” personnel came to visit **Liubov Melnik**, who was in hospital after being knocked down and beaten by employees of the firm, and asked her to state that she had not been beaten, but had injured herself by falling. Liubov Melnik says that a short time after refusing this demand, the hospital informed her that there were no more beds and discharged her. She was taken ill on 1 June, and her family took her to three Kharkiv hospitals attempting to have her treated. All three hospitals refused to treat her.

Amnesty International has asked the authorities to investigate the failure of hospitals in Kharkiv to provide medical care, as provided for in the Constitution of Ukraine, and the International Covenant on Economic Social and Cultural Rights to which Ukraine is a state party.  
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