

UKRAINE: Ukrainian official charged in acid attack on activist after outcry

Ukrainian prosecutors said Monday (11 February) they had charged a high-ranking regional official with organising a deadly acid attack on a prominent anti-corruption activist that prompted widespread outrage.

EURACTIV (11.02.2019) – <http://bit.do/eJqhT> – Kateryna Gandzyuk, who worked as an adviser to the mayor of the southern city of Kherson, was an outspoken critic of corruption in law enforcement agencies.

She was attacked in July and had about a litre of acid poured on her by several attackers. The 33-year-old died in November after months of treatment, including more than 10 operations.

Her murder has prompted widespread outrage, with civil society activists accusing the authorities of failing to complete the investigation or find out who ordered the attack.

On Monday, less than two months before Ukrainians go to the polls to elect a president, General Prosecutor Yuriy Lutsenko pointed the finger at the head of the local council in the southern region of Kherson.

Vladyslav Manger is accused of “organising the murder of

Kateryna Gandzyuk,” Lutsenko said on Facebook.

According to the charge sheet released by Lutsenko, Manger was guided by “personal animosity” towards Gandzyuk because she opposed illegal logging in the region.

Lutsenko’s spokeswoman Larysa Sargan said Manger was accused of “intentionally and unlawfully causing the death of another person... with special cruelty and by prior agreement with a group of individuals”.

Speaking to AFP, Sargan said that Manger was not yet arrested.

“Searches are under way in Kherson,” she said.

Expelled from the party

If found guilty, the 48-year-old faces up to life in prison.

Manger was a member of the *Batkivshchyna* (Fatherland) political party of former prime minister Yulia Tymoshenko, a key rival of President Petro Poroshenko in the 31 March presidential election.

He was expelled from the party last week.

Gandzyuk's death has sparked condemnation of the government and drew renewed attention to dozens of assaults on other anti-corruption campaigners in Ukraine over recent months.

In August, police detained five people in connection with the case, three of whom were placed under house arrest.

In November, a former aide to a ruling party lawmaker was arrested on suspicion of being involved in the attack.

Both the European Union and the United States have called the attacks on activists unacceptable and urged authorities to bring the perpetrators to justice.

Fellow activists accused police and prosecutors of reluctance to investigate the case, insisting the detention of those possibly involved in the attack was made only after a wave of protests across the country.

Lutsenko in November submitted a letter of resignation to Poroshenko over the affair but the Ukrainian leader refused to fire him.

More than 50 attacks on anti-graft activists, environmental and human rights campaigners including five murders were recorded last year.

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CHINA: China's 'ham-handed' PR moves hurt its global image

Canada, Australia and EU push back at Beijing over perceived hostage diplomacy

By Chris Horton

Nikkei Asian Review (14.02.2019) – <https://s.nikkei.com/2DA9Geg> – Over the past 20 years, China has leveraged its economic growth and practiced deft diplomacy to craft an image as a responsible member of the global

community. More recently, the political chaos of the Donald Trump presidency and Brexit have made China appear to be a steadying presence in a changing world.

But over the past year, the Chinese Communist Party's handling of domestic and international affairs has eroded much of the goodwill it had built up, especially with middle powers such as Canada, Australia and the European Union. The party's missteps have not only undermined China's appeal among those that once viewed it as a counterweight to the U.S., but are also generating pushback.

Last year in Davos, Chinese President Xi Jinping was hailed as the new keeper of the global economic order. This year he was denounced as a grave threat to freedom. This criticism came not from protesters outside the World Economic Forum's exclusive events but from billionaire George Soros, in one of the forum's most widely covered speeches.

While Soros was in Switzerland branding Xi "the most dangerous opponent of those who believe in the concept of open society," China appeared to be engaging in hostage diplomacy with Canada. Two Canadians – former diplomat Michael Kovrig and North Korea-focused businessman Michael Spavor – have been detained in China since December. They have not been allowed family or consular visits, raising fears they are being interrogated and possibly tortured.

Canadian Prime Minister Justin Trudeau has called on China to respect judicial procedure and rule of law. Countries including the U.S., the U.K., Germany, France and Australia

have voiced support for Canada with regard to the cases.

Another Canadian, Robert Lloyd Schellenberg, who had been sentenced to 15 years in prison for a drug conviction after waiting years for his original trial, was hastily retried and sentenced to death. All this occurred with remarkable speed following Canada's Dec. 1 arrest of Meng Wanzhou, the Chief Financial Officer of China's national tech champion, Huawei Technologies, which like China is seeing its appeal fade in democracies around the world.

The U.S. aside, a growing number of democracies are feeling compelled to confront China, or at least speak up against it. Is this a result of China shifting its approach to diplomacy?

On the contrary, Jorge Guajardo, who spent six years in Beijing as Mexico's ambassador, said, "Rather than a shift, what I have seen is a lack of shift, a lack of adaptation, and therein lies the problem."

"The Chinese have one rule book which they seek to apply to every situation, even though the underlying dynamics may be completely different," Guajardo said.

This is not the first time China has detained Canadian citizens for seemingly retaliatory reasons. In 2014, Chinese security agents seized Kevin and Julia Garratt, who ran a coffee house near China's border with North Korea, on espionage charges. Echoing today's drama surrounding Meng, the couple, who were eventually released, believe their detention

was in retaliation for the arrest by Canada of Chinese spy Su Bin for extradition to the U.S.

But Guajardo said Chinese authorities miscalculated when they detained Kovrig, in particular.

“They did not gauge that Michael Kovrig is a former diplomat, known by many of the foreigners who frequent Beijing, and by arresting him they made a whole swath of the China scholars abroad feel targeted,” he said.

Indeed, in late January, more than 100 China-focused scholars and former diplomats from Canada, the U.S. and elsewhere signed a letter to Xi, imploring him to release both Kovrig and Spavor.

Scholars and others seeking to build bridges between China and the rest of the world are now more wary of traveling to or engaging China, which “will lead to less dialogue and greater distrust, and undermine efforts to manage disagreements and identify common ground,” the letter read. “Both China and the rest of the world will be worse off as a result.”

“We welcome normal activities by foreigners in China,” said Hua Chunying, spokeswoman for China’s foreign ministry, dismissing the letter at a press briefing. “As long as they abide by the law and regulations, they don’t have to worry about anything.”

Canadians are not the only ones disappearing in China. In late January, Australian national Yang Hengjun was detained by Chinese authorities on spying charges. Relations between Canberra and Beijing have also been frosty as of late. In August, Australia banned Huawei and fellow Chinese tech giant ZTE from involvement in its 5G mobile network.

Australia has been investigating Chinese meddling in its politics as well. One legislator, Sam Dastyari, resigned last year after echoing Chinese talking points on the South China Sea dispute in contradiction of his party's stance, and then getting caught warning Chinese property developer and major political donor Huang Xiangmo that the government had tapped his phone.

Last week, the Australian government surprised Huang by stripping him of his permanent residency and rejecting his long-delayed bid for citizenship. Huang had fallen under increased suspicion due to his ties to the Chinese Communist Party, and the opinion-shaping activities of his Australia China Relations Institute in Sydney.

Huang responded this week by describing Australia as having the "innate characteristics of a giant baby" in an interview with the Global Times – a Chinese state-run tabloid. "The growth of a giant baby takes time, and Australia still has a long way to go."

China – and Huawei – are also having difficulties in the EU and the U.K., both of which appear to be leaning away from allowing Huawei's involvement in their 5G networks. If the

company is indeed blocked from European networks, the turning point may have come in January, when Poland arrested a Chinese Huawei employee and a Polish erstwhile security official for espionage. Unlike its response to Meng's arrest, Huawei fired the employee, while also denying the accusation of espionage.

Polish officials have taken their case to the EU, which has been growing wary of China for other reasons.

Zsuzsa Anna Ferenczy, a political adviser in the European Parliament, said the body's members generally see China as an "important partner."

"Yet," she said, "a new reality is unfolding, whereby working with China has become more difficult. The House has become increasingly aware and openly concerned witnessing China's willingness to use its economic weight to its own benefit, to the detriment of international norms and values, and most importantly at the expense of European integration."

Parliament members, she said, "recognize that China has become more skillful in influencing EU member states through strategic infrastructure investment and strategic communication, which would undermine the EU's common positions on China."

Other developments, including the March 2018 decision to eliminate the limit of two consecutive terms for China's presidency, the crackdown on Uighurs in Xinjiang and Chinese Christians, and Xi's bellicose message to Taiwan in early

January, have all had an impact as well.

“The tone seems to have shifted in the European Parliament toward a more assertive posture, questioning the value of their strategic partnership” with China, Ferenczy said.

Given the unraveling of China’s reputation in democratic capitals around the world, one might conclude that Xi and company do not care what other countries think of them and China. Guajardo, the former diplomat, said that is not the case.

“They pretend they don’t care, but they do care,” he said. “They obsess over China’s lack of soft power and seek to burnish it, whether through Confucius Institutes, the Belt and Road Initiative, delegations – it is all swiftly undone by their ham-handed actions.”

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EUROPEAN UNION: 2019 MEP Awards Shortlist



The Parliament Magazine (07.02.2019) – <https://bit.ly/2GheokU>
– After a record number of nominations, we are proud to announce the shortlist for the Parliament Magazine’s 2019 MEP awards.

This year 45 MEPs have been shortlisted for 15 award categories with female deputies just edging ahead of their male counterparts with 25 shortlistees. There are two all-women shortlist categories.

Six of Parliament’s political groupings are represented, covering 21 EU member states. Germany tops the shortlist leader board with six shortlisted MEPs, followed by Poland with five shortlistees.

[Find out who made the cut](#)

Judges deliberation day on the shortlist is later this month on 18 February. The Judging panel will once again be chaired by the Parliament Magazine’s Managing Editor, Brian Johnson. His fellow judges are:

- Willy Fautré, co-founder and director of Human Rights

Without Frontiers Int'l

- Madi Sharma, entrepreneur and member of the European Economic and Social Committee
- James Holtum, Media Director at political consultancy Rasmussen Global
- Shada Islam, Director of Europe and Geopolitics at Friends of Europe
- Colin Mackay, Managing Director of editorial consultancy the Brussels Writing Bureau

[Find out more about the judging panel](#)

The MEP awards are the annual celebration of our European deputies' hard work, and we look forward to recognising their achievements with you on Wednesday, 20 March, in Brussels' glamorous Concert Noble.

Special thanks to our sponsors, Fertilizers Europe, The Coca-Cola Company, IEEE, APEAL, GSMA, Fabasoft and Project Associates, for supporting the MEP Awards.

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GEORGIA/RUSSIA/ECtHR: Just satisfaction judgment in the case of Georgia v. Russia (I)

European Court of Human Rights (31.01.2019) – <https://bit.ly/2GfDscf> – In today's **Grand Chamber** judgment^[1] in the case of **Georgia v. Russia (I)** (application no. 13255/07) the European Court of Human Rights held, by sixteen votes to one,

that **Russia had to pay Georgia 10,000,000 euros (EUR) in respect of non-pecuniary damage** suffered by a group of at least 1,500 Georgian nationals;

that that amount was to be distributed to the individual victims by paying EUR 2,000 to the Georgian nationals who had been victims only of a violation of Article 4 of Protocol No. 4 (collective expulsion), and EUR 10,000 to EUR 15,000 to those among them who had also been victims of a violation of Article 5 § 1 (unlawful deprivation of liberty) and Article 3 (inhuman and degrading conditions of detention) of the European Convention on Human Rights, taking into account the length of their respective periods of detention.

Principal facts

In a judgment on the merits, delivered on 3 July 2014, the Court held that in the autumn of 2006 a coordinated policy of arresting, detaining and expelling Georgian nationals had been put in place in the Russian Federation and had amounted to an administrative practice for the purposes of Convention case-law.

The Court also held that there had been a violation of, *inter alia*, Article 4 of Protocol No. 4, Article 5 §§ 1 and 4 and Article 3 of the Convention, and of Article 13 taken in conjunction with Article 5 § 1 and with Article 3.

As the question of the application of Article 41 of the Convention was not ready for decision, the Court had reserved it and invited the applicant Government and the respondent Government to submit their observations on the matter and, in particular, to notify the Court of any agreement that they might reach. As the parties had not reached an agreement, the applicant Government had submitted their claims for just satisfaction and the respondent Government had submitted their observations.

On 6 November 2015 the President of the Grand Chamber invited the applicant Government to submit a list of the Georgian nationals who had been victims of a “coordinated policy of arresting, detaining and expelling Georgian nationals” put in place in the Russian Federation in the autumn of 2006. The applicant Government filed a list of 1,795 alleged victims on 1 September 2016.

On 13 September 2016 the President of the Grand Chamber also asked the respondent Government to submit their comments on the list filed by the applicant Government, which the respondent Government did on 13 April 2017.

Procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 26 March 2007 under Article 33 (Inter-State cases) of the Convention. Following a hearing on 16 April 2009, the application was declared admissible by a Chamber on 30 June 2009 and relinquished to the Grand Chamber on 15 December 2009. From 31 January to 4 February 2011 a witness hearing was held in Strasbourg. A Grand Chamber hearing took place in public in the Human Rights Building, Strasbourg, on 13 June 2012. A judgment on the merits was delivered on 3 July 2014.

Judgment on just satisfaction was given by the Grand Chamber of 17 judges, composed as follows:

Guido **Raimondi** (Italy), President,

Angelika **Nußberger** (Germany),

Linos-Alexandre **Sicilianos** (Greece),

Ganna **Yudkivska** (Ukraine),

Robert **Spano** (Iceland),

Vincent A. **De Gaetano** (Malta),

André **Potocki** (France),

Dmitry **Dedov** (Russia),
Jon Fridrik **Kjølbrot** (Denmark),
Branko **Lubarda** (Serbia),
Mārtiņš **Mits** (Latvia),
Gabriele **Kucsko-Stadlmayer** (Austria),
Pauliine **Koskelo** (Finland),
Georgios A. **Serghides** (Cyprus),
Marko **Bošnjak** (Slovenia),
Lətif **Hüseynov** (Azerbaijan),
Lado **Chanturia** (Georgia),
and also Lawrence **Early**, Jurisconsult.

Decision of the Court

Just satisfaction (Article 41)

The Court observed that it was the first time since the just satisfaction judgment in *Cyprus v. Turkey* (just satisfaction) that it was required to examine the question of just satisfaction in an inter-State case. In that judgment the Court had referred, inter alia, to the principle of public international law relating to a State's obligation to make reparation for violation of a treaty obligation, and to the case-law of the International Court of Justice, before concluding that Article 41 of the Convention did, as such, apply to inter-State cases.

In that judgment the Court had also set out three criteria for establishing whether awarding just satisfaction was justified

in an inter-State case: the type of complaint made by the applicant Government, which had to concern the violation of basic human rights of its nationals or other victims; whether the victims could be identified; and the main purpose of bringing the proceedings.

In the present case the Court noted that the applicant Government had submitted in their application that the respondent Government had permitted or caused to exist an administrative practice of arresting, detaining and collectively expelling Georgian nationals from the Russian Federation in the autumn of 2006, resulting in a violation of Articles 3, 5, 8, 13, 14 and 18 of the Convention, and of Articles 1 and 2 of Protocol No. 1, Article 4 of Protocol No. 4 and Article 1 of Protocol No. 7. Following the adoption of the principal judgment, the applicant Government had submitted claims for just satisfaction in compensation for violations of the Convention committed with regard to Georgian nationals. At the Court's request, the applicant Government had also submitted a detailed list of 1,795 alleged and identifiable victims of the violations found in the principal judgment. Just satisfaction was thus sought with a view to compensating individual victims.

As the three criteria referred to above were satisfied in the present case, the Court found that the applicant Government were entitled to submit a claim under Article 41 and that an award of just satisfaction was justified in the present case.

After carrying out a preliminary examination of the list submitted by the applicant Government and of the comments in reply submitted by the respondent Government, the Court considered that it could in the present case base itself on a

“sufficiently precise and objectively identifiable” group of at least 1,500 Georgian nationals who had been victims of a violation of Article 4 of Protocol No. 4 (collective expulsion). Among these, a certain number had also been victims of a violation of Article 5 § 1 (unlawful deprivation of liberty) and Article 3 (inhuman and degrading conditions of detention).

Having regard to all the relevant circumstances of the present case, the Court deemed it reasonable to award the applicant Government a lump sum of 10,000,000 euros (EUR) in respect of nonpecuniary damage suffered by that group of at least 1,500 Georgian nationals. The Court considered that this sum must be distributed by the applicant Government to the individual victims of the violations found in the principal judgment, with EUR 2,000 payable to the Georgian nationals who had been victims only of a violation of Article 4 of Protocol No. 4 and an amount ranging from EUR 10,000 to EUR 15,000 payable to those among them who had also been victims of a violation of Article 5 § 1 and Article 3 of the Convention.

The Court also considered that it must be left to the applicant Government to set up, under the supervision of the Committee of Ministers, an effective mechanism for distributing the sums in question to the individual victims of the violations found in the principal judgment, having regard to the indications given by the Court.

Separate opinions

Judges Yudkivska, Mits, Hüseyinov and Chanturia expressed a

joint partly concurring opinion. Judge Dedov expressed a dissenting opinion. These opinions are annexed to the judgment.

[\[1\]](#) Grand Chamber judgments are final (Article 44 of the Convention).

All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

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ROMANIA: Romania ranks second by the number of pending cases at European Court of Human Rights

Romania Insider (24.01.2019) – <https://bit.ly/2TjMuHR> – The European Court of Human Rights (ECHR) had a total of 56,350 pending cases at the end of 2018, of which 8,503 (15.1% of the total) were complaints against the Romanian state. Romania thus ranked second for the total number of ongoing cases at ECHR after Russia, which had a share of 20.9% of the total pending cases, according to the ECHR annual report.

However, the number of applications against Romania the ECHR received in 2018 almost halved compared to 2017, from 6,509 to 3,369. The drop was even bigger compared to 2016, when almost 8,200 cases were filed against Romania.

Most of the complaints for human rights breaches in Romania are about improper conditions of detention as local prisons have been overcrowded for many years. In past years, Romania was forced to pay compensations to dozens of detainees held in improper conditions after ECHR rulings.

The Romanian authorities have tackled this issue in the last two years in ways that raised controversies.

For example, a law granting shorter sentences to convicts held

in improper conditions led to the early release of many dangerous detainees, some of whom were then involved in new violent crimes. Two recent cases in particular caused a wave of outrage and prompted the Government to promise that it would review the rules on early release.

A 25-year old man was killed in Medias, central Romania, by a group of three men, two of whom had benefited from the law granting them early release for improper detention conditions. Another case is that of an old man in Galati who was savagely beaten by a man who had also been granted early release.

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NORTH KOREA: North Korea slams UN rapporteur over human rights comment

By Jung Da-min

The Korea Times (21.01.2019) – <https://bit.ly/2U7xHj0> – North Korea's party organ Rodong Sinmun on Monday criticized the U.N.'s Special Rapporteur of human rights Tomas Ojea Quintana's recent visit to South Korea, saying it triggered unnecessary conflict between the two Koreas.

"The U.N. Special Rapporteur on the situation of human rights in the DPRK (Democratic People's Republic of Korea) has interrupted inter-Korean relations and has attempted to create an artificial disability in its progress," its editorial said.

"The fact that he said inter-Korean cooperation and North Korean human rights issues need to be settled at the same time is actually an anti-DPRK evil scheme that also ruins the cooperative atmosphere between the two Koreas," the paper added.

Tomas Ojea Quintana visited Seoul from Jan. 7-11 to meet South Korean government officials and diplomats as well as recent escapees from North Korea.

Wrapping up his five-day visit, Quintana told the media that North Korea's human rights situation remained "extremely serious."

But the North's party mouthpiece said Quintana was distorting the reality of the country to intensify sanctions against the regime in a wider evil scheme to destroy it.

Quintana has been saying that although the talks on North Korea's denuclearization are important, the human rights issue

should not be overlooked while the Korean Peninsula seeks peace.

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