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## **A pro-Russian propaganda school in occupied Ukraine**

### ***Mediatopol in south-east Ukraine : officially a journalism school, in reality a propaganda school in the service of the Kremlin***

[RSF](#) (22.09.2023) - One year after the pseudo-annexation referendums organised by Russia in the Kherson and Zaporizhzhia regions, a movement backed by the occupation authorities is launching a crash course in "journalism". Reporters Without Borders (RSF) denounces these insidious methods of teaching propaganda in Ukrainian territory.

With support from the Russian occupation forces, a group of enthusiastic young Ukrainians who like using English terms has been participating in a [course](#) in "journalism trades" at the Mediatopol centre in Melitopol, in the southeastern Zaporizhzhia region, since 4 September. The teenage participants in this first crash course, which is due to finish on 29 September, are supposed to learn how to take photos, to film, to organise a shoot and to edit video in the space of a few weeks. The school says it plans to organise four such courses, with 25 young people on each course. The goal is to prepare a total of 100 young people to work in the new propaganda media in the illegally annexed territories by the end of the year.

*"Lacking journalists willing to collaborate, the new Kremlin-controlled propaganda organs are trying to recruit their future 'information soldiers' among the local youth. We denounce the use of such methods, which aim to integrate Ukrainian territories by means of a media landscape controlled by the occupation authorities."*

*Jeanne Cavalier, Head of RSF's Eastern Europe and Central Asia desk*

Founded in November 2022, Mediatopol is officially headed by Aleksandr Gurov, a 20-year-old Ukrainian who is backed by the occupation authorities, and by Youg Molodoi ("Southern Youth"), an organisation of volunteers that organises pro-Russian events and demonstrations with young people.

A particularly active advocate of the Russian vision, Gurov was one of the winners of a competition organised this year by the Russian Federal Agency for Youth Affairs (Rosmolodezh) to reward projects created by young people in Zaporizhzhia.

In a video, Mediatopol says the school consists of a team of around 20 volunteers. No prerequisites are mentioned in the simple online form on Yandex, the Russian search engine, that enables young people to register for the Mediatopol course, which was widely advertised in propaganda media such as the Zaporizhzhia News Feed and Zaporizhzhia Press Agency.

Lacking qualified personnel, local propaganda media outlets are desperately seeking to recruit in order to be able to broadcast content more tailored to their audience than Russian national TV content, while providing a positive vision of Russia as a way to integrate the Ukrainian population. This course is a new stone in the Russian propaganda edifice, which already has an extensive network.

Last April, RSF published a report about Alexander Malkevich, a Kremlin ally running a [propaganda factory network](#) in the occupied territories. Alexander Malkevich has

displayed support for the Young Molodoi movement by participating in their events, including one in August, a forum in Berdiansk, in the Zaporizhzhia region.

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## **The Tribunal for Putin: first legal assessment of genocide in Ukraine**

***On 28 August, the human rights initiative T4P launched its submission to the International Criminal Court, detailing the acts of genocide committed by Russia in and around the Ukrainian city of Mariupol.***

**KHPG** (06.09.2023) - "We chose to document acts of genocide in Mariupol", said Yevgen Zakharov, director of the Kharkiv Human Rights Group, which co-founded the T4P initiative, "because it was the most challenging task. Since 2 March 2022 there has been no direct communication with Mariupol and public services have not been working there: it presented a particularly dire situation. We could only gather information about the war crimes committed in the city through direct communication with the victims and witnesses."

"We are convinced that acts of genocide were committed in Mariupol and the surrounding district," said [Mykhailo Romanov, a co-author of the submission](#): "and they took three forms: murder; creating conditions of life, calculated to destroy a protected group; and the deportation of children."

The authors of the submission estimated that the death toll resulting from Russia's siege and occupation of Mariupol was approximately 100,000 people. Mykhailo Romanov commented: "Back then, we could not determine the exact number. But by indirect means, i.e., by deducting from the total population those who reportedly had been evacuated, transferred to Russia or else, we calculated that around 100,000 must have been killed. They were murdered in different ways, using different methods and weapons, but in any case, these were murders."

The submission may be read in both [Ukrainian](#) and [English](#) in the online library on human rights. Earlier, [the T4P presented its submissions regarding Russian shelling of Ukraine](#): according to the initiative's data, 84 percent of war crimes are directed at the civilian population.

"We have finally moved from what we feel to what we want recognized as an international fact, to what we wish to be written down in history books," commented Oleksandra Romantsova, Executive Director of the Centre for Civil Liberties. "These are accusations not only against Putin but against the entire Russian regime during the last nine years. Mariupol is a vivid example of how thousands of people are suffering from the decision of Putin and his regime to wage war against Ukraine, to destroy the country and its people."

"It is actually very frightening," said Yevgen Zakharov. "The Russians methodically shelled and destroyed people's homes, one after another. Snipers shot people queuing up for water or cooking food on a fire outside. Some people died because they stayed on the upper floors with no access and died there of hunger and thirst; during bombardments, people jumped from the upper floors, unable to tolerate this nightmare. They committed suicide, as they no longer had the strength to cope with it and saw no opportunity to escape. There are so many stories like this."

Testimonies about events in Mariupol were earlier published in [Voices of War: Mariupol](#), a volume of 24 interviews with people who managed to escape from the city and were interviewed by the Kharkiv Human Rights Group. The book will be presented later this year at the Frankfurt Book Fair. In Ukraine, it is available for sale in the Knyharnia Ye bookshop network.

Press conference with English translation: [https://youtu.be/Y1\\_3IxTIP00](https://youtu.be/Y1_3IxTIP00)

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# Moscow's deportation of 20,000 Ukrainian children to Russia, says a report filed with the UN

## *Less than 400 have found a way back home*

HRWF (31.08.2023) - On the eve of the 54<sup>th</sup> Session of the UN Human Rights Council, the Brussels-based NGO *Human Rights Without Frontiers* filed a report taking stock about the deportation of Ukrainian children by Russia from the territories occupied since the beginning of the war.

According to the Adviser-Commissioner of the President of Ukraine for Children's Rights and Children's Rehabilitation Daria Gerasymchuk, the Ukrainian authorities have collected personal data of about 20,000 cases although there might be ten times more according to incontrollable figures circulating both in Russia and in Ukraine.

The report "[Ukrainian Children in Search of a Way Home from Russia](#)" reveals that only 386 children have found a way back home. They could not be returned through negotiations with the Russian side but every time it could only be achieved through a specific rescue operation.

On 17 March 2023, the Pre-Trial Chamber of the International Criminal Court in The Hague [issued arrest warrants](#) for Russian President Vladimir Putin and Russian Commissioner for Children's Rights Maria Lvova-Belova for unlawful deportation of children. In the meantime, a number of them have been illegally adopted by Russian families.

"Today there is no international structure that could offer an effective mechanism for the return of our deported children," Gerasymchuk said in an [exclusive interview with Interfax-Ukraine](#).

A controversy broke out in July between Kyiv and the International Committee of the Red Cross (ICRC) when Ukrainian Foreign Minister Dmytro Kuleba claimed that Ukrainian children were in Belarus and the Belarusian representative of the Red Cross, Dmitry Shevtsov, was seen in camouflage with a chevron of the occupiers with the letter Z.

Ukraine [responsibly cooperates with the Special Representative of the UN](#) Secretary-General for Children and Armed Conflict (CAAC) in order to stop and prevent violations against children during the conflict, and calls on the UN to fundamentally and persistently demand from the Russian Federation cooperation with the CAAC mechanism, access to all temporarily occupied territories of Ukraine, as well as to its territory, since the CAAC mandate includes child abduction crimes.

In Ukraine, several cooperation structures between relevant ministries, the UN and UNICEF have been put in place.

In its recommendations, *Human Rights Without Frontiers* urges

- Russia to ensure that no changes are made to the personal status of Ukrainian children, including their citizenship;
- all parties to continue to ensure that the best interests of all children are respected, including by facilitating family tracing and reunification of unaccompanied and/or separated children who find themselves outside borders or control lines without their families or guardians;
- parties to the conflict to grant child protection authorities access to these children to facilitate family reunification;
- the UN Special Representative on "Children and Armed Conflicts", together with other UN agencies and partners, to consider ways to facilitate such processes.

The full report in three languages (English, Ukrainian and Russian) is available on the website of *Human Rights Without Frontiers*: <https://hrwf.eu/российские-новости/>

**For more information or interviews in English, Ukrainian or Russian, please contact [international.secretariat@hrwf.org](mailto:international.secretariat@hrwf.org)**

**Депортація Москвою 20 тисяч українських дітей до Росії – доповідь, подана до ООН**

## Менше 400 знайшли дорогу додому

HRWF (31.08.2023) - Напередодні 54-ї сесії Ради ООН з прав людини брюссельська неурядова організація «Права людини без кордонів» оприлюднила доповідь, в якій підбила підсумки депортації українських дітей Росією з територій, окупованих з початку війни.

За словами радника-уповноваженої Президента України з прав дитини та реабілітації дітей Дар'ї Герасимчук, українська влада збрала персональні дані близько про 20 000 таких випадків, хоча їх, за неофіційними даними, що фігурують як в Україні, так і в Росії, може бути вдсятеро більше.

Звіт «[Українські діти в пошуках шляху додому](#)» показує, що лише 386 дітей знайшли дорогу додому. Повернути їх шляхом переговорів з російською стороною було неможливим і кожного разу це вдалося досягти лише за допомогою конкретної рятувальної операції.

17 березня 2023 року Досудова палата Міжнародного кримінального суду в Гаазі [видала ордери на арешт](#) президента Росії Володимира Путіна та уповноваженої з прав дитини Марії Львова-Белової за незаконну депортацію дітей. В цей час деякі з дітей вже були незаконно усиновлені російськими сім'ями.

"Сьогодні немає жодної міжнародної структури, яка могла б запропонувати ефективний механізм повернення наших депортованих дітей", - сказала Герасимчук в ексклюзивному [інтерв'ю агентству "Інтерфакс-Україна"](#).

У липні між Києвом і Міжнародним комітетом Червоного Хреста (МКЧХ) спалахнула полеміка, коли міністр закордонних справ України Дмитро Кулеба заявив, що українські діти перебувають у Білорусі, а білоруського представника Червоного Хреста Дмитра Шевцова бачили в камуфляжі з шевроном окупантів з літерою Z.

Україна [відповідально співпрацює зі Спеціальним представником Генерального секретаря ООН з питань дітей під час збройних конфліктів \(ЦПК\)](#) з метою припинення та попередження порушень щодо дітей під час конфлікту та закликає ООН принципово та наполегливо вимагати від Російської Федерації співпраці з механізмом СААС, доступу до всіх тимчасово окупованих територій України, а також на свою територію, оскільки мандат СААС включає злочини з викрадення дітей.

В Україні створено кілька структур співпраці між профільними міністерствами, ООН та ЮНІСЕФ.

У своїх рекомендаціях *Правозахисна організація «Права людини без кордонів»* закликає:

- Росію - гарантувати, що не буде внесено змін до особистого статусу українських дітей, включаючи їхнє громадянство;
- всі сторони - продовжувати забезпечувати дотримання найкращих інтересів усіх дітей, у тому числі шляхом сприяння розшуку сімей та возз'єднанню дітей без супроводу та/або розлучених з сім'єю, які опинилися за межами кордонів або ліній контролю без своїх сімей або опікунів;
- сторонам конфлікту надати органам захисту дітей доступ до цих дітей для сприяння возз'єднанню сім'ї;
- Спеціальному представнику ООН з питань дітей та збройних конфліктів разом з іншими агенціями та партнерами ООН розглянути шляхи сприяння таким процесам.

Повна доповідь трьома мовами (англійською, українською та російською) доступна на сайті БФ «Права людини без кордонів»: <https://hrwf.eu/российские-новости/>

**Для отримання додаткової інформації або інтерв'ю англійською, українською або російською мовами, будь ласка, зв'яжіться з [international.secretariat@hrwf.org](mailto:international.secretariat@hrwf.org)**

**Москва депортировала 20 000 украинских детей в Россию, говорится в докладе, поданном в ООН**

**Менее 400 нашли дорогу домой**

HRWF (31.08.2023) - Накануне 54-й сессии Совета ООН по правам человека базирующаяся в Брюсселе неправительственная организация «Права человека без границ» подала доклад, в котором подвела итоги депортации Россией украинских детей с оккупированных с начала войны территорий.

По словам советника-уполномоченной Президента Украины по правам ребенка и детской реабилитации Дарьи Герасимчук, украинские власти собрали персональные данные про порядка 20 000 таких случаев, хотя, по неофициальным данным, фигурирующим как в Украине, так и в России, их количество может быть в десять раз больше.

В докладе «[Украинские дети в поисках пути домой](#)» говорится, что только 386 детей нашли дорогу домой. Они не могли быть возвращены путем переговоров с российской стороной и каждый раз их возвращение стало возможным только путем конкретной спасательной операции.

17 марта 2023 года Палата предварительного производства Международного уголовного суда в Гааге [выдала ордера на арест](#) президента России Владимира Путина и уполномоченного по правам ребенка Марии Львовой-Беловой за незаконную депортацию украинских детей. В это время некоторые из украинских детей уже были незаконно усыновлены российскими семьями.

"На сегодняшний день нет международной структуры, которая могла бы предложить эффективный механизм возвращения наших депортированных детей", - сказал Герасимчук в эксклюзивном [интервью агентству "Интерфакс-Украина"](#).

В июле между Киевом и Международным комитетом Красного Креста (МККК) разгорелся спор, когда министр иностранных дел Украины Дмитрий Кулеба заявил, что в Беларуси находятся украинские дети, а белорусский представитель Красного Креста Дмитрий Шевцов был замечен в камуфляже с шевроном оккупантов с буквой Z.

Украина [ответственно сотрудничает со Специальным представителем](#) Генерального секретаря ООН по вопросам о детях и вооруженных конфликтах (СААС) с целью прекращения и предотвращения нарушений в отношении детей во время конфликта, и призывает ООН принципиально и настойчиво требовать от Российской Федерации сотрудничества с механизмом СААС, доступа ко всем временно оккупированным территориям Украины, а также на свою территорию, поскольку мандат СААС включает преступления, связанные с похищением детей.

В Украине создано несколько структур сотрудничества между профильными министерствами, ООН и ЮНИСЕФ.

В своих рекомендациях организация «Права человека без границ» настоятельно призывает:

- Россию – не вносить изменения в личный статус украинских детей, в том числе в их гражданство;
- все стороны продолжать обеспечивать уважение наилучших интересов всех детей, в том числе путем содействия розыску и воссоединению семей несопровождаемых и/или разлученных с семьями детей, оказавшихся за пределами границ или линий контроля без своих семей или опекунов;
- сторонам в конфликте предоставить органам по защите детей доступ к этим детям для содействия воссоединению семей;
- Специальному представителю ООН по вопросу: «Дети и вооруженные конфликты» совместно с другими учреждениями и партнерами ООН рассмотреть пути содействия таким процессам.

Полный текст доклада на трех языках (английском, украинском и русском) доступен на сайте организации «Права человека без границ»: <https://hrwf.eu/российские-новости/>

**Для получения дополнительной информации или интервью на английском, украинском или русском языках, пожалуйста, свяжитесь с [international.secretariat.brussels@hrwf.org](mailto:international.secretariat.brussels@hrwf.org)**

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## Ukrainian journalist Volodymyr Sedov assaulted after investigating crime

***Ukrainian authorities should swiftly investigate the latest attack on anti-corruption journalist Volodymyr Sedov and hold the perpetrators to account, the Committee to Protect Journalists said Friday.***

[CPJ](#) (04.08.2023) - Sedov, editor-in-chief of the newspaper Visti Ananivshchyna, told CPJ that unidentified people attacked him from behind in a park near his home in the southern city of Ananiv on July 12, knocked him unconscious and trampled on his right hand, breaking two of his fingers.

"CPJ condemns the attack on veteran journalist Volodymyr Sedov and calls on Ukrainian authorities to ensure timely investigations. No journalist should be subjected to such brutal violence for investigative reporting in the public interest," said Gulnoza Said, CPJ's Europe and Central Asia program coordinator. "Ukrainian authorities must hold the alleged assailants to account and ensure that Sedov can work safely."

Sedov, 68, posted a [video](#) and [photographs](#) on Facebook showing his bruised face and bloodied fingers shortly after the attack, which was also covered by [local media](#), Ukrainian press freedom group [Institute of Mass Information](#), and the [National Union of Journalists of Ukraine](#).

Sedov told CPJ that an unknown number of attackers hit him on the head, knocking him out for a few seconds. When he regained consciousness, Sedov said he saw a local gangster—who Sedov has published articles about in Visti Ananivshchyna and on social media—running away.

"I woke up with pain in my fingers," said Sedov, who was diagnosed with a concussion, adding that he believed his assailants stepped on his fingers to stop him writing.

Sedov told CPJ that he believed the attack was related to his journalism as he has [reported](#) "many times" on allegations of corruption involving his alleged assailant and local authorities, and posts regularly about [crime](#) and [graft](#) on Facebook.

The police headquarters for Odesa Region, where Ananiv is located, did not respond to CPJ's emailed request for comment. In an email to CPJ after publication, Ananiv city council said "in no way are we aware of criminal groups that operate in the territory of the Anani municipality."

The police said in a [statement](#) on July 12 that they were investigating the assault and had [opened a criminal case](#) for "violence against a journalist in connection with ... their lawful professional activity."

Sedov told CPJ that he was "convinced that nothing will happen" as crimes committed by the gang usually went unpunished.

Sedov said that armed men in military fatigues burst into his wife's office about a year ago and "began to insult her and threaten that if I write anything against the authorities, they will kill her, me and the whole family." The journalist said explosive packages were also detonated on the site of his wife's office and car tires were slashed, and he reported all of the incidents to the police but no one was arrested.

"I do not rely on the police and the law," he told CPJ. "I think that my persecution as a journalist will continue more severely, and I may have to leave Ukraine in order not to put

my family at risk. I am 68 years old now. I have children, grandchildren, and I do not see any way out of this lawlessness and corruption.”

Sedov told CPJ that he returned to work on August 4.

Separately, on June 15, the [car](#) of journalist [Vlad Isaev](#) was set on fire by unidentified people in Ukraine’s northern region of Rivne. On the night of June 15, in Rivne, [unknown people](#) also attempted to burn down the house of former journalist [Oleksandr Namozov](#). CPJ is investigating both incidents to determine whether they were linked to the reporters’ journalistic activities.

*[**Editor’s note:** This alert has been updated with a response from the Ananiv city council in the eighth paragraph.]*

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## **The Ukrainian region of Kirovohrad in search of partnerships in Brussels to feed the world**

By Willy Fautré, director of Human Rights Without Frontiers

[European Times](#) (17.03.2023) - On 9-10 March, the head of the regional council of Kirovohrad Oblast (region), Sergii Shulga, visited European institutions in Brussels to raise awareness about the future of his region in the EU and the global context. Kirovohrad Oblast is a region in central Ukraine that had a population of about a million inhabitants before the war. Only a limited number of local Ukrainians have decided to leave this highly agricultural region as the population mainly lives off the land but with the war raging in the Donbass, about 100,000 displaced persons have suddenly modified and increased the local demography.

Human Rights Without Frontiers met Sergii Shulga and interviewed him.

**HRWF:** Russia has invaded parts of Ukraine and has caused a lot of damage. Was your region affected as well?

**S. Shulga:** Since February 2022, Russia has launched over 20 missile attacks on the Kirovohrad region. Last night, there was a hit on the infrastructure again. But we are strong. And we believe in victory. So after it, we will rebuild our economy.

**HRWF:** Why did you come to Brussels and who did you meet?

**S. Shulga:** Up to now, no Ukrainian region has taken the initiative to send its highest representatives to Brussels to contact there the missions of the EU regions and identify possible partners for the reconstruction.

I met and talked with Lucas Mandel, an Austrian member of the European Parliament. He is a reliable supporter of Ukraine. He visited our country a few times. He knows our realities and he is quite supportive of any initiative that can be beneficial to Ukraine.

What is important for us in Ukraine is to have concrete solidarity partnerships, not only with regions but also with organizations of the European Union.

I had a meeting with the Secretary General of the Assembly of European Regions, Mr. Christian Spahr, to discuss some joint cooperation in the Regional Youth Council, where the Kirovohrad Region has delegated two representatives. One of them has recently become the head of the Mental Health Committee.

I also talked with Mathieu Mori, the Secretary General of the Congress of Local and Regional Authorities. He is a key person for the future development of our network between the Kirovohrad region and the EU regions as he was elected in October 2022 for a period of five years.

As Sweden is currently holding the EU presidency until 30 June, I discussed with the Head of the Southern Sweden Office which represents five regions to envisage potential partnerships. I also had talks with the head of the Lower Austrian Region, the head of the Representation of Carinthia Land as well as representatives of two regions of Slovakia: Bratislava region and Trnava region. The purpose is to put in place various forms of collaboration with our region.

**HRWF: What are your current needs?**

**S. Shulga:** The economy of our region is massively of agrarian nature. Ninety-five percent of the income of our region comes from our agricultural activities. In our region, there are 2 million hectares of rich lands to be cultivated. They were rather spared from the war as the Russian shelling was mainly targeting energy infrastructure and housing: no explosions, no mines and no demining necessity, no holes, no tank carcasses, no toxic products or pollution in our fields.

Last year, through the ports of Mikolayev, Kherson and Odessa we exported four million tons of our grain, corn, sugar beet and sunflower seeds, mainly to the Middle East and Africa. We all know how difficult the negotiations were to break Russia's blockade of our ports and how fragile this agreement with Russia remains. Brussels needed to know that the Kirovohrad Region helps feed the world with its rich lands. That is also the reason why I needed to come to Brussels. Ukraine needs to get back its Russian occupied territories, especially along the sea.

**HRWF: What will be your objective when you are back in your oblast?**

**S. Shulga:** I would like to organize a conference in Brussels in May to give the opportunity to the Kirovohrad Region to present themselves to the European Union. I informed the Head of the Ukrainian Mission to the EU, Mr. Vsevolod Chentsov, about this project and already invited him. This will be part of the process of opening the road to our EU membership. We need and love the EU but the EU also shows with its massive investments that it needs Ukraine and loves Ukraine.

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## **The monument to the Russian Empress Catherine II in Odesa dismantled**

***A Ukrainian answer to the de-ukrainization of the occupied territories by the Russians and the more global debate among former Western colonial countries to remove statues of and rename streets named after controversial historical figures (HRWF)***

*Ievgeniia Gidulianova for HRWF*



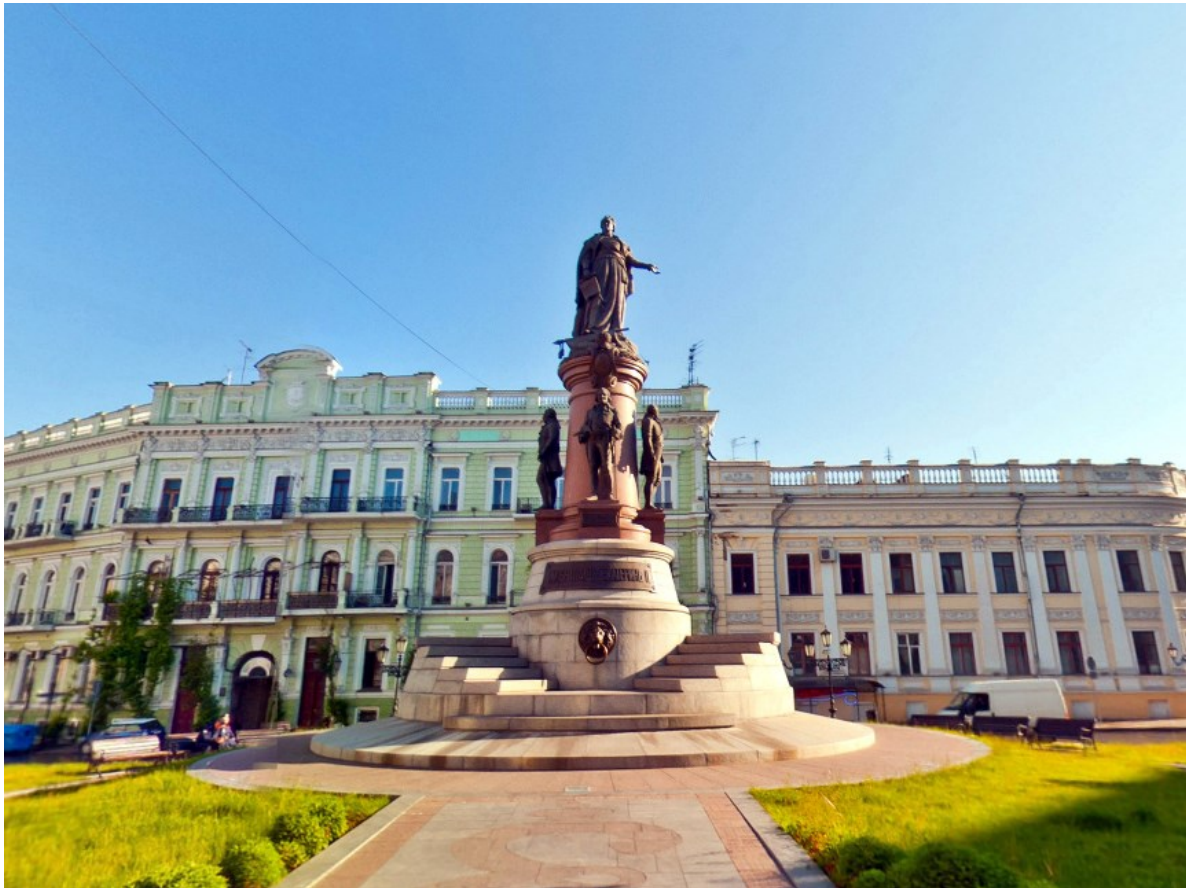
**HRWF (05.01.2023)** - *Photo 1: Over the last week the issue of demolition of the monument "Founders of Odessa", better known as the "Monument to Catherine II" in the city of Odessa, Ukraine, has attracted attention, perhaps, of all world news outlets.*

*Photo 2: The new monument exactly repeats the 1900 monument. Parts and elements of the original monument, preserved till that time in the Local History Museum, and also historical documents and photos from the archives of Odessa, Kiev and St. Petersburg were used during the restoration.*

The history of this architectural composition can rightly be called one of the most unusual.

In 1890, at the joint meeting of the City Council headed by Gregory Marazli and the Commission on the celebration of the 100th anniversary of Odessa, it was decided to hold a competition to erect a monument dedicated to the foundation of the city. The project "Odessa Port" by architect [Yuri Dmitrenko](#) was awarded first prize. It was a monument to [Catherine the Great](#) and her associates - [Prince Grigory Potemkin](#), [Joseph de Ribas](#), [Franz de Volan](#) and [Platon Zubov](#).

In January 1893 Emperor Alexander III granted his permission for the monument to be built. The place of its location was chosen as the Catherine Square (later - the square), where in the late 1790s the Church of St. Catherine of Alexandria was laid but never built.



In 1901, during the Paris architectural conference, Catherine's Square with the monument erected on it was acknowledged as the best civil architectural complex in Europe. Catherine Square complex became one of the main attractions of Odessa.

When Bolsheviks came to power in Ukraine, the square was named after Karl Marx and the monument "Founders of Odessa" was deemed to be inadequate for the times. The dismantling of the monument was carried out by the soldiers of the cavalry brigade during the May Day subbotnik in 1920. The pedestal and the column remained in their original position. During dismantling, the figure of the Empress was damaged and partially destroyed, while the bronze statues of the associates were removed and sent for storage to the Odessa Museum of Local Lore. According to legend, they wanted to use the figures for making shells, but one of the sailors had the foresight to say: "It would be wrong to have shells of non-proletarian origin". And the bronze statues were forgotten for a long time.

The pedestal was later used for a sculpture of Karl Marx, but it didn't stay there long because a strong wind blew it down.

The square later turned into a flowerbed, until in 1965 a monument to the sailors who took part in the mutiny on the battleship "Potemkin" in 1905 was erected.

Ideas about reconstructing the monument to the founders of Odessa were initiated in the 1990s, after the USSR collapse.

In 2007, already at the time of Ukrainian independence, the Odessa city council has decided to carry out a comprehensive restoration of St. Catherine's Square with the restoration of its historical image and the monument "The Founders of Odessa".

The pedestal and the bronze sculpture of the Empress had to be created anew, and the statues of Potemkin, Zubov, de Ribas and de Volan were installed using the original ones, having previously restored them.

On the whole, the monument was reconstructed in its historical form. At the same time, four new bronze plaques bearing the names of the empress's associates were installed. The architect Vladimir Glazyrin and sculptors Nikolai Oleinik and Oleg Chernovanov did the work. The project was sponsored by businessman Ruslan Tarpan.

At the same time the square was reconstructed, the stucco and cast iron elements of buildings' decoration were recreated, a square with flower beds was created, granite tiles were laid, a special system of architectural illumination was applied, etc.

The decision of Odessa authorities to restore the monument, supported by the majority of citizens at that time, caused a serious controversy in the Ukrainian society.

A part of the residents of Odessa supported the monument's reconstruction. The main argument was that Catherine Square in its historical form is a [unique architectural ensemble](#), reflecting the significant historical periods of life of the city and is harmonically connected with all the other historical architectural ensembles of Odessa, forming the architectural historical area of the city. Besides, Odessa has for a long time had the intention to nominate its historical area to the [World Heritage List of UNESCO](#) (the corresponding Nomination Dossier of Odessa was submitted only on the 4th of October 2022. [Odessa](#) is nominated according to two criteria: unique multiculturalism and unique urban planning solution).

[Opponents of reconstructing the monument](#) demanded its removal, arguing that it glorifies Russia's imperial policies. Viktor Yushchenko's pro-presidential party (2005-2010) "Our Ukraine" called the monument "a symbol of foreign enslavement" since the Zaporizhian Sich was destroyed on the order of Catherine II and the democratic system of Ukraine was eliminated. Representatives of the Mejlis of the Crimean Tatar people and local activists opposed the restoration of the monument. The opening ceremony of the monument, reconstructed in 2007, was accompanied by protests. Opponents of the restoration of the monument were forced out of the square and said they would seek the demolition of the monument through the courts.

[The litigation over the reconstruction](#) of the monument to "The Founders of Odessa" in Catherine's Square became the subject of numerous instances of judicial review over the next twelve years. The formal reason was the appeal against the decision of the Odessa City Council to transfer the monument "Potemkinites - descendants" to another location and to install instead the monument to the founders of Odessa at Ekaterininskaya Square. The final point in the legal procedure was set by the Supreme Court of Ukraine in April 2019. It rejected a complaint by the Sich Cossack Association against the decision to move the monument to Potemkin's Descendants to Odessa's Customs Square, thereby recognising the installation of the monument to the founders of Odessa on Catherine's Square to be lawful.

According to the news outlet Suspilne Noviny, after the Russian invasion the Odessa city [authorities changed their opinion](#) about the monument to the "Founders of Odessa" several times; at first, officials spoke out against "destroying history".

On 28 June 2022, the Day of Constitution of Ukraine, the official website of the President of Ukraine registered an [electronic petition 22/145072-ep](#) with a proposal to tear down the monument to Catherine the Great in Odessa. In less than two months this petition has collected 26504 votes (according to the law the petition has to get 25000 votes as a condition of consideration) and has been transferred to the President.

On August 1, 2022, Volodymyr Zelensky [thanked](#) everyone who joined this petition for their active civic position in defending national interests and clearing the public space from objects and monuments that perpetuate Russian propaganda anti-Ukrainian narratives in Ukraine. In accordance with the rules stipulated by law, the President of

Ukraine [referred the resolution](#) of this issue to the Odessa City Council in accordance with their competence.

In the meantime, numerous public actions reminded the Odessa authorities that consideration of the issue was among the urgent ones. [The monument has been repeatedly doused with red paint](#) to symbolise the blood of the Ukrainians on Catherine's hands, and before that the monument was marked in red with "[Catherine=Putin](#)".

On 12 September 2022, an electronic petition created by Rodion Burlutsky from Odessa was posted on the Ukrainian president's website, in which the head of state was urged to "pay attention to the actions and expressions of the mayor of Odessa". According to the author of the petition, Trukhanov demonstrates his pro-Russian position by "sabotaging the dismantling" of the monument to Catherine the Great. On 29 October, the Ukrainian president instructed the Security Service and the Interior Ministry to check the Odessa mayor's statements.

On 19 September 2022, Odessa City Council held an online conference with the public of Odessa to discuss the fate of the monument "Founder of Odessa". Anyone could register and take part in the discussion. The Internet conference lasted for six hours and everyone was given an opportunity to speak.

[Odessa Mayor Gennadiy Trukhanov](#) proposed creating a park complex of "the imperial and Soviet past" in Odessa and moving some of the city's monuments, including the monument to Catherine the Great, there.

Taking into account the proposals received during the discussion at the Internet conference, an electronic poll was conducted on the [web portal "Socially Active Citizen"](#) from September 20 to October 20, 2022.

On 5 November, the Odessa authorities said that the majority of the citizens who had participated in the voting via a special application "[Socially Active Citizen](#)" voted in favour of dismantling the "Founders of Odessa" monument.

Work began on Wednesday, 28 December, in Odessa to dismantle the [Monument](#) to the Founders of Odessa. It was finally removed at night. The plaque was removed from the pedestal, and the sculptures of Catherine's favourites were also removed from the pedestal. The sculptural composition was moved to the storage of the Odessa National Museum of Art. As Kirill Lipatov, head of the Scientific Exposition Department of the Odessa Museum of Art, [told](#) at a press conference, they are in no hurry to install them as museum exhibits, but they will be preserved.

Instead of dismantled sculptures on Catherine Square, the flag of Ukraine is still flying.

*Photo 3: In 2022, with the start of Russia's full-scale invasion of Ukraine, the debate over the fate of the monument flared up with renewed vigour*



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## **Памятник российской императрице Екатерине II в Одессе демонтирован**

***Украинский ответ на деукраинизацию оккупированных территорий  
россиянами и более глобальные дебаты среди бывших западных  
колонизаторских стран о снятии статуй и переименовании улиц в честь  
спорных исторических фигур (HRWF)***

*Евгения Гидулянов для HRWF*





**HRWF (05.01.2023)** - Фото 1: Последнюю неделю внимание, пожалуй, всех мировых новостных изданий привлек вопрос о сносе памятника «Основателям Одессы», более известного под названием «памятника Екатерине II» в городе Одессе, Украина.

Фото 2: Новый монумент в точности повторил памятник 1900 года. При восстановлении использовались части и элементы оригинального памятника, хранившиеся до того времени в краеведческом музее, а также исторические документы и фотографии из архивов Одессы, Киева и Санкт-Петербурга.

Историю данной архитектурной композиции можно по праву назвать одной из самых необычных.

В 1890 году на совместном заседании городской управы под руководством Григория Маразли и комиссии по вопросу о праздновании 100-летия Одессы было принято решение объявить конкурс на возведение памятника, посвященного основанию города. Первую премию конкурса получил проект "Одесский порт" архитектора [Юрия Дмитренко](#). Он представлял собой памятник [Екатерине II](#) и ее сподвижникам - князю [Григорию Потемкину](#), [Иосифу де Рибасу](#), [Францу де Волану](#) и [Платону Зубову](#).

В январе 1893 года император Александр III дал соизволение на возведение монумента. Местом его размещения был выбран Екатерининский сквер (впоследствии - площадь), где в конце 1790-х годов был заложен, но так и не построен храм во имя святой Екатерины Александрийской.



В 1901 году на Парижской архитектурной конференции Екатерининская площадь с установленным на ней монументом была признана лучшим гражданским архитектурным комплексом в Европе. Комплекс Екатерининской площади стал одной из главных достопримечательностей Одессы.

С приходом в Украину власти большевиков площади присвоили имя Карла Маркса, а памятник «Основателям Одессы» сочли не отвечающим требованиям времени. Демонтаж монумента был осуществлён бойцами кавалерийской бригады в ходе Первомайского субботника 1920 г. Пьедестал и колонна остались на прежнем месте. При демонтаже фигура императрицы была повреждена и частично уничтожена, а бронзовые статуи сподвижников были сняты и отправлены на хранение в Одесский краеведческий музей. По легенде, фигуры хотели пустить на изготовление снарядов, но один из матросов дальновидно заметил: «Негоже иметь снаряды непролетарского происхождения». И о бронзовых статуях на долгое время забыли.

В последующем пьедестал памятника использовали для установки скульптуры Карла Маркса, но простояла она не долго, поскольку ее повалил сильный ветер.

Далее площадь представляла из себя цветочную клумбу, пока в 1965 году на ней не был сооружен памятник матросам – участникам восстания на броненосце «Потемкин» в 1905 году.

Идеи о воссоздании памятника основателям Одессы стали выдвигаться в 1990-х годах, после распада СССР.

В 2007 году уже во времена независимости Украины городской совет Одессы принял решение провести комплексную реставрацию Екатерининской площади с восстановлением ее исторического облика и памятника «Основателям Одессы».

Постамент и бронзовую скульптуру императрицы пришлось создавать заново, а изваяния Потемкина, Зубова, де Рибаса и де Волана установили оригинальные, предварительно их отреставрировав.

В целом монумент был воссоздан в своем историческом виде. При этом авторы установили четыре новые бронзовые таблички с именами сподвижников императрицы. Работы вели архитектор Владимир Глазырин, скульпторы Николай Олейник и Олег Черноиванов. Спонсором проекта выступил предприниматель Руслан Тарпан.

Одновременно была проведена реконструкция площади, в том числе воссозданы лепные и чугунные элементы декора зданий, разбит сквер с цветниками, уложена гранитная плитка, применена особая система архитектурной подсветки и др.

Решение властей Одессы о восстановлении памятника, поддержанное на тот момент большинством горожан, вызвало серьезные разногласия в украинском обществе.

Часть жителей Одессы поддерживала воссоздание монумента. Главным аргументом было то, что Екатерининская площадь в своем историческом виде является [уникальным архитектурным ансамблем](#), отображающим значимые исторические периоды жизни города и гармонично связана со всеми иными историческими архитектурными ансамблями Одессы, образуя архитектурный исторический ареал города. К тому же, Одесса давно имела намерение номинироваться на включение своего исторического ареала в Список всемирного наследия ЮНЕСКО (соответствующее [Номинационное досье Одессы](#) подано только 4 октября 2022 года. [Одесса номинируется](#) по двум критериям: уникальная мультикультурность и уникальное градостроительное решение).

[Противники воссоздания памятника](#) требовали убрать его, утверждая, что он прославляет имперскую политику России. Пропрезидентская партия Виктора Ющенко (2005-2010) "Наша Украина" назвала монумент "символом чужеземного порабощения", поскольку по приказу Екатерины II была разрушена Запорожская Сечь и ликвидировано демократическое устройство Украины". Против восстановления памятника выступили представители Меджлиса крымско-татарского народа и местные активисты. Церемония открытия воссозданного в 2007 году памятника сопровождалась акциями протеста. Вытесненные с площади противники восстановления памятника заявили, что будут добиваться сноса памятника через суд.

[Судебные тяжбы](#), связанные с воссозданием на Екатерининской площади памятника «Основателям Одессы» стали предметом рассмотрения многочисленных судебных инстанций в течение последующих более чем двенадцати лет. Формальным поводом выступило обжалование решение Одесского городского совета о переносе памятника «Потёмкинцам - потомки» в иную локацию и установке на Екатерининской площади вместо него памятника основателям Одессы. Финальной точкой в судебной процедуре поставил Верховный суд Украины в апреле 2019 года. Он отклонил жалобу ассоциации казацких обществ "Сич" на решение о переносе памятника "Потёмкинцам - потомки" на Таможенную площадь Одессы, тем самым признав законной установку памятника основателям Одессы на Екатерининской площади.

По утверждению новостного издания «Суспільне Новини» городские власти Одессы уже после российского вторжения [не раз меняли свое мнение](#) по поводу памятника «Основателям Одессы»; вначале чиновники высказывались против «уничтожения истории».

28 июня 2022 года, в День Конституции Украины, на официальном сайте интернет-представительства Президента Украины была зарегистрирована электронная [петиция № 22/145072-ен](#) с предложением снести памятник Екатерине II в Одессе. Менее чем за два месяца данная петиция набрала 26504 голоса (согласно закону в качестве

условия для рассмотрения петиция должны получить 25000 голосов) и была передана Президенту.

1 августа 2022 года Владимир Зеленский [поблагодарил](#) всех, кто присоединился к этой петиции, за активную гражданскую позицию в защите национальных интересов, очищении общественного пространства от объектов и памятников, которые закрепляют в Украине российские пропагандистские антиукраинские нарративы. В соответствии с предусмотренными законом правилами Президент Украины [передал](#) разрешение данного вопроса Одесскому городскому совету в соответствии с их компетенцией.

Тем временем многочисленные общественные акции напоминали одесским властям о том, что рассмотрение данного вопроса относится к числу неотложных. Памятник неоднократно обливали красной краской [обливали красной краской](#), что символизировало кровь украинцев на руках Екатерины, а до этого на памятнике появилась надпись красным [«Екатерина=Путин»](#).

12 сентября 2022 года на сайте президента Украины была размещена электронная петиция, созданная одесситом Родионом Бурлуцким, в которой главу государства призвали "обратить внимание на действия и выражения мэра Одессы". [По мнению автора обращения](#), Труханов демонстрирует свою пророссийскую позицию путем "саботирования демонтажа" памятника Екатерине II. 29 октября президент Украины поручил Службе безопасности и МВД провести проверку высказываний мэра Одессы.

19 сентября 2022 года Одесский городской совет провел [интернет-конференцию](#) с общественностью города Одессы с целью обсуждения судьбы памятника «Основателя Одессы». Зарегистрироваться и принять участие в обсуждении мог каждый желающий. Интернет-конференция длилась шесть часов, всем желающим была предоставлена возможность выступить.

Мэр города Одессы Геннадий Труханов [выступил с предложением](#) создать в Одессе парковый комплекс "имперского и советского прошлого" и перевезти туда часть городских памятников, включая памятник Екатерине II.

С учетом предложений, полученных в ходе обсуждения на интернет-конференции, в период с 20 сентября по 20 октября 2022 года был проведен электронный опрос на [веб-портале «Социально активный гражданин»](#).

5 ноября власти Одессы сообщили, что большинство горожан, участвовавших в голосовании через специальное приложение "Социально активный гражданин" [проголосовали](#) за демонтаж памятника «Основателям Одессы».

24 ноября за проект решения о демонтаже памятника [проголосовал](#) исполнительный комитет Одесского городского совета. **Окончательно решение о демонтаже и переносе памятника было принято 30 ноября 2022 года Одесским городским советом во время сессионного заседания.** За демонтаж памятника проголосовали 43 депутата.

В среду, 28 декабря, в Одессе начались работы по демонтажу памятника «Основателям Одессы». Ночью его убрали окончательно. С постамента сняли табличку, также демонтировали скульптуры фаворитов Екатерины с постамента. Скульптурная композиция была перемещена на хранение в Одесский национальный художественный музей. Как [рассказал](#) на пресс-конференции начальник департамента научно-экспозиционной работы Одесского художественного музея Кирилл Липатов, устанавливать их в качестве музейных экспонатов пока не спешат, но сохранность обеспечат.

Вместо демонтированных скульптур на, пока еще, Екатерининской площади развеивается флаг Украины.

*Фото 3: В 2022 году, с началом полномасштабного вторжения России в Украину, споры о судьбе памятника вспыхнули с новой силой.*



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## **The statue of Russian Empress Catherine the Great removed from its pedestal in Odesa**

By Willy Fautré, director of Human Rights Without Frontiers  
HRWF (30.12.2023) – Photo of the inauguration of the statue of Catherine II in Odesa on 27 October 2007. Credit: HRWF

Ukrainians removed the statue of the 18th-century empress of Russia Catherine the Great in the southern city of Odesa on Wednesday night after the regional council passed a resolution to dismantle monuments symbolising the Russian imperial past. A de-russification of Ukraine in answer to Putin's de-ukrainization of the occupied territories.

On 27 October 2007, I was in Odesa and I attended the inauguration of the statue of Catherine II which was already controversial at that time.

On the one hand, there were fireworks and after the ceremony, a concert by the Odesa Philharmonic orchestra. On the other hand, there were numerous attempts from the highest authorities to counteract the installation of the monument in Odesa. Then-President [Viktor Yushchenko](#) spoke out against the monument. Representatives of Ukrainian nationalist parties and movements arrived to the city especially to disrupt the event. The Cossacks demonstrated against the official ceremony stressing that they had

been persecuted by the Russian Empress when she conquered the regions along the Black Sea from the Ottoman Empire. For security reasons Ekaterinskaya Square was surrounded by the police cordon that then separated supporters and opponents of the ceremony.

At that time, public opinion was still very much divided between supporters of Ukrainian sovereignty hostile to Russia and pro-Russian Ukrainians in the eastern and southern parts of the country who usually voted for Russophile political parties at each election. This rip came to end with the election of Volodymyr Zelensky as president of the country who was known and appreciated as a famous comedian by all segments of society. In 2019, he won the presidential election in almost all the oblasts.

### ***A difficult but democratic decision***

Since the 24 February invasion, the statue of the city's founder, which towers over a central square and looks onto the Black Sea, has been vandalised repeatedly, which prompted many Ukrainians to reject their country's historical ties to Moscow. There were vivid debates among the population, political parties and in the city council. The inhabitants of the Black Sea Pearl were largely consulted about the fate of the statue.

On 30 November, Odesa City Council supported the dismantling of monuments to Russian military leader Alexander Suvorov and the "Founders of Odesa", better known as the monument to Russian Empress Catherine the Great.

Earlier, a vote on the monument to Catherine II was held in Odesa. According to the mayor of the city Gennadiy Trukhanov, the majority of Odesa residents who voted supported the idea of dismantling the monument. Subsequently, the decision was supported by the executive committee of the city council.

It seems that the statue will be housed at the Odessa Art Museum. The option of moving the monument to another location essentially suited the conflicting parties.

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## **"I want to live": Russian soldiers surrender through Telegram channel to save their lives**

***More than 3,500 Russian soldiers have called Ukraine's surrender helpline, an official said in November***

HRWF - The Ukrainian authorities have created a specific application on Telegram to give the possibility to Russian soldiers to surrender safely and save their lives. This information is available in Russian on the "[I want to live](#)" Telegram channel.

A video shows them how such operations happen:

[Russian soldiers surrender to Ukrainian forces as Kherson fighting rages on](#)

Russian soldiers are used by Putin as "cannon fodder" and special forces called "barrier troops" or "blocking units" are deployed at the back of the fighters to shoot retreating soldiers, who are unwilling to fight "due to low morale."

Around mid-November, [a graphic video appeared online to show the brutal execution of a Russian soldier who defected](#) from the pro-Russian mercenary army "Wagner Group", but was later recaptured. While the Kremlin denied any knowledge of

the incident, Wagner Group founder Yevgeny Prigozhin wrote approvingly about the killing in a statement.

### ***Dozens of Russian deserters threatened with execution, families say***

By Isabel Van Brugen

[Newsweek](#) (08.11.2022) - Dozens of mobilized Russian soldiers who have refused to fight in Ukraine are being locked up and threatened with execution, family members say.

The wives and mothers of 21 Russian soldiers say the men are being held captive in Zavitne Bazhannia, a village in the Donetsk region in eastern Ukraine, over their refusal to participate in the war. The conflict began when President [Vladimir Putin](#) launched a full-scale invasion on February 24.

At least eight of the detained men had official exemptions from military service and should not have been drafted as part of Putin's September 21 "partial mobilization" order, a letter from the women obtained by Russian media project The Insider stated.

The mobilized soldiers were allegedly sent to the front lines in Ukraine without appropriate training, and were locked up for submitting written reports in which they said they didn't want to fight because it was against their conscience.

Unit commanders are now attempting to force them to withdraw their statements, relatives have said. The men are also being deprived of food and personal hygiene items, and are being threatened to be sent to the front lines or [shot](#).

Elena Kashina told The Insider her 33-year-old husband was summoned despite having no military experience.

"My husband worked at a mining and smelting complex, which is considered a defense enterprise, so, they shouldn't have called him up for military service, but he was not so lucky," she said.

Kashina said her husband was deployed to Ukraine on October 2, and on October 12, he said that he did not want to kill people, and that he would rather "cover his eyes and ears" and wait for the firing squad.

The soldier said he and other mobilized men were threatened with execution when they said they didn't want to take part in the war.

"Before they wrote their reports, the deputy commander of the 5th company in 'DNR' [Donetsk] said that if they wrote anything, they would be shot, their bodies would be thrown into a pit, and their relatives would be told they were missing in action," Kashina said.

"My husband called me and said: 'Lena, they might shoot me today.' They were completely depressed, psychologically broken. I think that if they returned home, they would need the help of a psychiatrist. They were thrown into the basement in such a condition, and they sat there on the ground in the brick basement for two days," she added.

Kashina said she has not been able to contact her husband since October 31.

The news comes as the British Ministry of Defence said Russian unit officers are likely threatening to shoot deserting soldiers.

The UK ministry said in an assessment of the conflict on Friday that Russian forces have likely started deploying "barrier troops" or "blocking units" to deal with their own retreating soldiers, who are unwilling to fight "due to low morale."

"These units threaten to shoot their own retreating soldiers in order to compel offensives and have been used in previous conflicts by Russian forces," the British defense ministry said.

Putin's military commanders are also likely seeking to keep their troops in defense positions "to the death."

"Recently, Russian generals likely wanted their commanders to use weapons against deserters, including possibly authorizing shooting to kill such defaulters after a warning had been given," the British assessment added.

UK intelligence states that this tactic of [shooting deserters](#) "likely attests to the low quality, low morale and indiscipline of Russian forces."

***More than 3,500 Russian soldiers have called Ukraine's surrender helpline, official says***

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[Business Insider](#) (17.11.2022) - More than 3,500 soldiers drafted into Russia's war in Ukraine have contacted a hotline declaring they want to surrender, according to a Ukrainian official.

[The "I Want to Live" service](#) is a hotline where Russians and Ukrainians under Russian occupation can signal to Ukraine that they do not want to take part in Russia's invasion, and arrange to surrender.

The service, run both over the phone and on Telegram, was launched two days before Putin [announced a mass mobilization of reservists](#) on September 21 — an event that prompted the first flood of enquiries, [project spokesperson Vitaliy Matvienko told the Kyiv Post in an interview](#).

[Russia's Prosecutor General's office blocked the site](#) in mid-October, by which time it claimed to have received more than 2,000 enquiries.

It's unclear how people in Russia continue to have access to the service, and Insider was unable to independently verify the figures provided.

Explaining the process, Matvienko told the Kyiv Post that Russians can first reach out via a chatbox, even before they are mobilized, to fill out a questionnaire that is considered a "preliminary surrender," and which is then stored in a database.

When the soldier reaches Ukraine, they contact the hotline again, whereupon their information is pulled up and arrangements for surrender begins, Matvienko told the outlet.

Matvienko said that most enquiries came from Russia at first, but they have also come from Russian-occupied territories in Ukraine, the frontline, as well as Belarus.

Under the "I Want to Live" process, Ukraine says it guarantees prisoner of war rights under the Geneva Convention, including meals, phonecalls home, and medical care.

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## **“Я хочу жить”: Русские солдаты сдаются с помощью Telegram-канала, чтобы спасти свою жизнь**

**По официальным данным в течение ноября более 3500 российских солдат обратились на Украинскую линию помощи при капитуляции.**

HRWF (23.12.2022) - Украинские власти создали специальное приложение в Telegram, чтобы дать возможность российским солдатам безопасно сдаться в плен и спасти свою жизнь. Эта информация доступна на русском языке в Telegram-канале [“Хочу жить”](#).

Видео показывает им, как происходят такие операции:

[Российские солдаты сдаются украинским войскам во время боев в Херсоне](#)

Российские солдаты используются Путиным в качестве «пушечного мяса», а спецподразделения, называемые «заградительными отрядами» или «блокирующими подразделениями», размещаются в тылу, чтобы расстреливать отступающих солдат, не желающих воевать «из-за низкого морального духа».

Примерно в середине ноября в сети появилось [графическое видео, на котором запечатлена жестокая казнь российского солдата](#), дезертировавшего из российского наемного вооруженного формирования «группы Вагнера», но позднее пойманного. В то время как Кремль отрицал какие-либо сведения об этом инциденте, основатель группы Вагнер Евгений Пригожин одобрительно отозвался об этом убийстве в своем заявлении.

**Родственники утверждают, что десяткам дезертиров из России грозит расстрел**

Изабель Ван Брюген

[Newsweek](#) (08.11.2022) - Десятки мобилизованных российских солдат, отказавшихся воевать на Украине, находятся в заключении под угрозой расстрела, утверждают члены их семей.

Жены и матери 21 российского солдата заявляют, что их мужчин за отказ участвовать в войне держат в плену в селе Завитне Бажанья Донецкой области на востоке Украины. Конфликт начался, когда 24 февраля президент [Владимир Путин](#) начал полномасштабное вторжение.

По меньшей мере восемь из задержанных мужчин имели официальные освобождения от военной службы и не должны были быть призваны в рамках указа Путина о «частичной мобилизации» от 21 сентября, говорится в письме женщин, полученном российским медиа-проектом The Insider.

Мобилизованных бойцов якобы отправили на передовую в Украине без соответствующей подготовки и посадили за то, что они подали письменные рапорты, в которых заявили, что не хотят воевать, потому что это против их совести.

По словам родственников, сейчас командиры частей пытаются заставить их отказаться от своих показаний. Мужчин также лишают еды и предметов личной гигиены, угрожают отправкой на передовую или [расстрелом](#).

Елена Кашина рассказала The Insider, что ее 33-летнего мужа вызвали, несмотря на отсутствие военного опыта.

«Мой муж работал на горно-металлургическом комбинате, который считается оборонным предприятием, поэтому его не должны были призывать в армию, но ему не повезло», — сказала она.

Кашина сообщила, что ее мужа отправили в Украину 2 октября, а 12 октября он заявил, что не хочет убивать людей, а скорее «закроет глаза и уши» и будет ждать расстрела.

Солдат рассказал, что ему и другим мобилизованным угрожали расстрелом, когда они заявили, что не хотят участвовать в войне.

«Прежде чем они написали свои рапорты, замкомандира 5-й роты «ДНР» [Донецк] огласил им, что если они что-то напишут, их расстреляют, тела бросят в яму, а родственникам скажут, что они пропал без вести», - сказала Кашина.

«Мне позвонил муж и сказал: «Лена, меня сегодня могут расстрелять». «Они были в полной депрессии, психически надломлены. Я думаю, что если бы они вернулись домой, то им понадобилась бы помощь психиатра. В таком состоянии их бросили в подвал, и они сидели там на земле в кирпичном подвале двое суток,» – добавила она.

Кашина рассказала, что не может связаться с мужем с 31 октября.

Эта новость появилась после того, как Министерство обороны Великобритании заявило, что офицеры российских подразделений, вероятно, угрожают расстрелять дезертирующих солдат.

В пятницу британское Министерство при оценке конфликта, заявило, что российские силы, вероятно, начали развертывание «заградительных отрядов» или «блокирующих подразделений» для борьбы со своими отступающими солдатами, которые не желают сражаться «из-за низкого морального духа».

«Такие подразделения предусматривают угрозу расстрелом своим отступающим солдатам, чтобы заставить их начать наступление, и уже использовались в предыдущих конфликтах российскими войсками», — заявили в министерстве обороны Великобритании.

Путинское военное руководство также, вероятно, стремится удержать свои войска на оборонительных позициях «до самой смерти».

«В последнее время российские генералы, вероятно, хотят, чтобы их командиры применяли оружие против дезертиров, в том числе, возможно, санкционировали стрельбу по таким беглецам после того, как было сделано предупреждение», — добавили в британской оценке.

Британская разведка заявляет, что такая тактика **расстрела дезертиров** «вероятно свидетельствует о низком качестве, низком моральном духе и недисциплинированности российских сил».

***По официальной информации более 3500 российских солдат обратились на линию помощи Украины по вопросам капитуляции.***

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[Business Insider](#) (17.11.2022) –

По официальным данным Украины более 3500 солдат, призванных Россией на войну в Украине, связались по горячей линии, заявив, что хотят сдаться.

«Хочу жить» — это горячая линия, по которой русские и украинцы, находящиеся под российской оккупацией, могут сигнализировать Украине, что они не хотят участвовать во вторжении России, и договориться о капитуляции.

Этот проект, работающий как по телефону, так и в Telegram, был запущен за два дня до того, как Путин объявил о [массовой мобилизации резервистов](#) 21 сентября — событии, которое вызвало первый поток обращений, [рассказал в интервью Kyiv Post представитель проекта Виталий Матвиенко](#).

[Генеральная прокуратура России заблокировала сайт](#) в середине октября. К тому времени, по ее утверждениям, он получил более 2000 обращений.

Непонятно, как люди в России продолжают получать доступ к сервису, и Insider не смог самостоятельно проверить предоставленные цифры.

Объясняя процесс, Матвиенко сообщила Kyiv Post, что россияне могут начинать связаться через чат, даже до того, как они будут мобилизованы, чтобы заполнить анкету, которая считается «предварительной капитуляцией» и затем сохраняется в базе данных.

«Когда солдат прибывает в Украину, он снова связывается с горячей линией, после чего его информация подтягивается и начинается подготовка к сдаче», - рассказала Матвиенко изданию.

Матвиенко также сообщила, что сначала большинство обращений приходило из России, позже они начали также поступать с оккупированных Россией территорий Украины, прифронтовой полосы, а также из Беларуси.

В рамках государственного проекта «Я хочу жить» Украина заявляет, что гарантирует права военнопленных в соответствии с Женевской конвенцией, включая питание, телефонные звонки домой и медицинское обслуживание.

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## **EU Parliament recognises Ukraine Soviet-era famine as 'Genocide'**

### ***EU parliament recognizes Holodomor as genocide against Ukrainians***

AFP (15.12.2022) - <https://bit.ly/3YtGbnf> - The European Parliament on Thursday, Dec. 15, approved a resolution declaring the 1930s starvation of millions in Ukraine under Soviet leader Joseph Stalin a "genocide".

The text said the EU legislature "recognises the [Holodomor](#), the artificial famine of 1932-1933 in Ukraine caused by a deliberate policy of the Soviet regime, as a genocide against the Ukrainian people".

The step comes days after Ukraine marked 90 years since the famine and as Russian forces wage a devastating war against the country.

Kyiv has urged the international community to officially declare the starvation "genocide" as Ukraine confronts Moscow's modern-day aggression.

The vote by the European parliament is likely to draw ire from Russia, where officials have increasingly sought to rehabilitate Stalin's image under President Vladimir Putin.

EU legislators urged "all the countries and international organisations which have not yet recognised the Holodomor as a genocide to do so".

They also condemned "the current Russian regime's manipulation of historical memory for the purpose of regime survival".

German lawmakers passed a resolution declaring the famine a genocide last month.

The 1932-33 "Holodomor" -- Ukrainian for "death by starvation" -- is regarded by Kyiv as a deliberate act of genocide by Stalin's regime with the intention of wiping out the peasantry.

Stalin's campaign of forced "collectivisation" seized grain and other foodstuffs and left millions to starve.

The Holodomor has long been a major sticking point in ties between Russia and Ukraine. Moscow rejects Kyiv's account, placing the events in the broader context of famines that devastated regions of Central Asia and Russia.

The current conflict has fuelled fears that history may repeat itself. Russia's targeting of grain storage facilities and its blockade of Ukraine's Black Sea exports have sparked accusations that Moscow is using food as a weapon of war.

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## **Victims of rape, castration found during exhumation in liberated Izyum**

***Russian occupying forces tortured a minor girl and a boy and brutally killed them in Izyum, Kharkiv Region, according to the results of an exhumation carried out by Ukrainian law-enforcement agencies.***

**Kiyv Post** (29.11.2022) - This was [stated](#) by the Head of the Presidential Office, Andriy Yermak, during an online speech he gave on Monday, Nov. 28, at the *Possible Scenarios for the Prosecution of Russia for the Crime of Aggression* conference.

"The atrocities we are facing are shocking. When our law-enforcement agencies carried out an exhumation in Izyum, they found a minor girl who was first raped and then brutally killed. They found a boy whose genitals were cut off before he was executed. We discover such terrible things every time we liberate a new settlement," said Yermak.

He underlined that that behind all crimes lie one huge crime – the so-called mother crime of aggression – without the investigation of which and the punishment of the guilty the truth will never be gotten to.

"There is no doubt that Russia bears full responsibility for what was committed. Russian soldiers and their commanders who committed war crimes will be brought to justice. However, this is not enough. Russian officials must be brought to criminal responsibility for the crime of aggression," he added.

Yermak also said a special international tribunal for the crime of aggression against Ukraine will enable justice to be restored and punishment to be meted out to those guilty of committing terrible acts.

According to official information of the Prosecutor-General's Office of Ukraine, more than 47,900 war crimes were committed and more than 8,400 civilians died, including 440 children, during Russia's full-scale war against Ukraine. At least 46,000 houses and tens of thousands of civil infrastructure facilities have been destroyed. Among other things, 1,400 institutions for children have been destroyed and at least 11,400 young Ukrainians taken forcibly out of the country.

Izyum was liberated from Russian occupation on Sept. 10 in the course of a large-scale counter-offensive undertaken by Ukrainian forces in Kharkiv Region. According to the Institute for the Study of War, Russian forces killed and tortured hundreds civilians of civilians during their six-month occupation, and mass graves of Ukrainians were [found there](#).

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## **Kyiv likens Russian 'genocidal' tactics to Soviet-era 'Holodomor' famine**

[Euronews/ Reuters, AFP](#) (26.11.2022) - Ukraine accused the Kremlin on Saturday of using the same "genocidal" tactics that it used against it in the 1930s under Josef Stalin, on the 90th anniversary of the Soviet-era famine that has taken on new resonance since the Russian invasion.

The country has received a stream of further messages of support, as several European leaders travelled to Kyiv for the commemorations of the Holodomor, which Ukraine considers was "genocide".

It comes as Ukraine grapples to repel invading Russian forces and deals with massive power outages across the country after waves of Russian air strikes on vital infrastructure.

In November 1932, Soviet leader Stalin dispatched police to seize all grain and livestock from newly collectivised Ukrainian farms, including the seed needed to plant the next crop. Millions of Ukrainian peasants starved to death in the following months from what some historians say was premeditated mass murder.

"On the 90th anniversary of the 1932-1933 Holodomor in Ukraine, Russia's genocidal war of aggression pursues the same goal as during the 1932-1933 genocide: the elimination of the Ukrainian nation and its statehood," Ukraine's foreign ministry said in a statement.

"The political and ideological narratives of the Stalinist era, in particular presenting the image of the so-called 'hostile West' and the denial of the existence of Ukraine as an independent state, are actively reproduced today."

"The Russians will pay for all of the victims of the Holodomor and answer for today's crimes," Andriy Yermak, the head of Ukraine's presidential administration, wrote on Telegram.

### ***De Croo pledges Belgian support***

Belgian Prime Minister Alexander De Croo, making his first visit since the start of the Russian invasion, stressed the importance of standing with Ukraine now that Russia is turning against the country's population and infrastructure.

He and Zelenskyy signed a declaration of support for Ukraine's membership with the EU and NATO.

The Ukrainian president thanked the Belgian leader for the unwavering support, and in particular noted that Belgium "is the leader in the volume of frozen Russian assets – €50 billion, even more".

The prime minister tweeted to say that Belgium was "releasing new humanitarian and military aid", and was one of the first countries to back Zelenskyy's initiative to get Ukrainian grain to world markets.

Belgium is to provide additional financial support of €37.4 million for Ukraine, according to the Belga news agency.

The prime ministers of Poland and Lithuania, Mateusz Morawiecki and Ingrida Šimonytė -- two of Ukraine's closest supporters -- met with their counterpart Denys Shmyhal.

The three leaders issued a joint statement after the meeting stressing their continued support for Ukraine and denouncing Russia's actions.

German Chancellor Olaf Scholz announced in a video an additional €15 million in aid to support Ukrainian grain exports, disrupted by the war. The German parliament moved on Friday to [define the Holodomor as "genocide"](#).

French President Emmanuel Macron also pledged an additional €6 million for grain exports, which are vital for the supply of many countries in Africa and Asia.

"We have chosen to act in solidarity with the most vulnerable countries. Russia, on the other hand, continues to use hunger as a means of pressure and food as a weapon of war," he said in a message.

### ***'History repeating itself'***

At the Holodomor memorial centre in central Kyiv, a dozen Orthodox priests dressed in black and silver robes gathered on Saturday for a religious ceremony to honour the victims of the famine.

"It was an artificially created genocidal famine... Now that we are living through this massive war launched unprovoked by Russia against Ukraine, we see history repeating itself," 38-year-old Pope Oleksandre Chmurgin told AFP.

Among those gathered to commemorate the victims of the famine, lawyer Andrey Savchuk, 39, spoke of an "irreparable" loss for Ukraine.

"Stalin's system, the repressive state wanted to destroy Ukraine as a nation. Today we see that Stalin's efforts are being continued by (President Vladimir) Putin," he said.

Russia rejects classification of the famine in the early 1930s as genocide, arguing that there were not only Ukrainian victims, but also Russians, Kazakhs and others.

On the frontline, prisoner exchanges between Russia and Ukraine continued on Saturday with 12 people freed on the Kyiv side. Moscow announced that it had recovered nine of its men.

In Dnipro, in central Ukraine, a Russian bombardment injured at least 13 people, according to regional governor Valentin Reznichenko.

In the capital, where part of the population has spent the last three days without electricity after massive Russian strikes on Wednesday, the municipality announced that it had restored 75% of the power supply and 90% of the heating, with temperatures approaching zero degrees Celsius.

### ***More reading***

[Holodomor, basic facts](#)

[Ukraine remembers Stalin-era famine as Russia war rages](#)

[Holodomor: Germany to call famine that killed millions of Ukrainians in the 1930s a 'genocide'](#)

[Duda, Hoseda, Iohannis, Levits call on world to recognize Holodomor as crime of Stalin's regime](#)

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## **Activist Aleksandr Tarasov from Kherson detained in Crimea since March**

***Human Rights Without Frontiers urges the Russian authorities to immediately release Aleksandr Tarasov***

By Willy Fautré

HRWF (31.10.2022) – On 16 August, a fellow prisoner of Aleksandr Tarasov who had been released called his family to tell them that he was in a pre-trial detention center in Simferopol (Crimea).

On 7 March 2022, Aleksandr Viktorovich Tarasov, a 41-year old activist, was abducted in Kherson, on Ushakov near a sporting goods store. His kidnappers were driving in a black Mercedes with a non-local number plate but could not be identified.

That night, a video showing his interrogation was posted on the “News of Khersonshchyna” telegram channel. Judging by the conversation, the interrogation was conducted by a person with a good command of the Ukrainian language, who obviously knew Tarasov and his activism, which was the reason for his abduction.

During the interrogation, Aleksandr Tarasov declared that he had been cooperating with the Security Service of Ukraine since 2011. His kidnappers were interested in information about political figures, and movements in the city. Specifically, “which ones were radical and which were not,” and in general, “the socio-political situation in the city and the region”.

Activist Aleksandr Tarasov had actively covered Ukrainian rallies against the occupation in Kherson. He is well-known for his pro-Ukrainian stance. After the Russian invasion of Crimea in 2014, he was a senior legal advisor and committee member of the Independent Media Trade Union of Ukraine.

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## **Zelensky urged to veto law that puts Ukraine on track for more damning European Court judgments**

By Halya Coynash

KHPG (24.10.2022) - <https://bit.ly/3soAxEq> - Ukrainian human rights NGOs have issued an appeal to President Volodymyr Zelensky, calling on him to veto a bill which claims to comply with the European Court of Human Rights, but which does nothing of the sort. The situation is especially frustrating as real compliance might finally provide the only chance of justice for the many life prisoners in Ukraine who may well be imprisoned for crimes they did not commit.

On 18 October, Ukraine's Verkhovna Rada adopted two draft bills: [No. 4048](#) 'On amendments to some legislative acts regarding implementation of European Court of Human Rights [ECHR] judgements' and [No. 4049](#) 'On amendments to the Code of Administrative Offences; the Criminal Code and the Criminal Procedure Code regarding implementation of ECHR judgements'. The proposed amendment to the Criminal Code would allow the imposition of less severe sentences and early release on probation in the case of people sentenced to life imprisonment.

This should have been a positive move since Ukraine's life sentences really are for life, with no possibility of release, nor of judicial review (except in the case of new evidence).

The European Court of Human Rights issued its first judgement on this situation back on 12 March 2019 in [the case of Petukhov v. Ukraine](#). The Court held unanimously that there had been a violation of Article 3 (the prohibition of torture) specifically with respect to life sentences, like that in the case of Volodymyr Petukhov, where there was no chance of any reduction to the sentence. The judgement stated clear that there needed to be a reform of the system of review of life sentences. Although there could well be situations where a prisoner was, for example, deemed too dangerous to ever be released, life prisoners must know what they can do in order to have at least some hope of eventual release. There have been several analogous judgements since then.

On 17 September 2021, Ukraine's Constitutional Court [found](#) that the situation where life prisoners were deprived of any chance of release was unconstitutional. The Court's judgement obliged Ukraine's Verkhovna Rada to bring two articles of the Criminal Code into keeping with its judgement. The two bills adopted on 18 October 2022 were supposed to rectify this situation. The human rights NGOs' appeal, however, points out that, instead of removing the violation, the bills actually create grounds for yet more applications from life prisoners to international courts.

No. 4049 envisages changing a life sentence to a sentence of 15 to 20 years where a person has already served no less than 15 years' imprisonment. Since no part of the sentences would be concurrent, this would mean that a life prisoner's sentence would be changed, but he would still have to serve a minimum of 30 years' imprisonment. Since some life prisoners have already served considerably more than 15 years (even more than 25), the charges of them ever being released, would be remote. The authors of the appeal note that this norm clearly discriminates against those who have already served much more than the requisite 15 years envisaged by the new bill.

In fact, the human rights groups believe that the very need to serve more than 30 years already places the entire mechanism allowing for release of life prisoners in question.

Given the inadequate conditions in Ukrainian penitentiary institutions and the failure to provide prisoners with proper medical care, life prisoners would be unlikely to survive so long in confinement. They would thus still be deprived of any realistic chance of release. ECHR has, in fact, already addressed the question of what would be a reasonable amount of time after which a person could at least have the chance of release. In [The case of Bancsók and László Magyar \(no.2\) v. Hungary](#), a term of imprisonment of 25 years was proposed.

The human rights groups (the Ukrainian Helsinki Human Rights Union, the Kharkiv Human Rights Protection Group, and others) are therefore calling on President Volodymyr Zelensky to veto No. 4049 and to send it back for revision.

Since the European Court of Human Rights' position does not depend on whether a person was guilty of the charges which led to the life sentence, the appeal is concerned only with the above flaws. It should, however, be noted that an extra issue in Ukraine is that human rights NGOs have identified a large number of cases where there seem legitimate grounds for doubting that the person serving a life sentence is, in fact, guilty. There are also many cases where one person was sentenced to life, while another received a 15-year sentence, although the crimes were comparable.

Until the new Criminal Procedure Code came into force in 2012, there were no mechanisms for ensuring that a person could not be convicted and sentenced, even to life, on the basis of 'confessions', tortured out of a person, of testimony given without a lawyer being present, etc. Under the presidency of Viktor Yanukovich, Ukraine's Supreme Court was stripped of a number of powers, including its right to review criminal cases under extraordinary procedure. Such procedure had enabled review of a conviction



in cases where there had been violations of material or procedural law, for example, where evidence had been fabricated or falsified.

There remains no mechanism for rectifying miscarriages of justice, however glaring. Campaigns to obtain a judicial review or at least pardon in the cases of, for example, [Volodymyr Panasenko](#); [Yaroslav Mysiak](#); [Maxim Orlov](#); [Mykola Slyvotsky](#) and others have remained unsuccessful. Some prisoners, like [Oleksandr Rafalsky](#) died in prison. His mother, Tamara Rafalska, has continued to campaign not only for justice for her son, but for those of other life prisoners deprived of the right to a fair trial. It was she who, on 27 May 2021, received a poignant victory when ECHR [found](#) that Ukraine had violated her son's rights through the use of police torture and the failure to properly investigate this.

### ***Volodymyr Panasenko***

If the President does not veto No. 4049, 62-year-old Volodymyr Panasenko, who has already spent over 15 years imprisoned, would face a further 15-year sentence for a crime nobody has ever believed that he committed.

As well as human rights NGOs, several prominent public figures, including the first Ukrainian President Leonid Kravchuk and first Human Rights Ombudsperson, Nina Karpachova have pointed to the evident miscarriage of justice.

On 26 October 2006, a car bomb, planted under a car belonging to Lviv City Councillor and owner of the Shuvar market, Roman Fedyshyn left him unharmed but killed 14-year-old Marika Kutsinda who was walking past when the bomb exploded.

A month after the blast, the police had caught one person suspected of carrying out the attack, and declared another person wanted (he was arrested in 2013), as well as Oleksandr Rudy, who was suspected of being the go-between between the perpetrators and the person who had commissioned the crime.

Rudy was arrested while under treatment for alcoholism in a psychiatric clinic and signed four different 'confessions'. He first asserted that the blast had been ordered by Fedyshyn himself to improve his political rating. When the investigator **Roman Sharko** told him that such a confession would not do, he named Myroslav Bokalo, the administrator of the market. This was also deemed wrong, so Rudy then asserted that the crime had been ordered by two men - Bokalo and Panasenko. The latter had created the company behind the Shuvar market together with Fedyshyn. A fourth 'confession' mentioned only Panasenko.

Rudy retracted his words in court, stating at both first trial, and then appeal level. that Panasenko had nothing to do with the crime and that it had been commissioned by somebody else. He later also wrote a statement saying that he had given false testimony against Panasenko under pressure from the investigator. The pressure, he specified, consisted of threats that he would get life himself if he didn't provide the testimony and beatings.

This was ignored by the court, under presiding judge **Stanislav Holubytsky**, as were other falsifications in the case. Panasenko's lawyer Natalya Krisman [is convinced](#) that everything was done to put Panasenko away for life. She says that neither the investigators nor the court really tried to conceal their certainty that Panasenko was innocent. It was simply that the other candidates had power and could not be touched.

Volodymyr Panasenko remains imprisoned. Despite the European Court of Human Rights' judgement, on 15 February 2021. The Grand Chamber of Ukraine's Supreme Court [refused to initiate proceedings](#) into Panasenko's appeal against his life sentence. Stanislav Holubytsky became a Supreme Court judge, with this despite a [negative assessment](#) from the Public Integrity Council which cited his role in the trial of

Panasenko. Roman Sharko, who played a direct role in falsifying evidence [was appointed](#) to a managerial post in the Prosecutor General's Office, responsible [for overseeing 'adherence to the law within the National Police'](#).

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## **CPJ calls for Ukraine to revise draft media law**

***Ukrainian legislators should revise a draft media law that threatens to restrict press freedom in the country and would move it away from European Union standards, the Committee to Protect Journalists said Thursday.***

CPJ (28.07.2022) - <https://bit.ly/3QevFeE> - On July 1, Olga Gerasimiyuk, the head of Ukraine's National Council of Television and Radio Broadcasting, the state broadcasting regulator, [announced](#) that media legislation first proposed in 2019 could be voted on by the country's parliament, the Verkhovna Rada, "in the summer, before Independence Day [August 24]."

If passed, the legislation would expand the regulator's power, allowing it to invalidate online news outlets' registrations, issue fines against them, and shut them down pursuant to court rulings, according to [media reports](#) and the text of the bill, which CPJ reviewed.

Ukraine is a candidate to join the European Union, and to begin negotiations for membership it is required to reform its media laws, many of which were implemented in the 1990s, according to [media reports](#) and a [statement](#) by the European Commission.

"A revision of Ukraine's outdated media legislation is necessary if the country wants to meet European Union standards, but legislators must not use such reforms as a pretext to expand government control over information," said Carlos Martinez de la Serna, CPJ's program director, in Madrid. "Legislators should draft a media bill in line with EU directives, and which includes strong safeguards for press freedom."

Minister of Culture Oleksandr Tkachenko [announced his support](#) for the bill on July 20, saying it would help fight Russian propaganda. CPJ messaged Tkachenko for comment but did not receive any reply.

On July 21, Mykyta Poturaev, the head of the Verkhovna Rada's Committee on Humanitarian and Information Policy, said the draft law was sent to the European Commission for its recommendations, and that the parliament would not vote on the bill until those recommendations were received, according to [a report](#) by the Ukrainian National Union of Journalists (NUJU), a local trade group.

The bill is supported by members of the Servant of the People party, which has a majority in the parliament, NUJU head Sergiy Tomilenko told CPJ via messaging app. To become law, the bill would need to pass three readings in the Verkhovna Rada then be approved by President Volodymyr Zelenskyy.

The original draft law was registered in the Verkhovna Rada in December 2019, but its consideration has been postponed several times due to criticism, according to [multiple media reports](#). The most recent [draft of the bill](#), which CPJ reviewed, is dated July 2020.

Tomilenko told CPJ that the bill had been "developed behind the scenes, without open dialogue," and said that authorities already had "enough mechanisms" at their disposal connected to the country's martial law to confront Russian propaganda.

The NUJU previously criticized the draft law in a May 2021 [statement](#), claiming that it "restricts freedom of speech, introduces excessive regulation of the media, imposes fines and the possibility of closing down online media."

Tomilenko told CPJ that the NUJU called on authorities “not to carry out grandiose media reform at a time of war and not to distract journalists from their work at a time when professional journalism is more important than ever.”

CPJ emailed the Verkhovna Rada and the National Council of Television and Radio Broadcasting and contacted Gerasimyuk via messaging app for comment, but did not receive any responses.

Since Russia launched its full-scale invasion on February 24, Ukrainian authorities have introduced a number of restrictions on journalists, including on access to the front lines and concerning the coverage of Ukrainian soldiers and military equipment, according to [news reports](#).

In April, authorities and media representatives issued a joint [statement](#) requiring journalists to wait several hours before reporting on shellings, in the name of military secrecy. Also that month, the National Security and Defense Council, a state body that advises the president, disabled the terrestrial broadcasts of the privately owned broadcasters Espresso TV, Pryamiy, and Channel 5 in order to air a telethon of news about the war, according to [multiple news reports](#).

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## **Russian shelling damages office of Zorya newspaper in Ukraine**

CPJ (25.07.2022) - <https://bit.ly/3z4peDY> - Ukrainian and Russian authorities should ensure that artillery attacks do not damage civilian infrastructure, including media offices, and let the press report freely and safely on the war in Ukraine, the Committee to Protect Journalists said Monday.

On July 15, Russian forces shelled the editorial office of *Zorya*, a newspaper in the eastern village of Zolochiv, in the Kharkiv region, according to a [report](#) by the Ukrainian National Union of Journalists (NUJU), a local trade group, and *Zorya* chief editor Vasily Miroshnik, who spoke to CPJ by phone.

Russian forces also shelled homes in the area on July 15, and damaged the village’s power grid, according to [news reports](#). No one was injured in the shelling of *Zorya*’s office, according to Miroshnik and the NUJU.

“We are deeply concerned by the shelling the office of Ukrainian newspaper *Zorya* during the Russian artillery attack on the village of Zolochiv,” said Carlos Martinez de la Serna, CPJ’s program director, in Madrid. “Media covering the war must be assured that they can continue to do so without fear of attack, and Russian and Ukrainian authorities have a responsibility to ensure their protection.”

*Zorya*’s office was previously hit by shelling in early April, the NUJU [reported](#) at the time. Miroshnik was quoted in that NUJU report as saying that *Zorya* staffers “are convinced that they [Russian forces] deliberately fire at the editorial office. Miroshnik told CPJ that the area had been repeatedly shelled while other buildings in the town, including the local police department and administrative office buildings, had not.

He added that “neighbors are afraid to live next to [the office]” because it had been repeatedly attacked.

“We just finished repairs after the first shelling. The windows were blown out again, and now we decided to just cover them with plywood. The roof was also demolished, and the armored door was blown out,” Miroshnik told the NUJU.

*Zorya* stopped printing when the war started and now publishes news in a [Facebook group](#) with about 11,600 members, Miroshnik told CPJ. The outlet also airs live Facebook broadcasts of military actions in the area and has published criticism of the Russian invasion of Ukraine, according to Miroshnik and CPJ's review of the outlet's content.

Separately, Miroshnik told CPJ that pro-Russian locals had repeatedly sent complaints to Facebook to block *Zorya's* Facebook group, which he saw as retaliation for the outlet's reporting.

"We make it difficult for the Russians to tell lies about what is happening on the Ukrainian territory," Miroshnik told CPJ. "We are proving with facts that the Russian artillery and aviation are shelling Zolochiv, killing civilians, and it bothers the [pro-Russian] collaborators. I conduct live broadcasts from the places that were shelled, report on where the shells come from, and on whom they are killing."

In May 2022, the Russian state news agency RIA Novosti published a [video](#) where a man presented as a Ukrainian refugee accused Miroshnik and *Zorya* of spreading false information about the Russian army shelling the Kharkiv village of Udy in April.

"They are waging war on our newsroom at the level of centralized Russian state media, they are waging war on us at the level of Facebook... and they are trying to destroy our office in order to prevent us from working as a print newspaper," Miroshnik told CPJ.

CPJ emailed the Russian and Ukrainian Ministries of Defense for comment but did not receive any replies.

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## **European Court orders Russia not to carry out 'death sentence' against POW defending Ukraine**

KHRPG (21.06.2022) - <https://bit.ly/3HXyRUd> - The European Court of Human Rights [has ordered](#) Russia to ensure that the death penalty imposed on a prisoner of war seized while serving in the Ukrainian Armed Forces is not carried out. Although ECHR's application of Rule 39 is with respect to Brahim Saadoun, a 21-year-old Moroccan national, Saadoun is one of three prisoners of war whom an unrecognized 'court' of the Russian proxy 'Donetsk people's republic' ['DPR']] 'sentenced' to death on 9 June 2022. Like Saadoun, Britons Shaun Pinner (48) and Aiden Aslin (28) were serving in the Ukrainian Armed Forces and are undoubtedly prisoners of war protected under international law.

ECHR also ordered Russia to ensure that Saadoun's rights under the European Convention on Human Rights are observed, in particular Article 2 (the right to life) and Article 3 (the prohibition of torture). It is extremely likely that the conditions that the three men are being held in are, in themselves, tantamount to torture, and that they are also being ill-treated. The Court also demanded that Russia provide information within two weeks to demonstrate "what actions and measures have been taken by their authorities" to ensure respect of Saadoun's rights.

[As reported](#), on 12 June Russian leader Vladimir Putin signed into force a law that flouts the decision of the ECHR Grand Chamber and backdates Russia's rejection of the Court's jurisdiction to 15 March. Since Russia's act is unilateral and breaches the Court's decision from 22 March, the validity of that 'law' should surely be in question. In addition, as ECHR stresses, the jurisdiction of the place where Saadoun is being held (namely, the so-called 'Donetsk people's republic') is being considered by the Court within the framework of the inter-state case of Ukraine and the Netherlands v. Russia and Moscow remains obliged not to hinder Saadoun's rights under Article 34 of the Convention.

Saadoun's case has been taken up by the Ukrainian Helsinki Human Rights Union (UHHRU), with the application to ECHR sent by the UHHRU Centre for Strategic Litigation. Centre lawyer Anna Kozmenko [explains](#) that Saadoun came to Ukraine as a student of aerodynamics and space technology in 2019. In October 2021, he applied to become a contract soldier in Ukraine's Armed Forces, and began training in November that year. Following Russia's full-scale invasion on 24 February 2022, he was involved in defending Mariupol.

Contact with him was lost on 27 March, with no information available for a long time. Then on 13 April, Russia stated that 1,026 Ukrainian soldiers from Saadoun's brigade had surrendered to the Russians in Mariupol. Saadoun, Aslin and Pinner were all shown by their captors on [Russian television](#) and [on YouTube](#). All of the men are falsely claimed to be mercenaries. Saadoun explains that they were surrounded and without any food.

They first tried to break free, but did not succeed, and eventually were forced to surrender.

Since Russia has staged a farcical 'trial' in its puppet 'DPR' it is worth stressing that one of the videos shown with Saadoun was of his interrogation by Russia's Investigative Committee.

On 30 April, there were reports in the media that the so-called 'DPR prosecutor' had initiated a supposed investigation with Saadoun, Pinner and a person, [shown on Russian television](#), identified as Andrew Hill, all accused of 'forcibly seizing power or holding power' and of supposedly being mercenaries ('articles 323 and 430, respectively, of the unrecognized 'republic's unrecognized 'criminal code'). Later, the men were also charged under 'article 232' with 'helping in the training of terrorist activities'.

It is not clear what has happened to Andrew Hill, but the 'death sentences' announced on 9 June by the pseudo 'DPR supreme court' were against Brahim Sadoun; Aiden Aslin and Shaun Pinner.

These are unrecognized structures, and bear no resemblance to real courts.

In theory, the men were provided with 'lawyers', however Dmitry Yershov, the Moscow lawyer, appointed for Saadoun, publicly lied, calling both the young Moroccan and Shaun Pinner 'mercenaries'. Worth noting that, [in an interview to Lenta.ru](#), Yershov effectively gives the lie to his own words, by explaining that both Saadoun and Pinner entered into three-year contracts with Ukraine's Armed Forces, making them regular soldiers, and in no way mercenaries. Another 'lawyer', Olga Vesnina, who works in 'DPR', also used the same dubious methods in 'representing' Saadoun, claiming to the media that he was "a young idiot recruited by the British."

Although there were at least five witnesses, willing to appear in Saadoun's defence, not one of them was present at the 'trial'. This, purportedly, took place from 7 to 9 June, with all three men claimed to have 'admitted the charges'. It is next to impossible that any of them did this, save under duress, and Kozmenko notes that Saadoun has a bruise on his face.

### ***Egregious violations***

According to international law, Brahim Saadoun; Shaun Pinner and Aiden Aslin are all prisoners of war who must not be prosecuted for serving in their capacity as soldiers or marines. They were serving as regulars in the Ukrainian Armed Forces, on equal conditions as Ukrainian nationals, and were therefore certainly not mercenaries.

Russia has not only flouted such fundamental principles of international humanitarian law, but has allowed them to be 'tried' by an entity that has absolutely nothing in common with a court of law.

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## About cases of collaboration with the Russian occupying forces and of treason



*A teacher being tried for denying Russian aggression and calling the war crimes in Bucha Ukrainian propaganda. [Source](#)*

HRWF (20.06.2022) - On 13 May, Prosecutor General of Ukraine Irina Venediktova declared that 5,360 cases of treason and collaboration had already been opened in Ukraine. More concrete cases of suspicions and indictments have been made public by the Prosecutor General of Ukraine in the first two weeks of June.

The suspects are Ukrainian informers sharing military information with the Russian occupying forces, active collaborators of the Russification process in the recently occupied territories, including mayors, local pro-Russian Ukrainians elected in city councils and even in the national parliament.

According to the Ministry of Justice, collaboration with the enemy in Ukraine is considered to be:

- participation in hostilities on the side of the aggressor state,
- active cooperation with the occupation authorities,
- organization of elections in the temporarily occupied territories,
- public denial of Russia's armed aggression,
- calls for the overthrow of the independence and territorial integrity of Ukraine.

The law criminalizing collaborationism came into force in mid-March. It prescribes terms of up to 15 years and life imprisonment.

### ***In Odessa region, the SBU exposed a pro-Russian Internet agitator***

A supporter of Russian aggression, who publicly justified the armed invasion of Ukraine and supported the actions of the occupiers, was exposed by SBU officers in the Odessa region.

According to the department, a resident of the village of Velikodolinskoye, Odessa district, distributed materials in social networks banned in Ukraine that glorified the Russian invaders.

In his publications and posts, a supporter of Russia promoted the ideas of the "Russian world", discredited the Armed Forces of Ukraine and openly supported Russia's war on Ukraine.

After inspecting the propagandist's mobile phone and computer, law enforcement officers found materials that contained evidence of his illegal activities.

He was informed of suspicion of committing a crime under Part 2 of Art. 436-2 of the Criminal Code of Ukraine (justification, recognition of lawful or denial of armed aggression of the Russian Federation against Ukraine, glorification of its participants) of the Criminal Code of Ukraine. Source: [Dumskaya](#) (10 June).

### ***A border guard from the Rivne region informing Russia about officers of the Ukrainian National Guard is suspected of treason***

A border guard from the Rivne region is suspected of transmitting information to the Russian Federation about high-ranking officers of the National Guard of Ukraine for their liquidation.

According to the Office of the Prosecutor General, the suspect, working in the recruitment group of the border detachment of the State Border Service of Ukraine, was recruited and cooperated with a reserve officer of the Armed Forces of the occupying state.

He collected and transmitted personal information about the selection of candidates for military service in the border detachment. In 2020-2021, the border guard gave another ex-military occupier country information about high-ranking officers of the National Guard of Ukraine, according to the investigation - for their further elimination.

The defendant was informed of suspicion of high treason (Part 1 of Art. 111 of the Criminal Code of Ukraine). Source: [Dumskaya](#) (7 June)

### ***The head of the occupation administration of Skadovsk and his deputy charged with collaborationism***

A Russian citizen who has been living in Skadovsk for a long time has been heading the occupation district administration since the occupation of the city by Russian troops.

He was informed of suspicion of encroaching on the territorial integrity of Ukraine and collaborationism (Part 3 of Art. 110, Part 5 of Art. 111-1 of the Criminal Code of Ukraine).

This is reported by the Office of the Prosecutor General of Ukraine.

A citizen of Ukraine, who voluntarily took the post of First Deputy of the Occupation District Administration of Skadovsk, is also charged with collaborationism with the Russian occupation forces.

According to the investigation, the suspects actively support the occupation authorities and push local residents to cooperate with the occupying forces. Source: [Dumskaya](#) (17 June).

### ***The deputy of the Mariupol City Council charged with treason***

Law enforcement officers reported suspicion to a deputy of the Mariupol City Council, who cooperated with the Russian invaders on her own initiative.

According to the Office of the Prosecutor General, she is charged with treason committed under martial law (Part 2 of Art. 111 of the Criminal Code of Ukraine).

From February 24, 2022, the deputy of the City Council freely took the initiative to cooperate with the troops of the Russian Federation to ensure the activities of the occupation "administration" of the aggressor state on the territory of Mariupol, according to the investigation.

Together with the Russian management forces of the city and a deputy of the State Duma of the Russian Federation, she distributed literature of the Ministry of Education of the aggressor country in schools in order to promote the Russian ideology among the local population.

"Having taken the pseudo-position of the "head of the Department of Culture of the Mariupol City Administration", the suspect organizes cultural events in order to form an opinion among the population and the world community about the legality of the activities of the so-called "DPR," the Office of the Prosecutor General notes. Source: [Dumskaya](#) (10 June)

### ***A teacher from Zhytomyr will be tried for collaborationism***

A Ukrainian language teacher of one of Zhytomyr's schools will appear in court on charges of collaborationism (Part 1 of Art. 111-1 of the Criminal Code of Ukraine).

According to the Office of the Prosecutor General of Ukraine, the investigation established that during a meeting of the association of Ukrainian language teachers, the accused convinced her colleagues that there was not a war in Ukraine, but a "special operation" of the armed forces of the Russian Federation, which provide assistance to the "brotherly" people.

The accused also claimed that the Ukrainian media misinform the population about the consequences of the occupation in cities and villages. In particular, calling the shootings of civilians in Bucha staged plots.

The indictment against the teacher has been brought to court. Source: [Dumskaya](#) (17 June).

### ***The former head of the Kherson Regional State Administration of Yanukovych's time is suspected of high treason***

The former head of the Kherson regional administration is suspected of high treason.

"Under the procedural leadership of the Kherson Regional Prosecutor's Office, the ex-chairman of the Kherson Regional State Administration, who held a position from 2010 to 2014, was informed of suspicion of high treason (Part 2 of Art. 111 of the Criminal Code of Ukraine)," the message of the Office of the Prosecutor General reads.

The investigation found out that he transferred goods, fuel and building materials to the Russian occupiers. He also placed enemy equipment on the territory of the enterprise under his control.



The Office of the Prosecutor General does not specify the name of the defendant, but it is known that from June 2010 to March 2014 the region was headed by Nikolai Kostyak.

Pre-trial investigation of criminal proceedings is carried out by the investigative Departments of the SBU in Kherson region. Source: [Dumskaya](#) (7 June)

### ***Are there traitors in the Ukrainian Orthodox Church?***

The Ukrainian Orthodox Church/ Moscow Patriarchate (UOC-MP) is often accused of collaboration with the enemy in Ukraine. What is the reality?

On 30 May 2022, the [Verkhovna Rada Committee on Humanitarian and Information Policy](#) held [special hearings](#) at which MPs discussed threats to national security posed by religious organizations "having governing centres on the territory of the aggressor state". The Rada's website reported that "the event was attended by MPs of Ukraine, representatives of ministries and departments, members of the All-Ukrainian Council of Churches and Religious Organizations, representatives of regional state (military) administrations, regional, city, district, village and town councils, public and religious organizations, academic institutions, experts in the field of freedom of conscience, and the public".

In its report, the Rada Committee said: *"As of today the National Police of Ukraine have registered **five criminal proceedings against religious collaborators**, of which **only one case was sent to court** – against a priest on the fact of public denial of military aggression against Ukraine, public calls to support decisions and actions of Russia under Part 1 Article 111-1 of the Criminal Code of Ukraine ("High treason")."*

The UOC-MP complains that the authors of bills aiming at banning their Church cite fakes as evidence of such collaboration. In particular, MP Natalia Pipa cited [two such false reports](#) about **Archpriest Mikhail Pavlushenko** and **Hieromonk Onufry** in the explanatory note to her bill #7213 for the ban of the UOC-MP.

The [detention](#) of Archpriest Mikhail Pavlushenko was in fact a misunderstanding. A downed Russian helicopter crashed right behind his house near Gostomel, and he simply went out to find out if his help was needed. Having sorted out the situation, law enforcement officers let the priest go home without bringing any charges.

Second, the incident with the "priest Onufriy" on March 16 was [commented by the Kyiv Metropolis](#) as follows: *"There is no Hieromonk Onufriy, who was born Sergey Tarasov, in the staff of the Ukrainian Orthodox Church."*

Some reports on the collaborative activities of priests turn out to be skillfully made fakes, says the [Union Orthodox Journalists](#) (UOJ) in an article posted on its website: "For example, **Father Viktor Talko of Borodianka**, the rector of the Archangel Michael Church, was slandered in almost every media outlet, but it later turned out that far from being a collaborator, he helped the residents of Borodianka in many ways: he sheltered them in the church, fed them, helped them evacuate and held the last rites over fallen Ukrainian soldiers and civilians."

After the liberation of Borodianka, the priest was taken to the SBU and released after six days of interrogation without bringing any charge.

The UOC-MP is said to have more than a hundred bishops, 255 monasteries, dozens of educational institutions, and more than 12,000 communities throughout Ukraine. Finally, more than 12.500 thousand priests.

"An elementary calculation shows that 5 priests out of 12 500 is 0.04% of the total number and if we consider that only one cleric of the UOC was brought to court, the percentage becomes negligible, the UOJ [concludes](#).

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## **Russian soldiers given long sentences in Ukraine**

By Halya Coynash

KHRPG (01.06.2022) - <https://bit.ly/3Q0UfjN> - In the second sentence for war crimes since Russia began its total invasion of Ukraine, two young Russian contract soldiers have received 11.5 year sentences for bombing civilian areas in the Kharkiv oblast.

Alexander Bobikin and Alexander Ivanov [were found guilty](#) of involvement in firing Grad missiles at civilian targets on 24 February, first from the Belgorod oblast in Russia, and then, a second time, from Ukrainian territory. Bobikin was responsible for loading the Grad missile launcher, Ivanov – for directing the fire. Both men admitted the charges, with Ivanov expressing repentance and asking that the court not impose the maximum sentence. This plea was reiterated by their lawyer, who mentioned both that the men showed repentance and that they had been obeying orders. The maximum in this case was 12 years, which the prosecutor had asked for, with the Kotelevsky District Court in the Poltava oblast imposing almost that sentence in both cases on 31 May. In handing down the sentences, the court decided that the men could have refused to obey the order to open fire. Ivanov had, in fact, admitted to the court that some of their colleagues had refused. The men had also been aware that they were using missiles which are notoriously inaccurate and which could hit civilian targets.

Both men were serving in the Murmansk oblast, but in December 2021 were sent to Belarus, supposedly for training, and then, in February 2022, to Kursk (in Russia), also purportedly for training. In the second half of February, however, they were moved to the Belgorod oblast, bordering with Ukraine and learned from their command about the war. The prosecution has not established the identity of those who issued the order to fire the Grad missiles.

The Russians' unit was successfully destroyed by the Ukrainian Armed Forces. Both Bobikin and Ivanov hid for a while and then gave themselves up. Like Vadim Shishimarin, the 21-year-old Russian soldier [sentenced to life imprisonment](#) on 24 May for killing a civilian, Bobikin and Ivanov are prisoners of war. This means that they cannot be prosecuted for taking part in the war, but there are no such restrictions where war crimes are concerned, and these include bombing civilian targets.

The case is particularly important as Russia has claimed from the outset that it is only hitting military targets. Most incredibly, it is still continuing to do so, despite carrying out horrific bombing that has all but destroyed Mariupol and is now destroying other whole cities in the Donbas.

Within a day of Russia's total invasion, the International Criminal Court [ICC] Prosecutor Karim Khan had [stated](#) that the Court was closely following developments in Ukraine and that it might investigate possible war crimes. Within days of Khan suggesting that ICC member states would expedite proceedings by asking for an investigation, 42 countries had lodged such applications. Within days, 42 member states had lodged such applications. On 25 April, the Office of the ICC Prosecutor [stated](#) that it would participate, for the first time ever, in a joint investigation team on alleged core international crimes committed in Ukraine, initially set up on 25 March. On 31 May, [it was announced](#) that Estonia, Latvia and Slovakia are joining the original three countries - Lithuania, Poland and Ukraine – on the Joint Investigation Team. During the same press conference, the ICC prosecutor said that he is planning to open an office in Kyiv and said that the teamwork "shows that there is this common front of legality that is absolutely

essential, not just for Ukraine ... but for the continuation of peace and security all over the world.”

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## **MEP's want a special international tribunal for crimes of aggression**

By European Parliament

EU Reporter (23.05.2022) - <https://bit.ly/3IE9Yr5> - In the resolution adopted on 19 May, Parliament calls on the EU to take all necessary action in international proceedings and courts to support the prosecution of the Russian and Belarussian regimes for war crimes, crimes against humanity, genocide and aggression. These investigations and consequent prosecutions should also apply to all Russian armed forces personnel and government officials involved in war crimes, MEPs ask.

The resolution on the fight against impunity for war crimes in Ukraine was adopted by show of hands.

### ***A special international tribunal***

The adopted text asks the EU to support setting up a special international tribunal to punish the crime of aggression committed against Ukraine, for which the [International Criminal Court](#) (ICC) has no jurisdiction, and hold Russian political leaders and military commanders and those of its allies to account.

MEPs also want the EU to provide, as soon as possible, all the necessary human and budgetary resources and administrative, investigative and logistical support needed to establish this tribunal.

According to the EP, reported atrocities such as indiscriminate shelling of cities and towns, forced deportations, use of banned ammunition, attacks against civilians fleeing via pre-agreed humanitarian corridors, executions and sexual violence amount to violations of international humanitarian law. They may qualify as war crimes, say MEPs, stressing that all of them have so far gone unprosecuted.

### ***Act swiftly***

MEPs stress that the EU must take action swiftly, since there is a grave risk that, due to the ongoing hostilities, evidence related to war crimes is being destroyed.

They express their full support for the investigation by the [ICC Prosecutor](#) and the work of the [Commission of Inquiry of the Office of the UN High Commissioner for Human Rights](#) as well as independent civil society organisations and Ukrainian authorities working to collect evidence.

MEPs welcome the joint investigative team being set up by Lithuania, Poland and Ukraine, which is coordinated by the European Union Agency for Criminal Justice Cooperation [Eurojust](#), and in which the Office of the Prosecutor of the ICC will participate, and encourage other member states to join this team.

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## **Over 5000 cases of treason and collaboration opened, the Prosecutor General says**

***Up to 15 years and life imprisonment***

By Willy Fautré

HRWF (17.05.2022) - On 13 May, Prosecutor General of Ukraine Irina Venediktova declared that 5,360 cases on [treason and collaboration have been](#) opened [in](#) Ukraine.

Among these cases, there may be

- real traitors in the pay of the enemy
- ideological collaborators
- people who revealed information of military importance under torture or various forms of blackmail, such as threats on their families

Inquiries are carried out to determine if the suspects are traitors or collaborators or victims of coercion by the occupiers. The position of mayors and members of city or oblast councils in regions occupied by the Russian army is indeed sometimes difficult to clarify. In such cases, some thorough and objective investigation is needed to establish the truth.

### ***A few cases under investigation:***

About 20 People's Deputies of Ukraine who are now abroad are wanted in Ukraine "for having previously shown a non-patriotic position." This was announced at mid-March by the First Deputy Speaker Kornienko when after the adoption of the law on treason and collaboration with the enemy he was asked about the number of MPs having fled abroad.

[Former People's Deputy Ilya Kyva](#) has been put on the international wanted list. Kivu is accused [of treason, propaganda of war, encroachment on territorial integrity](#), calls for the seizure of state power and the spread of communist symbols. This was reported by [the press service of the SBI](#).

"Strana" reported that [the SBU is investigating the possible treason of ex-Nardep Svyatash](#), a former Ukrainian MP. He was said to be a candidate of the Russian Federation for the position of "gauleiter of Kharkiv".

In the Luhansk region, four heads of communities sided with Russia: in Rubezhny, Milovoye, Markovka and Stanitsa Luganskaya. In a video, the mayor of Rubezhny, Sergey Hortiv, called Ukrainian servicemen "fascists" and declared the local residents had been victims of genocide by the Ukrainian army. Hortiv was elected mayor of Rubezhny from the "Our Land" opposition party, the leader of which is People's Deputy Shakhov.

The mayor of Buryn Viktor Ladukh, in Sumy region, his deputy and another member of the city council are under suspicion of collaboration with the enemy. According to the prosecutor's office, the officials cooperated with the Russian Federation during the temporary occupation of Sumy region. This is [reported by](#) the Office of the Prosecutor General.

A trio of suspects during the capture of the Buryn community by Russian troops agreed to cooperate with the aggressor state. They are charged with cooperation with the enemy and material support for its armed groups.

In Kharkiv region, the head of Stary Saltov, Eduard Konovalov and the secretary of the Olkhovatsky [Village Council Nadezhda Antonova](#) are under suspicion of high treason.

The SBU reported suspicion of treason to the head of the shift of the Azovstal plant, who was accused of ["surrendering" the scheme of underground tunnels to the enemy at the enterprise](#) where the Ukrainian military keeps defense. This was reported by the press service of the SBU.

In the Nikolaev area, SBU special forces installed and detained [a fire corrector who helped the enemy artillery](#) damage the "Nikolaev Armored Plant".

In an unrevealed location, the Security Service of Ukraine arrested a [hacker](#) who provided sensitive information to Russian occupiers. The SBU established that in one day up to a thousand calls passed through this hacker. A significant part of them were from the top leadership of the Russian army.

The accused of treason and collaboration face punishment of imprisonment for up to 15 years with confiscation of property. Procedural management is carried out by the Office of the Prosecutor General.

At mid-March, President of Ukraine Volodymyr Zelensky signed two bills on criminal liability for cooperation with Russia: Bills No. 5143 and No. 5144. They prescribe terms of up to 15 years and life imprisonment.

Treason and willful collaboration by Ukrainian citizens with military forces illegally occupying the country are very serious offences against the security and the sovereignty of the country. Such activities result in the destruction of Ukrainian defence and civilian facilities, the shelling of housing, the killing of Ukrainian soldiers and civilians, including war crimes and crimes against humanity.

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## **FAKE NEWS CORNER: The 2nd May 2014 Tragedy in Odessa: Russian lies, lies, lies...**

By Willy Fautré, Human Rights Without Frontiers

HRWF (06.05.2022) - <https://bit.ly/39H51uZ> - On 5 May 2022, the spokesman of the Russian ambassador in Paris said on the French LCI TV channel that Ukrainian pro-Maidan activists had killed over 30 Ukrainian pro-Russian activists in 2014 and this was then a war crime!

As usual, it is the opposite that is true. In chronological order, Ukrainian pro-Russian activists then attacked pro-Maidan demonstrators in the center of the city and hours later staged another provocation kilometers from the center which got out of control and led to a human tragedy. By chance, I was there two weeks later, carried out an investigation for several days and published a report that was confirmed by the Council of Europe years later. Since 2014, Russia has repeated its lies again and again about the tragedy in Odessa.

HRWF Report [HERE](#)

Council of Europe Report [HERE](#)

Kharkiv Human Protection Group Reports:

<https://khp.org/en/1407453894>: Odessa 'massacre' propaganda v. the facts (2015)

<https://khp.org/en/1407682047>: Dangerous silence over police role in Odessa events (2015)

<https://khp.org/en/1424029464>: Odesa May 2 trial turns into farce as Russia continues 'massacre' propaganda (2015)

<https://khp.org/en/1427458492>: Fake Odesa 'mass riots' staged for Russian TV (2015)

<https://khp.org/en/1428196611>: More evidence against incendiary lies about Odesa 2 May (2015)

<https://khp.org/en/1430087187>: Odesa May 2 Investigation: A failed test for Ukrainian justice (2015)

<https://khp.org/en/1432470441>: Finding the real culprits of the events in Odesa on May 2, 2014 (2015)

<https://khpg.org/en/1432412747>: Movement at last in Odesa May 2 investigation (2015)  
<https://khpg.org/en/1441584924>: Vital Probe of Odesa May 2 Tragedy stymied because of questions answered? (2015)  
<https://khpg.org/en/1444010513>: Odesa May 2 Suspect 'We were financed by Moscow' (2015)  
<https://khpg.org/en/1446644277>: Ukrainian authorities slated over Odesa May 2 investigation (2015)  
<https://khpg.org/en/1448751774>: Prosecutor suspected of involvement in Odesa May 2 tragedy (2015)  
<https://khpg.org/en/1448801025>: Why Ukraine's leaders abetting Russian 'May Massacre' lies (2015)  
<https://khpg.org/en/1455403660>: Ukraine's Prosecutor General shelves vital Odesa May 2 investigation (2016)  
<https://khpg.org/en/1459171051>: Two years later, Kremlin's lethal lies about Odesa fire still motivate Donbas recruits (2016)  
<https://khpg.org/en/1459115877>: Sabotage or corruption? Crucial suspect in Odesa May 2 tragedy allowed to escape (2016)  
<https://khpg.org/en/1505775298>: Dramatic acquittals in trial over Odesa 2 May 2014 riots (2017)

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## **There are pro-Russian traitors in Ukraine: they are punishable by 15 years in prison**

By Willy Fautré, Human Rights Without Frontiers

HRWF (29.04.2022) – For two months the Ukrainian population has surprised the world by its resistance to the Russian invasion, the intense awareness of its national identity beyond its linguistic and religious diversity, its consolidated unity and its collective resilience. Before 24 February, there were in Ukraine pro-Russian political activists and naïve Soviet-minded people nostalgic of a late chimeric Soviet period. With the brutal aggression and invasion of Ukraine by President Vladimir Putin, most of them have realized how they were lucky to live in a democratic country instead of a dictatorial Russia and have opted for the defense of their lands and their identity. However, a number of them have decided not to make that psychological, spiritual and political conversion and actively support the aggressors of Ukraine.

### ***A warehouse with spare parts for tanks worth one and a half million dollars was found in Kharkiv: the parts were supposed to go to the occupiers***

In Kharkiv, the SBU exposed a hidden warehouse of tank spare parts intended for the occupiers. There were 19 tank engines in the underground storage, as well as other components for armored vehicles.

This is reported to the SBU.

The total value of the identified property is about one and a half million dollars. It is sufficient to repair half of the tank battalion.

The SBU established that the hiding place was equipped by a 61-year-old Kharkiv citizen. He conspired with employees of local enterprises of the military-industrial complex and organized the hijacking and accumulation of 5TDFA tank engines.

According to the SBU, these power units were planned to be transferred to the Russian occupation troops in case of their entry into Kharkiv. Russian T-64 tanks are still equipped with engines of this modification. Source: [Dumskaya](#), (28.04.2022)

### ***A rally in support of the occupiers: a deputy of the Kherson City Council is suspected of collaboration***

A deputy of the Kherson City Council from the "Saldo Block" party is suspected of collaboration.

According to the Office of the Prosecutor General, the man organized a rally in support of the occupiers, created an illegal public organization that justified the crimes of the enemy. According to some investigation, the member of the City Council of Kherson, a city currently occupied by the Russians, recorded a video message for the Internet edition of the Russian Federation. He called on the locals to lay down their arms and stop resisting. He also became the organizer of and a participant in a pro-Russian rally which was broadcast in the Russian media and social networks.

The suspect announced the creation of an illegal group called the Committee for the Salvation of Kherson Region "For Peace and Order". During the meeting of this committee, the participants supported the actions of the occupation administration of the aggressor state.

The member of the Kherson City Council is suspected of collaboration with the aggressor country. He faces up to 15 years in prison or life imprisonment with or without confiscation of property.

Noteworthy is that on April 26, the occupation authorities [of Kherson appointed "chairman of the regional administration"](#) and "chairman of the city administration". These fake positions were accepted by collaborators Vladimir Saldo and Alexander Kobets. Source: [Dumskaya](#), 28.04.2022)

### ***A pro-Russian Ukrainian defector in 2014 now a Russian POW in Ukraine sentenced to 14 years for high treason***

A former serviceman of the Armed Forces of Ukraine, who in 2014 refused to comply with the order of redeployment from Crimea to Ukraine, and on February 25 returned to Ukraine with the army of occupiers, was sentenced to treason for 14 years.

According to the Office of the Prosecutor General, the former Ukrainian serviceman changed his oath in 2014, refusing to comply with the order to redeploy the military unit from the peninsula and entered service in the Armed Forces of the Russian Federation. Eight years later, on February 25, 2022, he returned to the territory of Ukraine as part of the occupation troops, which entered the city of Novaya Kakhovka, Kherson region.

In particular, he and two other former Ukrainian military were captured as part of the artillery division of the 126th Separate Guards Brigade of the Coastal Defense of the Russian Federation.

The defendant was found guilty of treason and desertion (Article 408, Art. 111 of the Criminal Code of Ukraine). The court sentenced him to 14 years in prison.

In the trial against the second former serviceman of the Armed Forces of Ukraine, the parties proceeded to a debate. Trial of the third has not yet been scheduled. (Source; [Dumskaya](#), 27.02.2022)

### ***Teroboronovets, head of the territorial community, user of Odnoklassniki, - the SBU neutralized enemy agents***

The Security Service of Ukraine neutralized agents of the Russian Federation who collected intelligence about the defense lines of Ukrainian troops and the deployment of aircraft of the Air Force of the Armed Forces of Ukraine.

According to the press center of the special service, among the detainees are the chairman of the territorial community, an official of the defense facility and agents, who were also recruited through social networks.

**In Zhytomyr** region, an official of the defense facility was exposed. According to the investigation, he collected classified information about Ukrainian combat aircraft and the infrastructure of the Air Force. He passed the collected data to the invaders through his brother and former classmate who cooperated with the Russian special services on the territory of Russia.

Another suspect of high treason was detained **in the Dnipropetrovsk** region. The SBU claims that Russian curators instructed him to join the ranks of the Dnieper defense. There he had to collect data on the personnel and weapons of Ukrainian defenders.

**In the Nikolaev** area, SBU employees detained the chairman of one of the united territorial communities. According to the intelligence service, he gave the occupiers information about the location of the positions of the Armed Forces of Ukraine on the territory of the Voznesensky district.

A resident of the **Chernihiv region** voluntarily decided to cooperate with the aggressor country during the occupation, according to the SBU. The man was collecting information about the deployment of the positions of Ukrainian defenders in the suburbs. The Russian army used the obtained data to carry out rocket attacks.

In **Khmelnitsky**, a woman was recruited by the special services of Russia through the social network "Odnoklassniki." For money, she passed them on sensitive information about local military and other strategic facilities.

Such activities lead to the death of Ukrainian civilians and the destruction of Ukrainian defence facilities against the invader. They are considered acts of high treason. (Source: [Dumskaya](#), 27.04.2022)

[Article 111 of the Criminal Code of Ukraine](#) about acts of high treason states that '*an act willfully committed by a citizen of Ukraine in the detriment of sovereignty, territorial integrity and inviolability, defense capability, and state, economic or information security of Ukraine: joining the enemy at the time of martial law or armed conflict, espionage, assistance in subversive activities against Ukraine provided to a foreign state, a foreign organization or their representatives, shall be **punishable by imprisonment for a term of ten to fifteen years.***'

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## Look at the war through Ukrainian eyes

By Amanda Paul (\*)

***EPC (14.04.2022) - <https://bit.ly/3Eftv9C> - The level of death, destruction and suffering being inflicted on the Ukrainian people is abhorrent. With Russia ramping up its eastern offensive, what the EU chooses to do next will be remembered for years to come.***

### Europe's freedom fought in Ukraine

Ukrainians are defending themselves – and the rest of the free world – in a war of annihilation. Having failed to achieve the quick victory it wanted in the first phase of the war, Moscow doubled down on a war of attrition, inflicting indiscernible terror and pain on civilians, including children.



As the atrocities in Bucha, Kramatorsk, Borodianka, Mariupol and elsewhere show, committing systematic war crimes is Russia's calling card.

The war's second phase could potentially be long and bloody. Russia has revised its strategy, focusing its efforts on eastern and southeastern Ukraine.

Moscow has now prioritised the total capture of Mariupol, reinforced efforts in the Kharkiv and Zaporizhzhia regions, and increased troop numbers and heavy machinery across the entire Donbas region. The city of Sloviansk, a major flashpoint in the 2014 war, is likely to be a key battleground again. That the Donbas borders Russia facilitates Russian troops and supply lines.

Furthermore, Russia now knows what to expect and will be better prepared – a case in point is the appointment of ruthless veteran General Aleksandr Dvornikov. He commanded Russia's brutal campaign in Syria, which included the use of barbaric barrel bombs.

Putin wants a success by 9 May, Russia's Victory Day. This cannot happen. The Ukrainian military is doing more than its part. The EU and other allies must also do theirs if Europe is to remain whole and free.

### **The EU response so far**

The EU's initial response to Russia's invasion was faster and more robust than many expected. Consecutive rounds of coordinated economic and individual sanctions are imposed on Russia. Ukraine has received some €1.5 billion in military aid. The EU also opened its borders to millions of Ukrainian refugees, showing important solidarity. Several European and EU leaders, including European Commission President von der Leyen, have travelled to Kyiv.

On 8 April, a fifth package of sanctions was imposed, including a ban on coal imports from Russia. Although an important step, that it only takes effect in August is disappointing. Germany, the largest importer of Russian coal, is to blame. Concerns about how fossil fuels can be replaced in Europe while Ukrainians are being killed, tortured and raped are beyond shameful. Continuing purchases of Russian fossil fuel is financing Putin's war machine, providing the Kremlin with a sense of impunity.

### **Short-term pain for long-term gain**

This is a watershed moment, not only for Ukraine but for Europe more broadly. Delays, indecision and fears about domestic impacts, the costs of sanctions or the risks of provoking Putin must end. Russia has already demonstrated its readiness to commit heinous crimes against humanity without any provocation and which US President Biden has labelled as a genocide.

Clearly, pushing back against Russia comes at a price for Europeans. This war has worsened inflation and food and energy costs which were already rising pre-invasion. Living standards are dropping, and recession may come to many parts of Europe. European citizens are paying for the short-sighted decisions of some leaders.

History has taught us that bullies must be stood up to, and yet Putin has repeatedly been given second chances: after murdering Alexander Litvinenko in 2006, or using chemical weapons in Salisbury in 2018. For its annexation of Crimea in 2014, Russia received little more than a slap on the wrist. Even after the attempted murder of Russian opposition leader Alexei Navalny in 2020, Germany steamed ahead with the North Stream 2 gas pipeline – and despite being fully aware that Russia has weaponised gas for years.

Citizens across Europe have been shocked to the core by the barbarity of Russia's invasion. Regardless of the hard times they now face, they have shown unprecedented

levels of solidarity, opening their homes to Ukrainian families and donating millions. Yes, life will be tough for a while, but not forever. The costs of inaction would be much worse.

Putin is more than capable of bringing this war to other European states if he senses hesitation – including NATO members. Furthermore, his past use of chemical weapons should be a cautionary tale for what could come if he is not stopped. The price of not stepping up would be a loss of security and freedom.

Together with its allies, the EU must ramp up its commitment to Kyiv. Several steps should be taken immediately under four axes.

### **1. Rapid delivery of heavy weapons**

Ukrainian troops have demonstrated their ability to defeat Russia on the battlefield. However, the West not giving Ukraine all the tools it needs to do this effectively is equal to green-lighting the Kremlin to crank up the pressure.

Most of the weapons that Ukraine has received are for dealing with insurgencies. Ukraine needs more offensive weapons that will allow its forces to counterattack, win a conventional war and hit Russian bases. This includes coastal defence missiles, medium-to high-altitude surface-to-air missiles, heavy artillery, drones, tanks, jets, helicopters, S-400 missile systems, anti-tank guided weapons, man-portable air-defence systems, loitering munitions, ammunition and fuel. It is particularly important to provide Ukraine with equipment to help reduce Russia's air superiority and counter attacks from the Black Sea.

While some smaller NATO members face difficulties in their ability to sustain deliveries, the Alliance's largest militaries, along with Australia, must go the extra mile.

### **2. Humanitarian and civilian support**

**Scale up humanitarian medical support.** The World Health Organization estimates that some 100 attacks on Ukrainian healthcare facilities have occurred since the war began. Functioning hospitals – particularly in eastern and southern Ukraine – are overwhelmed by not only growing numbers of patients but also shortages of medical supplies and equipment.

While all humanitarian assistance is crucial, the hospitals must remain open and be supplied sufficiently. Given the situation in the eastern and southern Ukraine, it is also crucial to step up efforts to move patients to other parts of the country or into EU member states.

Humanitarian assistance for independent actors like the Red Cross and Médecins Sans Frontières remains crucial. They not only support local actors in crisis-hit areas but also log events and facts on the ground – for example, Russia's shelling of humanitarian corridors.

**Support civil society.** Ukraine has a dynamic civil society. The war has left many civil society organisations in a perilous financial situation. Their work during and after the war is and will be crucial. They are not only an important source of independent information but can also play a crucial role in gathering, verifying, coordinating and documenting evidence of Russian war crimes. Civil society actors must receive the necessary funds to continue their work.

### **3. Shore up the economy**

**Cancel Ukraine's international debt.** Pre-war, Ukraine had borrowed significant amounts of money from international financial institutions, including the International Monetary Fund (IMF) and World Bank. Despite making important steps to reform and

strengthen the economy, the costs incurred from the eight-year war in the Donbas and COVID-19 were hefty. Ukraine's projected debt payments to the IMF for 2022 are significant. With Russia's invasion ravaging the country, Ukraine will be unable to repay these debts. The country is already facing at least \$100 billion worth of damage – a figure that will only grow. Furthermore, Ukraine's economy is expected to shrink by some 45.1% this year, and possibly more if the war intensifies. Ukraine is going to need long-term financial support for the years to come.

**Increase imports of Ukrainian goods** in sectors where Ukraine can still export. This could include honey, corn, sunflower oil, sunflower seeds, soya beans.

#### **4. Stop financing Putin's war machine**

**Ending coal purchases is insufficient to cripple Russia's economy.** Up to €800 million enters Moscow's coffers every day from EU oil and gas sales. German Chancellor Scholz's claim that "we are doing all we can" is not true. That Ukraine's leadership told German President Steinmeier that they did not want him to come to Kyiv is very telling of how Ukrainians view Germany's policy.

EU leaders must speed up the plans to end their dependence on Russian oil and gas. Halting oil imports could happen immediately. If managed well, disruptions would be temporary. In financial terms, gas is Russia's biggest earner. The EU's deadlines of cutting Russian gas imports by two-thirds this year and totally by 2030 are too slow. Increasing gas through other routes (e.g. the Southern Gas Corridor), identifying alternative supplies (i.e. liquefied natural gas from the US, Qatar, Egypt) and expanding clean energy should be priorities. Increasing the use of biomethane and hydrogen could also help. Some member states have already taken creative steps: Sweden and Estonia clubbed together to rent a liquefied natural gas floating terminal.

**Stop putting profits before principles.** While over 600 international businesses have left Russia, some activities continue. French firms are Russia's biggest foreign employer and have been particularly reluctant to stop trading with Russia.

In addition to these measures, other important tasks must also be completed: implementing the existing sanctions effectively to ensure that all loopholes are closed; removing all Russian banks from the global payments network SWIFT; and beefing up efforts against disinformation.

The latter should include imposing sanctions on Patriarch Kirill, head of the Russian Orthodox Church, for spreading Russian propaganda and defending Moscow's actions in Ukraine.

#### **Shoulder to shoulder with Ukraine**

Taken together, these steps will help Ukraine repel the largest attack on a European state since 1945. Europeans must understand and accept that they are not mere spectators in this war and are fully involved. Only by standing shoulder to shoulder with Ukraine – seeing the war through the eyes of Ukrainians surviving this hell – and doing whatever it takes to help Kyiv will this war be won, and Europe remain free and secure.

**(\*) Amanda Paul is a Senior Policy Analyst in the Europe in the World programme at the European Policy Centre.**

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## Ukraine will prevail, says defiant Kharkiv leader



Refugees continue to arrive at the train station in Rzeszow, Poland

(Photo: [EUobserver](#))

By [NIKOLAJ NIELSEN](#)

EU Observer (07.04.2022) - <https://bit.ly/3DT3X2g> - Tetiana Yehorova-Lutsenko, a mother-of-two and elected leader of Kharkiv's regional council, momentarily breaks down.

At the train station in the southeastern Polish town of Rzeszow on Wednesday (6 April), she met with child refugees and their mothers from Kharkiv, her own hometown.



*Tetiana Yehorova-Lutsenko (seated) is the leader of Kharkiv's regional council, pictured with her interpreter (Photo: [EUobserver](#))*

The refugees had just arrived and were being taken care of by volunteers and municipal authorities, among the some 300,000 that have so far passed through the small station since Russia's invasion of Ukraine in late February.

Yehorova-Lutsenko had herself spent two gruelling weeks in a basement with her small boys as the Russians pummelled the city to ruins. But she remained defiant, telling reporters that Ukraine is independent and will remain so.

"We are strong and we will stay strong," she said.

Earlier in the day she had told a handful of mayors from Poland and senior EU officials that Kharkiv was preparing for another Russian attack. "They have no chance [of victory]," she said to a round of applause.

Rzeszow is only around an hour's drive from the border with Ukraine. Its airport is equipped with a sophisticated missile defence system, set up after Russian bombs fell near the Polish border.

Now some of its hotels are packed with US troops. Its mayor Konrad Fijołek says they feel secure with the American presence.

Some one million Ukrainians have already passed through his region before fanning out to other cities around Poland, he said.

"We've had to leave our day to day affairs aside so that we could commit 24/7 to those fleeing the war," he said. Fijołek sends city officials into Ukraine to assess their needs.

But only 6,000 Ukrainian refugees have so far registered in Rzeszow.

Asked why, Fijołek says they don't have enough housing but expects up to 20,000 people will register, or the equivalent of some 10-percent of the city's entire population.

Rzeszow's refugee reception centre, a former market hall, can only host up to 500 people at time. Entirely financed through private funds and donations, the centre is hoping for some public grants.

Dr Anthony, a volunteer medic from Nigeria, says the vast majority that arrive at the centre are women and children.

"We have had only a few Covid cases, mostly with mild symptoms," he says, noting others need treatment for post traumatic post disorders.

Most will only stay for two or three days before leaving for somewhere else, either in Poland or another EU state like Germany.

### ***Access to EU funds too complex***

But crunch issues like education, jobs, housing and health are starting to stretch public finances and services. Poland has around 700,000 children from Ukraine that need schooling, a task that has left administrators scrambling for solutions.

"This issue is going to last, not one day, not one week, one month, we are talking about the long term. We have to talk about voluntary relocations," said Władysław Ortyl, president of the Podkarpackie Region in Poland.

Ortyl says the EU can "no longer hide behind financial procedures" when it comes to funding, highlighting an additional need to reconstruct Ukraine.

"We need fresh [EU] funds that can deliver, that can respond to the needs of local government and NGOs," said Małgorzata Jarosińska Jedynek, Poland's secretary of state in the ministry of development funds and regional policy.

Jedynek said EU cohesion funds have already been 100 percent contracted, rendering a European Commission initiative to provide some flexibility in shuffling around money difficult and insufficient. Those EU finances are sourced from five different EU budget lines totalling around €17bn.

The Committee of the Regions, an EU institution, is pressing the EU to fold all five into a simple access point, allowing local governments to rapidly access and distribute the money.

Its president Apostolos Tzitzikostas said cities across Europe are ready to host refugees, noting that the committee had launched an info support hub linking overburdened local authorities with those that are able to help in terms of employment and housing.

The problem is that quick and simple access to the EU's five separate funds is lacking, he said.

"We call for a Ukrainian refugee local facility to reduce red tape and fast track the deployment of funds by regions and cities," he said, noting it would replace the five different EU funds currently on offer.

But any prospect of fresh money were given short shrift by the European Commission, also on Wednesday.

"We know that getting more funds requires a lot of negotiations but we must answer the basic question. What do you do with the available ones?" said Elisa Ferreira, European Commissioner for Cohesion and Reforms.

*Disclosure. The Committee of the Regions paid for two nights hotel and flights to and from Brussels — Rzeszow.*

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## **War in Ukraine: "Our country will win and we will rebuild Kharkiv"**

***Tatiana Yehorova-Lutsenko, chairwoman of the Council of Kharkiv Oblast (2.6 million inhabitants) talked with Willy Fautré, Director of Human Rights Without Frontiers in Brussels at the end of March***

The European Times (06.04.2022) - <https://bit.ly/3ruxQB1> - For days and days since the outbreak of the war in Ukraine, Russia has been attacking the city of Kharkiv (1.5 million inhabitants) close to the Russian border with artillery, rockets, cluster munitions and guided missiles, a relentless barrage.. Most Kharkiv residents are Russian-speaking and many are ethnic Russians. They never asked or needed to be liberated from "Kiyv's nazi regime" as Vladimir Putin qualifies the democratically elected government of Ukraine headed by President Volodymyr Zelensky and Prime Minister Denys Shmyhal, both of Jewish descent, as was former PM Honcharuk.

***HRWF: Tatiana Yehorova-Lutsenko, can you tell us about your political background and explain us what is the Kharkiv Oblast Council?***

I was elected on the list of President Zelensky's party, Servant of the People, and I was on top of the list of his candidates. I am the first woman to chair the council of the oblast (region). It is composed of 120 members democratically elected for a five-year term and is the biggest in Ukraine. Its seat is situated in the oblast's administrative center of Kharkiv which was bombed in a missile strike on 1 March.

Five political parties are sitting in the council. Nobody expected Russia to invade our country.

***HRWF: Ukraine now lives under martial law. What is the state of mind of the population in Kharkiv?***

Now, under martial law, the governor is also the head of the military administration and for more than one-month siege, Russia has been unable to conquer our city. Vladimir Putin has tried to demoralize the city's population with overwhelming and indiscriminate firepower but he was unsuccessful. The only thing Putin has achieved is to unite all the inhabitants of Kharkiv oblast, to convert them to staunch resisters to the invasion and to

solidify their Ukrainian identity, even among those who had some sympathies for Russia before the war. This is certainly not what Putin expected when he attacked our country. He thought he would be welcome with open arms as a savior in Kharkiv oblast and he would occupy it militarily in a couple of days.

***HRWF: What is the situation of the residents of Kharkiv now?***

Two thirds have left westwards by car or by train to other cities such as Poltava or Dnipro, and from there to other parts of Ukraine or to neighboring countries. One million people from Kharkiv are now either internally displaced or in Poland. They are mostly women and children. Men have stayed to fight.

An unknown number of inhabitants of the oblast have been taken by the occupation forces, against their will, to Russia, the aggressor country. Others have chosen to flee to Russia and from there to reach Armenia or Georgia where they took a flight to a Western country.

***HRWF: Orthodox churches in the eastern part of Ukraine are mainly linked to the Ukrainian Orthodox Church "in communion with Moscow Patriarchate." What is their attitude in this conflict?***

They keep a very low profile. They know that their future existence in Ukraine is at stake if they support Patriarch Kirill in Moscow who has explicitly taken sides with Putin and blessed his war on Ukraine. The Patriarch is strongly criticized by hundreds of dissenting priests in Russia and in Ukraine as well by the Orthodox world. In Kharkiv oblast the clerics remain silent and help the people in need.

***HRWF: In the last two years, the schooling of the youth has been severely disturbed by the COVID and now it is further endangered by the war. What is the situation of school education?***

There are dozens of universities in Kharkiv and hundreds of other schools of all levels. For lack of security, they are of course closed. There are hundreds of thousands of students and pupils of all ages. Two thirds of them at least are living in other parts of Ukraine or in neighboring countries. During the pandemic, we had started putting in place zoom classes. The teaching staff goes on working at distance on internet and pupils can follow them from anywhere in or out of Ukraine. Of course, it is not ideal but we must keep young people active. They are the future of the country.

***HRWF: What are your most pressing needs?***

Right now, humanitarian aid, weapons and a no-fly zone. After the war, a twinning system between our regions and regions in the EU will be highly needed for the reconstruction of our country.

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## **Civil society is under siege by Putin in Russia but we have our weapons**

By Willy Fautré, director of Human Rights Without Frontiers

HRWF (16.03.2022) - The spaces of communication with and expression of civil society in Russia have been under siege for years by Putin. The shameful instrumentalization of the vague concept of "extremism" and "foreign agents" has made it possible to criminalize any idea or action that goes against Putin's propaganda, to close down NGOs defending or promoting human rights as well as places of remembrance and research on the past atrocities of communism such as Memorial. Media outlets have been closed down the one



after the other, especially since the outbreak of the war. Eighty peaceful and apolitical Jehovah's Witnesses have been sentenced to heavy prison terms as "extremists." Public demonstrations are suppressed. Protesters have lost their jobs and students have been kicked out of university for publicly denouncing Putin's war as a war in Ukraine, not a "special operation."

However, there is still a number of channels through which the truth about the war in Ukraine can be introduced and spread in Russia. Novaya Gazeta, Nobel Peace Prize 2021, is still active and some other non-governmental media as well, like OVD-Info. However, they are very careful in their coverage of certain events to avoid censorship and one has to read between the lines. *Human Rights Without Frontiers* republishes in English in the West important news that have been unreported or underreported here. It is also useful to send information from the West to these Russian media outlets, especially videos copied from our TV screens.

A second channel of communication includes Russian non-governmental organizations that have their own social networks and channels of communication in their country. It is important to send them by What'sApp, email or internet general information in English, possibly with Russian translation, including videos, in order to combat official disinformation and propaganda.

A third channel concerns churches and other religions in the West. They should inform their contacts in Russia at all levels about their perception of the war in Ukraine and their official position.

A fourth channel should not be neglected either: whoever in Ukraine, in the European Union and in North America has family or friends in Russia should forward them information censored by Putin. Mixed Russian-Ukrainian families, wherever they are in the world, have a crucial role to play in contributing to the end of this war.

The consciences anesthetized or hypnotized by Putin's ideology in Russia must be awakened from their artificial sleep or their torpor and revitalized. This can be done and this can lead, even individually, to heroic acts. The best example is provided by Marina Ovsyannikova, a Russian state TV Channel One employee who is from a Russian-Ukrainian family. She demonstrated live on her TV Channel with a poster denouncing the Russian-led fratricidal war in Ukraine and she courageously testified in a video broadcasted by OVD-Info.

The power of information in the West is our best weapon. Our voices and our words are our best ammunitions. Let us share them, all of us and each of us, with all those in Russia and Ukraine who defend our values of democracy, rule of law and human rights.

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## **Marina Ovsyannikova appears in court over live on-air anti-war protest**

By [Brendan Cole](#)

Newsweek (15.03.2022) - <https://bit.ly/34Qgl5Y> - An editor who stormed a live news broadcast on Russia's state-run TV channel has been charged with "organizing an unauthorized public event," fined 30,000 roubles (\$280) and released, the BBC has reported. Marina Ovsyannikova had pleaded not guilty to the charge.

Earlier she had been pictured on social media at a courthouse in Moscow after her whereabouts were unknown for several hours.

A clip went viral of Ovsyannikova, a staff member at Channel One, who appeared during a broadcast on Monday with an anti-war sign that said "here they lie to you" in a striking display of opposition to Russia's invasion of Ukraine.

Russian lawyers had told the [BBC](#) that she had not been contactable amid [concerns](#) that she could face serious charges. It came only days after Russia's parliament passed legislation banning the spread of "fake" news and news "discrediting" the military. Convictions under these laws can carry jail terms of up to 15 years.

An image of Ovsyannikova next to lawyer Anton Gashinsky was shared on [Twitter](#) by news outlet Meduza on Tuesday, which said she had appeared in court in Moscow.

During her protest on Monday night, her placard which said "don't believe the propaganda" could be seen for several seconds before the the program cut away to a pre-recorded report.

It is forbidden to use the word "war" or "invasion" in reference to the attack on Ukraine in domestic Russian media and Ovsyannikova's actions on the widely watched state news outlet caused shockwaves internationally.

Ukrainian President Volodymyr Zelensky praised her while [French President Emmanuel Macron said](#) France would try to offer her protection, either at its embassy or through asylum.

Before Monday's incident, Ovsyannikova recorded a video in which she called events in Ukraine a "crime" and said she was "ashamed that I allowed myself to tell lies from the television screen," referring to her job working for a state broadcaster.

Willy Fautré, director of Human Rights Without Frontiers (HRWF), praised Ovsyannikova's action and said that with the clampdown on independent media outlets, social networks of Russian governmental organizations were now what Russians used to find out about the truth of the war in Ukraine.

"The consciences anesthetized or hypnotized by Putin's ideology in Russia must be awakened from their artificial sleep or their torpor and revitalized," Fautré told *Newsweek*.

"This can be done and this can lead, even individually, to heroic acts. The best example is provided by Marina Ovsyannikova," he said.

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## **European Court applies urgent interim measure in the case of the newspaper *Novaya Gazeta***

Registrar of the European Court (10.03.2022) -The European Court of Human Rights has decided to apply an urgent interim measure in the case **ANO RID Novaya Gazeta and Others v. Russia** (application no. 11884/22).

The Court, in the interests of the parties and the proper conduct of the proceedings before it, and having regard to the exceptional context in which the request has been lodged, invited the Russian authorities, under Rule 39 of the Rules of Court, to abstain until further notice from actions and decisions aimed at full blocking and termination of the activities of *Novaya Gazeta*, and from other actions that in the current circumstances could deprive *Novaya Gazeta* of the enjoyment of its rights guaranteed by **Article 10 of the Convention (freedom of expression)**.

Under Rule 39 of the Rules of Court, the Court may indicate interim measures to any State Party to the European Convention on Human Rights. Interim measures are urgent

measures which, according to the Court's well-established practice, apply only where there is an imminent risk of irreparable harm.

The applicants are two Russian companies, ANO RID Novaya Gazeta and OOO Telekanal Dozhd, and two Russian nationals, Dmitriy Andreyevich Muratov, and Natalya Vladimirovna Sindeyeva. They are all based in Moscow. Mr Muratov is the 2021 Nobel Peace laureate and editor of *Novaya Gazeta*, a daily newspaper. Ms Sindeyeva is the owner of Telekanal Dozhd, a television company.

On 3 March 2022 the Court received a request by Mr Muratov for an interim measure in the above application, asking that the Court indicate to the Russian Government not to interfere with lawful activity of Russian mass media, including *Novaya Gazeta*, covering the armed conflict on the territory of Ukraine, in particular, to refrain from blocking information items and materials containing opinions different from the official point of view of the Russian authorities; and to abstain from full blocking and termination of the activity of Russian mass media, including *Novaya Gazeta*. The request referred to an imminent risk of irreparable harm to freedom of expression and the silencing of independent media in Russia. Mr Muratov referred, in particular, to several orders by the Federal Service for Supervision of Communications, Information Technology and Mass Media (*Roskomnadzor*) for *Novaya Gazeta* to delete specific articles published between 24 February and 1 March 2022 concerning the conflict in Ukraine from its website; and cited examples of several other media which had been blocked in Russia, and whose activity had been discontinued in the meantime, including *Telekanal Dozhd*.

In their subsequent submissions all the applicants referred notably to new Articles introduced on 4 March 2022 into the Criminal Code criminalising, in particular, the spread of knowingly untrue information about the actions of the Russian armed forces with heavy custodial and financial penalties. With reference to that legislation, on the same date *Novaya Gazeta* stopped reporting on military action in Ukraine and deleted the already published materials on the matter.

### **Decision**

On 8 March 2022, the Court (the Chamber to which the case has been allocated) examined the request as submitted and the additional materials provided by the applicants. In the interests of the parties and the proper conduct of the proceedings before it, and having regard to the exceptional context in which the request has been lodged, the Court indicated to the Government of Russia to abstain until further notice from actions and decisions aimed at full blocking and termination of the activities of *Novaya Gazeta*, and from other actions that in the current circumstances could deprive *Novaya Gazeta* of the enjoyment of its rights guaranteed by Article 10 of the Convention.

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## **War in Ukraine: journalists constantly risking their lives**

Reporter Without Frontier (02.03.2022) - <https://bit.ly/3KxM0bp> - Several media crews have already come under fire and four reporters have sustained gunshot injuries in Ukraine since the start of the Russian invasion less than two weeks ago. Reporters Without Borders (RSF) reiterates its call to the Russian and Ukrainian authorities to comply with their international obligations to guarantee the safety of reporters in field, and urges the latter to take the utmost care.

The shots came within centimetres of Swiss photographer **Guillaume Briquet's** head when presumed members of a Russian special commando fired on him shortly after he passed a Ukrainian checkpoint on a road towards the southern city of Mykolaiv on 6 March, while covering the Russian advance in the region. Despite the many "Press" markings on his car and his bulletproof vest marked "Press," this experienced war

reporter was then harassed by the soldiers, who stole 3,000 euros and reporting equipment from him.

"As this incident clearly illustrates, reporters in the field are targets for belligerents despite all the rules protecting journalists," said Jeanne Cavelier, the head of RSF's Eastern Europe and Central Asia desk. "They are civilians, who are keeping the world informed about the progress of the fighting. They must be able to work safely. We therefore call on all parties to the conflict to immediately commit to protecting journalists in the field in accordance with international law. We also recommend that journalists exercise the utmost caution in the light of the many attacks by Russian commandos sent ahead as scouts."

"They were less than 50 metres away," RSF was told by Briquet, who was injured in the face and arm by glass splinters from his windshield. "They clearly shot to kill. If I hadn't ducked, I would have been hit. I've been fired on before in other war zones, but I've never seen this. Journalists traveling around the country with no war experience are in mortal danger."

### **Under Russian fire**

A crew working for the London-based pan-Arab TV channel *Al-ArabyTV* – reporter **Adnan Can** and cameraman **Habip Demirci** – [came under Russian fire](#) in Irpin, a suburb of Kyiv, on 6 March. Shots were aimed at their car even though they had attached a white flag and "Press" signs to it. Trapped in a town where fighting was taking place, the two journalists had to hide with residents.

A crew with the UK's *Sky News* TV channel – consisting of four Brits and a Ukrainian journalist – came under fire from a Russian reconnaissance unit while heading toward Bucha, on the outskirts of Kyiv, on the fourth day of the invasion, 28 February. The crew's leader, reporter **Stuart Ramsay**, sustained a gunshot injury to the lower back while cameraman **Richie Mockler**'s body armour stopped two other rounds. After shouting that they were journalists and after [seeing](#) that the shooting continued despite their press vests, the crew had to abandon their vehicle and run for cover.

**Vojtech Bohac** and **Majda Slamova**, two Czech journalists reporting for *Voxpot*, and two Ukrainian journalists with *Central TV* had more luck during a similar incident while travelling together in a car in Makariv, another town on the outskirts of Kyiv, on 3 March. They managed to escape uninjured in their car after coming under fire from Russian soldiers using AK-47 assault rifles, their media outlets [reported](#).

### **Brush with death**

"This shoulder wound missed costing me my life by just a few centimetres," Danish journalist **Stefan Weichert** told RSF. He is now [hospitalised](#) in Denmark after being evacuated along his colleague, **Emil Filtenborg Mikkelsen**, who sustained four gunshot wounds in the same attack. The two reporters for the Danish newspaper *Ekstra-Bladet* sustained these injuries in the northeastern town of Okhtyrka on 26 February. "The gunman, who we weren't able to identify, was located about 15 metres behind our car," Weichert said. "He couldn't have failed to see the 'press' sign that was clearly visible on our car."

As well as firing live rounds at reporters, the Russian armed forces have also carried out strikes on telecommunications antennae to prevent Ukrainian TV and radio broadcasts. At least four radio and TV towers – in Kyiv, Korosten, Lyssytchansk and Kharkiv – have been the [targets](#) of Russian attacks. **Evgeny Sakun**, a cameraman for the local *Kyiv Live TV* channel, was at the Kyiv tower at the time of the attack and was killed in circumstances that RSF is investigating.

Ukraine is ranked 97th out of 180 countries in RSF's 2021 [World Press Freedom Index](#), while Russia is ranked 150th.

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## War crimes in Ukraine

By Dr Aaron Rhodes for Human Rights Without Frontiers

HRWF (08.03.2022) - Evidence of the commission of war crimes by Russian forces in Ukraine is rapidly accumulating. Intergovernmental organizations are launching investigations, and Ukrainian citizens and reporters on the ground, using cell phone cameras, are recording such atrocities and bringing them to world attention, except in Russia, China, and other states trying to keep the truth from their citizens.

It becomes increasingly apparent that Russian forces are committing these crimes as a deliberate tactic to demoralize and break the will of civilians, and convince Ukrainian authorities to accept Russian demand for regime change and sue for peace to prevent further slaughter.

War crimes are thus a tactic to achieve victory. At the same time, investigations of war crimes, and the threat of punishment by international courts, are also seen as a strategy to induce fear among Russian leaders, undermine their authority, and thus end the war – in addition to being a principled effort to bring perpetrators to justice.

According to the International Criminal Court (ICC), “war crimes” refers to grave breaches of the Geneva Conventions of 1949 and other serious violations of the laws and customs applicable in armed conflict, “when they are committed as part of a plan or policy or on a large scale.”

These prohibited acts include: murder; mutilation, cruel treatment and torture; taking of hostages; intentionally directing attacks against the civilian population; intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historical monuments or hospitals; pillaging; rape, sexual slavery, forced pregnancy or any other form of sexual violence; conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities.

The ICC is also mandated to prosecute the “crime of aggression,” a manifest violation of the Charter of the United Nations.

Ukraine, while not a signatory to the Rome Statute establishing the ICC, accepted its jurisdiction after Russia’s 2014 armed incursion. Thirty-nine (39) States Parties to the ICC have referred the situation in Ukraine to Prosecutor Karim A.A. Khan for an immediate investigation. By 28 February, Khan [stated](#), “My Office had already found a reasonable basis to believe crimes within the jurisdiction of the Court had been committed, and had identified potential cases that would be admissible.”

Allegations of war crimes being committed by the Russian military include the deployment of banned weaponry including cluster bombs, which scatter small bombs in a wide area, in civilian areas where there has been no government or military target. Evidence of the use of such weapons has been [documented](#) in Kharkiv, Bucha, and Okhtyrka, where such a bomb evidently hit a kindergarten, killing three people including a child.

Ukrainian officials also [accused](#) Russia of using thermobaric bombs, which are as powerful as tactical nuclear weapons and threaten all life within a broad territory. While not explicitly banned by international conventions, their use would constitute a war crime if it caused disproportionate civilian deaths.

In a statement to the UN Human Rights Council on 3 March, High Commissioner for Human Rights Michele Bachelet [said](#) that “most civilian casualties have been caused by the use of heavy artillery, multi-launch rocket systems and air strikes in populated areas.... Massive damage to residential buildings has been inflicted. The use of weapons with wide area effects in densely populated urban areas is inherently indiscriminate...”

According to the [Wall Street Journal](#), “Russia’s military insists it isn’t targeting civilians and blames Ukrainian “nationalists” for shelling their own, without any evidence. But deaths are mounting from Russian strikes on residential areas in cities throughout the country, while agreements to evacuate other towns and cities have fallen through.” The same publication [reported](#) on 6 March that Russia is recruiting Syrians skilled in urban combat to fight in Ukraine. Chechen forces have also been used by the Russian military.

Russia’s record of war crimes in both Syria, where air attacks virtually destroyed the city of Aleppo in 2016, and in the second Chechen war of 1999-2000 give rise to fear that a scorched-earth approach is beginning to be applied in Ukraine—one where humanitarian concerns are of no concern, and war crimes are a method aimed at achieving victory.

Estimates vary between 85,000 and 250,000 of the roughly one million Chechen casualties in the area at the times of the open conflict, i.e., anywhere between 8 and 25 percent of the population. I visited human rights advocates in Grozny in July 2002, on behalf of the International Helsinki Federation for Human Rights; one my co-workers remarked that the condition of the city was “worse than Kabul, even 1945 Dresden.” During the second Chechan war, numerous villages were encircled by Russian forces, the stated goal being to “mop up” and neutralize rebels. Residents were systematically robbed, beaten, raped, or shot. Many were abducted and disappeared.

Benjamin Ferencz, who worked as a prosecutor of Nazi war criminal during the Nuremberg Trials, [said](#) that the imprisonment of Russian President Vladimir Putin is “very realistic...I want to see Putin behind bars as soon as possible.” But grim as the use of such in Ukraine is, it seems unlikely that war crimes investigations by international bodies will deter them, either for fear of prosecution, or of domestic or international opinion. Russia has made only half-hearted denials of allegations of war crimes, sometimes blaming Ukrainian nationalists for civilian deaths; Russia has apparently [intentionally](#) shelled civilians during evacuation efforts along agreed upon humanitarian corridors.

Russia, not a party to the ICC statute, will likely deny that it has any legitimate jurisdiction. Any impact of war crimes allegations and investigations on public opinion and political pressure on the Russian regime is likely to be negligible because the government’s censorship ensures that information about these processes is almost completely unknown, and while many Russians have shown their disapproval of the war in demonstrations, support for the war is also strong. Western news sources have been [blocked](#). And legislators have [amended](#) the criminal code to make the spread of “fake” information an offense punishable by fines and jail terms as long as 15 years.

Under such Stalinist conditions, and given the unlikelihood that international war crimes investigations can bring about any timely changes in policy, Russia’s devastating assault on Ukrainian civil society is likely to continue. How it will affect Ukraine’s resolve to remain free and democratic, and how Western governments and civil society will respond, to be seen.

*Aaron Rhodes is Senior Fellow in the Common Sense Society, and President of the Forum for Religious Freedom-Europe. He was Executive Director of the International Helsinki Federation for Human Rights 1993-2007.*

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# Journalists must not be targeted during Russia's invasion of Ukraine

***With journalists on the ground in danger of being targeted as Russian tanks roll into Ukraine, Reporters Without Borders (RSF) calls on belligerents and international organisations to guarantee their safety.***

Reporter Without Frontiers (24.02.2022) - <https://bit.ly/35sItMs> - As frontline witnesses of the Russian invasion, reporters run the risk of being hit by the missile strikes and shelling taking place throughout the country. Some regional correspondents fear being surrounded and not being able to escape. Others would like to be evacuated but find themselves stranded, like many civilians, particularly in the eastern city of Kharkiv and southern city of Kherson.

In addition to the Ukrainian journalists, more than 1,000 foreign correspondents have been on the ground in Ukraine in recent days, according to figures provided the Ukrainian military, which issues accreditations.

As part of what it calls the "de-Nazification" of Ukraine, the Kremlin has drawn up a list of people who are "to be killed or sent to camps," according to the US government. Those on the list have not been named but they reportedly include journalists.

"We are familiar with Russia's methods," said Jeanne Cavelier, the head of RSF's Eastern Europe and Central Asia desk. "Journalists are prime targets, as we have seen in [Crimea](#) since its annexation in 2014, and in the territories controlled by Kremlin-backed separatists in the [Donbass](#) region. We call on the Russian and Ukrainian authorities to respect their international obligations regarding the protection of journalists during conflicts, and on international bodies to ensure that the obligation to take protective measures are respected. We also call on the embassies of governments present in Ukraine to grant journalists asylum whenever necessary."

Both [Resolution 2222](#), adopted in 2015 by the UN Security Council (of which Russia is a permanent member), and international humanitarian law require that journalists are protected during armed conflicts in the same as any civilian, even when accompanying military forces for the purposes of their reporting. Ten journalists were killed at the height of the conflict in the eastern Donbass region from 2014 to 2016.

## ***Censorship of information about the "special operation"***

This war is also being played out at the information level. Many rumours are circulating and there have been cyber-attacks on at least two Ukrainian media outlets – the website of *Kanal 5*, a TV channel owned by former President Petro Poroshenko, and the *Kyiv Post*, an English-language newspaper owned by pro-government businessman Adnan Kivan.

In Russia, the authorities have imposed censorship on information about the "special operation" now under way. Roskomnadzor, the Russian media regulator that is on [RSF's list of digital press freedom predators](#), has [told the media](#) that they must "only use the information and data they receive from official Russian sources" or else they could be prosecuted for spreading false information.

In this latest phase, the Kremlin is continuing the narrative it has developed in recent weeks, which culminated in President Vladimir Putin's speech three days ago in which he held the Ukrainian government responsible for any incursion that Russia might have to make into its neighbour's territory.

Russia is ranked 150th out of 180 countries in RSF's 2021 [World Press Freedom Index](#), while Ukraine is ranked 97th.

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## NATO membership, human rights and peace

By Aaron Rhodes, for Human Rights Without Frontiers

HRWF (23.02.2022) - As Russian "peace-keeping" troops – which Eastern Europeans sometimes call "piece-keepers" -- roll westward to "protect" breakaway provinces on sovereign Ukrainian territory, many blame the North Atlantic Treaty Organization (NATO).

In a speech on 21 February explaining his actions, Russian President Vladimir Putin claimed that "the United States and NATO have begun the shameless development of the territory of Ukraine as a theater of military operations." But Western critics as well have often claimed that NATO's "eastward expansion" since 1989 has been imperialistic, arrogant, or at the least insufficiently prudent, and some claim NATO expansion, seen as an organized strategy of domination, has been responsible for negative tendencies in the political development of the Russian Federation.

Both Russian and Western critics of NATO's membership growth have routinely denied any role or agency to the citizens of the states that have chosen this path, and their reasons for doing so; both arm-chair geopolitical experts of the West and authoritarian statists of the East have either willfully ignored, or misunderstood the political dynamic behind the attraction of NATO membership for the citizens of formerly Soviet-bloc societies. And if NATO membership is understood to confer security against foreign attack, its implications for internal, national political development, and the protection of human rights, are generally overlooked.

Indeed, the political, as opposed to security aspects of NATO membership are why so many citizens of transitional states in Eastern Europe have sought membership for their countries. The voices from Ukraine's vibrant civil society favoring NATO membership no doubt care about protecting their homeland's freedom and sovereignty; joining NATO would have almost certainly deterred the progressive dismemberment of Ukraine that is occurring today.

Yet as paramount as these benefits may be, what further attracts democratic civil society to NATO is that signatories to the [North Atlantic Treaty](#) of 1949 commit themselves to civilian and democratic control of their militaries, and to public transparency as regards defense allocations, planning and management. As more states asked to be considered for NATO membership during the 1990s, they were assisted to meet broader, democracy-oriented criteria in the framework of the Partnership for Peace. United States law demanded that all seeking assistance to meet NATO criteria be evaluated with regard to how their human rights practices conformed to the UN Charter, the Universal Declaration of Human Rights, and the Helsinki Final Act. The [Commission for Security and Cooperation in Europe](#), an independent, bi-partisan monitoring and analysis institution in the United States Congress, was charged with evaluating candidate countries. The Commission [looked](#) at "adherence to the rule of law and to the values, principles, and political commitments set forth in the Helsinki Final Act" and its Follow-up Documents, and other international human rights standards.

The commitment to human rights principles by NATO members has been rightly questioned in a number of cases, in particular as regards Turkey, where "[rule-of-law architecture has been steadily dismantled and its economy is suffering from incongruous policies and years of cronyism.](#)" But NATO is an alliance, not a formation mirroring the moral heterogeneity of the world. Its members generally share fundamental, civilizational principles. Article 2 of the North Atlantic Treaty states that

*The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate*



*conflict in their international economic policies and will encourage economic collaboration between any or all of them.*

Of course, these words resonate with all people concerned about their own political freedom, peace with neighbors, and the relation between these two. They affirm that free societies tend not to make war with others. Indeed, for a “military” treaty, the language is philosophical: when the Treaty refers to improving “understanding of the principles upon which free institutions are founded,” it obliquely speaks of the role of independent actors in cultivating moral knowledge and reason. Democracies cannot be complacent; they must continually nourish their politics and institutions with honest dialogue about founding principles.

In many cases, pro-democracy and human rights campaigners have thus seen NATO membership not in strategic terms, as a defense against invasion, but as a way of ensuring that undemocratic and militarist forces within their own societies would be permanently locked out.

Today, with the Russian Federation and Ukraine on the edge of war largely over the question of NATO membership, the moral heart of the Treaty ought to be studied by all. Russia has nothing to fear from NATO membership because it would keep the Ukrainian military under democratic control; it would keep the military and its NATO cooperation transparent, consistent with the Treaty. It would bind Ukrainian policy to the principle of non-aggression.

The Russian people, too, need NATO’s security guarantees, given a rising China bent on global hegemony. Even more relevant, given ongoing events, are safeguards against military adventurism. Russian foreign policy today is evidently driven by the decisions of one person commanding a clique of submissive functionaries; there is no substantive Rule of Law, democratic oversight or accountability. Nothing could be more important to the human security of the Russian people today than free institutions and civilian control of its dangerous military power.

**Aaron Rhodes is Senior Fellow in the Common Sense Society and President of the Forum for Religious Freedom-Europe. He was Executive Director of the International Helsinki Federation for Human Rights 1993-2007.**

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## **Rule of lawlessness in occupied Crimea and Russia’s Proxy Donbas ‘Republics’**

By Halya Coynash for *Human Rights Without Frontiers*

HRWF (22.02.2022) - Russia has wielded full control over Crimea since its invasion and annexation in early 2014. Although Moscow’s official narrative avoids any mention of its military seizure of control and claims that ‘the Crimean people’ voted in a pseudo-referendum to ‘join’ the Russian Federation, the latter is internationally recognized as being an occupying power whose application of its legislation in Crimea is in violation of the Fourth Geneva Convention. The situation is less clear-cut with respect to the third of the Donbas area of eastern Ukraine falling within the self-proclaimed ‘Donetsk and Luhansk people’s republics’ [D-LPR].

Although Russia has, since 2014, consistently denied responsibility for these armed formations, they are widely viewed as Russian ‘proxy republics’ and there is substantial evidence that all lines of command lead to Moscow. D-LPR have largely based their formal criminal code, etc. on Russia, and follow the latter in, for example, their ban on the Jehovah’s Witnesses and other peaceful religious movements. Although far less is known

about the work of the judiciary in D-LPR, the armed formations certainly follow Russia's lead in their widespread use of torture and videoed 'confessions'.

Since 2014, Russia has imprisoned at least 150 Crimean Tatars and other Ukrainians on politically motivated charges. Torture has been used in most of these cases, either directly against the people seized, or against others, in order to obtain false testimony.

Such methods were first seen in May 2014 when Ukrainian filmmaker Oleh Sentsov and three other Crimean opponents of Russia's occupation were seized and held incommunicado for two weeks, before two of the men were shown on Russian television 'confessing' to a terrorist plot with Sentsov, the supposed ringleader. As soon as Sentsov received access to an independent lawyer, he stated, and later repeated in court, that he had been tortured by Russia's FSB [security service]. He was told that, if he did not give the required 'confession', he would be sentenced to 20 years and "rot" in a Russian prison.

The only 'evidence' in the trial of Sentsov and civic activist Oleksandr Kolchenko was provided by the other two men who were both tried in secret and given 7-year sentences. Both men were brought from prison to confirm this testimony, however only one did so. When it came to Hennady Afanasyev's turn, he took the stand and stated clearly, and in details, how he had been tortured into giving false testimony.

This was ignored by a Russian military court in Rostov which handed down the 20-year sentence against Sentsov, as threatened by the FSB.

That court in particular and others have consistently disregarded complaints of torture and detailed accounts of how electric shocks, beatings and other methods were used to obtain 'confessions'. They have refused to allow evidence confirming such torture and ignore accounts of torture provided during the hearings. This is despite the fact that many political prisoners have, in fact, 'confessed' to activities that they were not later charged with. In March 2021, journalist Yesypenko was seized by the Crimean FSB and held incommunicado for almost a month. During that time, he was shown on Russian-controlled television 'admitting' to spying for the Ukrainian Security Service. The Crimean 'judge' who, in February 2022, sentenced Yesypenko to six years' imprisonment on different charges disregarded the fact that the journalist had retracted his testimony as obtained through torture, the lack of any other reason why he would have confessed to spying, and clear signs that the charges and evidence were fabricated.

Essentially identical methods have been used by the Donbas proxy republics, with hostages released in prisoner exchanges confirming that they gave testimony under torture. The 'confessions' are largely for propaganda purposes, with even the fact that a hostage was seized prior to, for example, the killing of a militant leader, not preventing him being shown on television 'confessing' to the deed.

It is from released hostages, such as journalist Stanislav Aseyev, that we know about secret prisons, such as Izolyatsia in Donetsk, where both men and women are tortured. While serving primarily to extract 'confessions', former Izolyatsia inmate, Halyna Hayova, believes that the torture was also for the prison staff's 'entertainment'.

There are known to be around 300 Ukrainian hostages or prisoners of war in D-LPR, although the real figure is likely to be much higher. Most of those whose 'sentences' are known were 'convicted' by closed courts of 'spying', although they appear to have been seized for no more than pro-Ukrainian posts on social media. Corrupt motives are also behind much of the hostage-taking, with people imprisoned for ransom or to steal their business. Some relatives have reported difficulty even finding lawyers and, in the vast majority of cases, such lawyers merely enable families to gain contact with the imprisoned person. There is nothing to suggest that any of the 'trials' are more than rubberstamping of the sentence required. In its scathing assessment of occupied Donbas in 2021, Freedom House<sup>[i]</sup> noted that "*there are no signs of judicial independence*" with

huge sentences passed *"regardless of the evidence. The work of the judiciary is entirely opaque, and outside observers are not known to have attended court hearings."*

One of the key differences in occupied Crimea lies in the role of independent defence lawyers, and it is no accident that the FSB frequently deprive people of access to lawyers and/or put pressure on them to reject their services. State-appointed lawyers serve solely to sign documents and to persuade the person to admit to the charges.

Independent lawyers and civic journalists reporting on political trials, are unable to change essentially predetermined convictions, but they do expose the surreal nature of the charges and the methods used to fabricate such cases. Several lawyers have come under attack, and even been jailed on absurd charges, while over half of the Crimean Tatar political prisoners were themselves reporting on political trials and taking part in peaceful protest.

It is possible that the lawlessness of the charges that people face; the targeting of civic activists; and the methods used are, in fact, deliberate policy. No amount of proof that explosives were planted on a person who openly opposes Russia's occupation will stop the Rostov court from passing a long prison sentence. Such judicial travesties send a chilling message to other Ukrainians to keep their heads low or leave Crimea.

Crimean Tatars thwarted Moscow's attempt to achieve a coup without openly sending in soldiers and they have paid a high price for their pro-Ukrainian position. Almost all the activists who were murdered or disappeared without trace were Crimean Tatar, as are also the majority of the 120 or more Ukrainian political prisoners whom Russia is currently imprisoning. All Russia's prosecutions in occupied Crimea violate international law, but most also contradict fundamental principles of law. Crimean Tatar leader Akhtem Chiogoz and others were imprisoned on surreal charges pertaining to a pre-invasion demonstration over which Russia could have no jurisdiction. Andriy Kolomiyets has served over half of a 10-year sentence, despite being charged with an unprovable event which a Russian-controlled prosecutor claimed had taken place during Euromaidan in Kyiv long before Russia's invasion. Most of the political prisoners are charged with unproven involvement in the peaceful Hizb ut-Tahrir organization which is legal in Ukraine but which the Russian Supreme Court declared 'terrorist' in a suspiciously secret 2003 ruling. Despite the lack of any recognizable crime or evidence, Crimean Muslims, most of them civic journalists and activists, face sentences of up to 20 years, far more than Russian courts hand down in cases of murder.

The 'evidence' in such trials is provided firstly by 'prohibited' religious literature' which the FSB pretend to find during armed searches, which lawyers are prevented from attending. There are usually illicitly taped conversations on religious or political subjects which are sent to the FSB's supposed 'experts'. The latter have been known to assert that words commonly used in Crimean Tatar prove a person's involvement in Hizb ut-Tahrir.

The main source of evidence in these and other political trials is, however, provided by 'anonymous witnesses' whose testimony cannot be verified and who may not have even met the defendants. We know from the testimony of those who refused to collaborate with the FSB about the torture and threats used to get them to provide such fake 'testimony'. This is one of the many ways in which Russian courts demonstrate their bias since they invariably support the prosecutor's insistence on anonymity and regularly disallow questions from the defence aimed at demonstrating the contradictions and flaws in such 'testimony'.

Russia began openly using Hizb ut-Tahrir charges against Crimean Tatars involved in the Crimean Solidarity human rights initiative in 2017, with 25 journalists and civic activists seized during the most notorious operation in March 2019. When such repression did not intimidate other Crimean Tatars, more brutal measures were applied. These have become extremely overt since the arrest of renowned Crimean Tatar leader and journalist Nariman Dzhelyal in early September 2021. The FSB have not even tried to conceal the

use of torture as a method of fabricating evidence, and they frequently resort to mass detentions. Russian legislation purportedly allows single-person pickets, yet in Crimea there has been a huge number of detentions and administrative prosecutions for such pickets. In virtually all such cases, the courts provide the rulings demanded by the prosecution.

The situation in D-LPR is more reminiscent of Soviet times, with any 'mass protests', for example, against the OSCE's monitors, being staged events which public sector workers are forced to attend. There have been perhaps two or three protests by miners over payment arrears in occupied Donbas. In one case, several young leaders were taken away and may very well still be imprisoned.

In both areas, those in control using torture, fabricated prosecutions and other methods of terror enjoy near total impunity.

(\* **Halya Coynash** is a member of the Kharkiv Human Rights Protection Group and PEN Ukraine

[i] <https://freedomhouse.org/country/eastern-donbas/freedom-world/2021>

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## **An international school accused of cheating with taxes**

***The most expensive school in Ukraine finds itself in a corruption scandal: a journalistic investigation by Krister Paris. [See the video of the press conference here \(17.2K Views\)](#)***

EU TODAY (04.02.2022) - <https://bit.ly/3AZaaII> - One of the most expensive private schools in Ukraine, Pechersk International School, uses a scheme involving so-called "charitable contributions" from parents, it was stated in the investigation by journalist Krister Paris, which he presented on February 4th at the Brussels Press Club.

Prior to the presentation of the film, Paris noted that countries such as Estonia and Finland rank first in the Program for International Student Assessment – not only because of the quality of education, but also because of the transparency of funding and crystal clear reputation. In this rating, Ukraine is below average.

In his investigation, the journalist presented documents published by the public organisation "Informer". These showed that the parents of children studying at the Pechersk International School transfer charitable contributions to the accounts of an organization called PSI - and that these contributions amount to millions of hryvnias.

In addition, members of the PSI organization include well-known Ukrainian politicians, business people and celebrities, whose children study at the Pechersk International School. Among them, for example, are the wife of the former President of Ukraine, Kateryna Yushchenko, and Natalia Fiala, the wife of the head of the investment company Dragon Capital, a member of the anti-corruption organization *Transparency International*, Tomasz Fiala.

Furthermore, it was shown, several members of PSI are members of the school administration as well.

It was suggested that PSI was created with the sole purpose of serving the Pechersk International School.

Krister Paris noted that documents proving gray schemes to minimise taxes that were taking place at the Pechersk International School were sent to Volodymyr Kozak, a People's Deputy from the pro-government party "Servant of the People."

He, in turn, sent parliamentary inquiries to the prosecutor's office and the National Police. Law enforcement agencies replied to the deputy that a lawsuit had been filed due to possible fraud.

Krister Paris further noted that the governing bodies of the Pechersk International School include representatives of the US State Department and Canada. He stated that obviously they needed to be made aware of how the school conducts its financial activities.

Most of the experts interviewed by the journalist concluded that corruption in the Pechersk International School is unlikely to be investigated. Firstly, many famous people study there, and secondly, according to its website, it is under the patronage of the US State Department.

During the Q&A session after the presentation of the film, Krister Paris said that his main goal was to prove that *"the fish rots from the head"*. That is, great corruption begins with an education that supports *"gray schemes"*.

The issue needs attention. Especially when studying for one year in this school in one of the poorest countries in Europe costs about \$ 20,000, which is high even for developed countries.

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## **EU leaders demand from Zelensky to release Medvedchuk from house arrest, lift sanctions against opposition media**

***According to European leaders, the release of Viktor Medvedchuk will help ease tensions within Ukraine and in relations with Russia***



[Official website of the President of Ukraine](#)

112 International (23.12.2021) - <https://bit.ly/3HbIdPA> - At the last week's Eastern Partnership summit in Brussels, the issue was raised of extrajudicial reprisals against opposition media in Ukraine and it was demanded that Volodymyr Zelensky lift the unlimited NSDC sanctions, which blocked the broadcasting of three leading information television channels - [112 Ukraine](#), NewsOne and ZIK, and later - "Strana.ua" and "Shariy.net" agencies.

According to European leaders, the release of Viktor Medvedchuk will help ease tensions within Ukraine and in relations with Russia.

In its turn, the question of the inadmissibility of sanctions against the media became one of the points of the proposals put forward by European leaders during the negotiations with the Ukrainian side held in strict confidentiality at various levels on relations with Russia and the internal situation in Ukraine as [Strana](#) reported.

*"These were negotiations on de-escalation of tensions around Ukraine and Russia, as well as an exchange of views on issues of domestic Ukrainian politics and the situation with human rights in the country. European leaders put forward a list of proposals to Zelensky to defuse the situation. In particular, there was a clause stating that the NSDC sanctions against opposition media, including sanctions against Strana and three opposition TV channels closed back in February 2021, are unfair and should be canceled. The sanctions against the opposition media, according to the leaders of a number of European countries, only further exacerbate the situation and deepen the split in Ukraine. Also, the proposals said that Viktor Medvedchuk should be released from house arrest. According to the Europeans, these measures will help relieve tension in relations with Russia, as well as within Ukraine. The proposals were not publicly announced and were passed on to the Ukrainian side in confidentiality,"* a source in diplomatic circles who was involved in the negotiations told Strana.

We remind that in Brussels, at the Eastern Partnership summit, [Zelensky first met with the new German Chancellor](#), Olaf Scholz, and also held talks with Macron and NATO Secretary-General Jens Stoltenberg.

On February 2, President Volodymyr [Zelensky signed a decree on the imposition of sanctions against 112 Ukraine](#), NewsOne, and ZIK TV channels. According to the decree, which came into force from the moment of signing, sanctions were applied to TV channels for five years. This provides for blocking the broadcasting of all three TV channels.

On February 26, journalists of the TV channels illegally closed by President Volodymyr Zelensky united and created a new TV channel - [Pershiy Nezalezhniy](#). The founders of the new media are a group of journalists who previously worked on the [112 Ukraine](#), NewsOne, and ZIK channels. However, within an hour after the start of broadcasting, [Pershiy Nezalezhniy](#) TV channel was illegally [turned off under pressure from the authorities](#).

On February 20, President of Ukraine Volodymyr [Zelensky put into effect the decision of the National Security and Defense Council on sanctions](#) against 8 individuals and 19 legal entities. Among them are three Ukrainian citizens – the politician Viktor Medvedchuk and his wife Oksana Marchenko.

On May 13, [Kyiv court chose the restriction measure for Viktor Medvedchuk](#), the opposition MP and Chairman of the Political Council of *Opposition Platform – For Life* party. On July 9, the court extended the house arrest of Viktor Medvedchuk until September 7. The lawyers of the politician stated about the recusal of the judge Serhiy Vovk right after the end of the court session. However, the court declined the appeal on recusal of the judge and prosecutor. On July 30, the Kyiv Court of Appeal refused to satisfy the appeal of the lawyers of Chairman of the Political Council of the Opposition Platform – For Life Viktor Medvedchuk against the extension of the politician's house arrest until September 7.

On July 30, the Kyiv Court of Appeal denied the lawyers of Viktor Medvedchuk, Chairman of the Political Council of the Opposition Platform – For Life, in satisfying the appeal regarding the extension of the politician's house arrest until September 7. During the court session on September 2, Pechersk District Court decided to [extend the house arrest for another 2 months, until October 31](#).

The [Opposition Platform – For Life](#) responded to this legal arbitrariness, stressing that the political persecution of MP Taras Kozak has only one purpose: reprisals against independent media, 112 Ukraine, NewsOne, and ZIK TV channels, and the destruction of freedom of speech in Ukraine.

Commenting on the situation, [Viktor Medvedchuk emphasized](#) that his lawyers here are fully prepared to appeal against the measure of restraint and have evidence that refutes the prosecution's accusation and proves the illegality of applying house arrest to him.

So, the side of the defense filed an appeal against the decision of the Pechersk District Court of Kyiv to extend the measure of restraint for the politician. On July 30, the Kyiv Court of Appeal refused to satisfy the appeal of the lawyers of Chairman of the Political Council of the Opposition Platform - For Life Viktor Medvedchuk against the extension of the politician's house arrest until September 7.

On October 8, MP from Opposition Platform - For Life Renat Kuzmin claimed that the [State Bureau of Investigations](#) summoned Medvedchuk - allegedly for him to look into materials of the already closed case on the state treason and violation of the rules and customs of war. At the same time, Kuzmin said, representatives of the Office of Prosecutor General of Ukraine attempted to hand the politician a new suspicion of state treason and aiding terrorism. However, Medvedchuk's lawyers did not let the prosecutors do that, breaking the law. However, Medvedchuk's lawyers did not allow prosecutors to do this. Later he published a video of how the [prosecutors tried to hand over another suspicion](#) to the Chairman of the Political Council of the Opposition Platform - For Life, MP Viktor Medvedchuk, but the politician's lawyers thwarted this attempt.

Already on Monday, October 11, Kuzmin announced that [Medvedchuk was nevertheless handed a motion for arrest](#) or bail of one billion UAH. Despite the fact that Medvedchuk is already under house arrest, he does not break it, and according to the law, the court simply cannot change his preventive measure to a more severe one. The new charges relate to the disruption of coal supplies to Ukraine from South Africa and the facilitation of fuel supplies from the occupied territories of the Donetsk and Luhansk regions in 2014.

On October 12, the [Pechersk district court decided to choose house arrest](#) as a restrictive measure in the new case against Viktor Medvedchuk. The judges ruled that he is to remain under house arrest until December 7. Medvedchuk said that he would continue to fight the current government, no matter how much the repression against him intensifies. He stressed that together with the Opposition Platform - For Life, they will continue to protect the interests of the Ukrainian people.

On Wednesday, October 20, the consideration of the appeal, in this case, was supposed to take place, but the Kyiv Court of Appeal postponed the hearing of the appeal of the prosecutors against the court's decision on a measure of restraint for the Chairman of the Political Council of the Opposition Platform - For Life party, MP Viktor Medvedchuk. The court session was postponed for 11:00 on November 9.

At the beginning of September, the journalists of the illegally closed TV channels were visited by the Secretary of the Senator of France, Vice-Chairman of the Committee on Foreign Affairs, Defense and the Armed Forces of the French Senate, member of NATO PA and member of the Inter-Parliamentary Union Joël Guerriau and member of French Senate, member of the commission of Foreign Affairs and Defense Forces Nathalie Goulet.

They visited the Chairman of the Political Council of the Opposition Platform - For Life party Viktor Medvedchuk, who is under house arrest, and met with him and the party's co-chairman Vadim Rabinovich. And already on November 1, German deputies of different levels arrived in Ukraine in November. In particular, Maximilian Krah, a member of the European Parliament, Petr Bystron, a representative of the Bundestag, and Ulrich Singer - a member of the local parliament in Bavaria visited the Chairman of the Political Council of the Opposition Platform - For Life Party, MP of Ukraine Viktor Medvedchuk and expressed their support to him. In turn, Viktor Medvedchuk thanked his German colleagues who took the time to visit him, taking into account the conditions and the situation he is in.

On Tuesday, November 2, the Pechersk District Court of Kyiv chose a measure of restraint in the form of a personal obligation to the Chairman of the Political Council of the Opposition Platform - For Life Viktor Medvedchuk, as requested by the Prosecutor's Office. However, this has no practical significance, since Medvedchuk is under house arrest in another case - on "coal treason."

On November 11, the leading European lawyer Bertrand Malmendier joined the team of the legal protection of Chairman of the Political Council of Opposition Platform - For Life party and MP Viktor Medvedchuk. He signed an agreement on the legal protection of the opposition leader.

Leading European politicians, international and Ukrainian experts and world media have criticized Zelensky's decree on the termination of the work of the TV channels [112 Ukraine](#), NewsOne and Zik.

Over the past four months, the world media, European politicians, and experts have published [120,969 materials](#) on the persecution of the opposition and independent TV channels by the Ukrainian authorities.

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## **EU leaders demanded that Zelensky lift the National Security and Defense Council sanctions from the Ukrainian media**

Alexandra Kharchenko

Strana (23.12.2021) - <https://bit.ly/32vapxN> - At the [Eastern Partnership summit](#) in Brussels last week ago, the issue of extrajudicial massacre of opposition media in Ukraine was raised and demanded that Vladimir Zelensky lift the boundless sanctions of the National Security and Defense Council, which blocked a number of media, including "Country".

The issue of the inadmissibility of sanctions against the media was one of the points of the proposals put forward by European leaders at strict confidentiality negotiations with the Ukrainian side at different levels on relations with Russia and the internal situation in Ukraine.

"These were negotiations on de-escalation of tensions around Ukraine and Russia, as well as an exchange of views on domestic Ukrainian policy and the human rights situation in the country. European leaders put forward a list of proposals to Zelensky to defuse the situation. In particular, there was a clause that the sanctions of the National Security and Defense Council against opposition media, including sanctions against "Country" and three opposition TV channels closed back in February 2021, are unfair and need to be lifted. Sanctions against opposition media, according to the leaders of a number of European countries, only further aggravate the situation and increase the split in Ukraine. The proposals also said that Viktor Medvedchuk should be released from house arrest. According to Europeans, these measures will help to ease tensions in relations with Russia, as well as within Ukraine. The proposals were not publicly voiced and were transmitted to the Ukrainian side confidentially," a source in diplomatic circles related to the negotiations told "Country".

Recall that in Brussels, at the Eastern Partnership summit, [Zelensky met](#) with the new German Chancellor Olaf Scholz for the [first time](#), and also held talks with Macron and NATO Secretary General Jens Stoltenberg. We discussed the Minsk agreements, the situation in Donbass and relations with Russia.

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## **Controversial law on sanctions imposed on video-blogger Anatoliy Sharij and his wife**

By Willy Fautré, *Human Rights Without Frontiers*



On 20 August 2021, the National Security and Defense Council of Ukraine (NSDC) imposed sanctions against the well-known videoblogger Anatoliy Sharij and his wife. This was announced by the secretary of the NSDC, Oleksiy Danilov.

Sharij declared to *Human Rights Without Frontiers* that he was then not officially informed about this decision and it is by chance that he came across the news on 112 Ukraine TV Channel.

On 16 February, Anatoliy Sharij was accused of state treason and summoned to an interrogation by the Security Service of Ukraine (SBU) on 22 February.

*Human Rights Without Frontiers* had access to the notice of charges in which he is said to be suspected of

*"High treason, i.e. an act intentionally committed by a citizen of Ukraine to the detriment of the sovereignty, territorial integrity and inviolability of information security of Ukraine, namely: providing assistance to a foreign state, foreign organization and their representatives in conducting subversive activities against Ukraine, i.e. committing a criminal offence under Part 1 of Article 111 of the Criminal Code of Ukraine;*

*Incitement of national enmity and hatred, humiliation of national honor and dignity, i.e. a criminal offence under Part 1 of Article 161 of the Criminal Code of Ukraine."*

Sharij strongly denies having ever had such criminal activities.

### ***Crackdown on media in Ukraine under "state treason" accusations***

On 2 February, President Zelenskyy signed a decree on the imposition of sanctions against 112 Ukraine, NewsOne and ZIK TV channels.

By this decree, he enforced the decision of the National Security and Defense Council on sanctions regarding the cancellation of their broadcasting licenses. They will be active for five years.

Hundreds of journalists and employees are said to have lost their job. At the end of August, they appealed to the UN High Commissioner for Human Rights, Michelle Bachelet, to U.S. President Joseph Biden and to President of the European Council, Charles Michel. They also demonstrated at various strategic places in Kyiv, including [near the US Embassy](#).

### ***Sanctions as an instrument of the Ukrainian government***

Sanctions have become a hot topic in Ukraine. Indeed, since the beginning of 2021, Ukraine has applied a record number of new sanctions against foreign and Ukrainian companies and citizens, as well as other countries. This policy has provoked a lot of discussions about the role of these restrictive measures targeting a wide range of actors. The Law of Ukraine "On Sanctions" has been in force since August 2014. It was adopted out of a need to face threats to Ukraine's national security in the context of the Russian annexation Crimea and the conflict in Donbas.

The grounds for sanctions are the actions creating real or potential threats to national interests, national security, sovereignty and territorial integrity of Ukraine or promoting terrorist activities and/or violating human or civil rights and freedoms, public and national interests. For instance, sanctions can be applied for supporting the annexation of Crimea, the occupation of Donbas; cyberattacks on critical infrastructure; information threats, including propaganda of separatist sentiments in the territory of Ukraine; support of economic (business) relations in the temporarily occupied territory of Ukraine, etc.

Sharij does not recognize any of these activities has having been his in the framework of his journalistic work. For example, he has always said that Crimea and the whole of Donbas are parts of Ukraine.

The Law contains 24 types of sanctions, including blocking assets, restricting trade operations, stopping the transit of resources, flights and transportation through Ukraine, preventing movement of capital outside Ukraine, suspending of economic and financial obligations, revoking or suspending of licenses and other permits, etc.

In Sharij's case, "the presumption of innocence has not been respected and a number of sanctions have been quickly taken in total disregard of the existing legal procedures, such as the freezing of our bank accounts, the ban on our business activities, and so on", he told *Human Rights Without Frontiers*.

Decisions to impose sanctions are made by a special coordinating body under the President of Ukraine – the National Security and Defense Council of Ukraine (NSDC) on the basis of proposals of the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers, the National Bank of Ukraine and the Security Service of Ukraine.

Decisions of the National Security and Defense Council are enforced by a decree of the President of Ukraine and are binding.

Noteworthy is that a Ukrainian [law firm](#) has analyzed and criticized major points of the Law regulating the sanctions as an instrument that the government can misuse to silence opposition parties, media and journalists.

### **Reaction of the OSCE**

Last but not least, the OSCE Representative on Freedom of the Media Teresa Ribeiro issued [a press release](#) on 25 August in which she expressed her concerns regarding Ukraine's practice of applying sanctions that negatively affect the work of media outlets and journalists.

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## **82.3% consider Zelensky's involvement in offshore activities unacceptable, poll shows**

***See all details in [EU TODAY](#)***

BURI-UKRAINE (01.12.2021) - 82.3% consider Zelensky's involvement in offshore activities unacceptable. The gap between the 'Servant of the People' & 'Opposition Platform - For Life' shrinking to a minimum, poll suggests.

In the event of snap parliamentary elections, five parties would be elected to a new Ukrainian parliament with "Servant of the People" and "Opposition Platform - For Life" parties counting on the largest quantity of votes. These results were presented in the research conducted by the International Research Centre BURI-Ukraine (The Belgium-Ukraine Research Institute, Belgium) during November 27-30, 2021.

According to the survey, the respondents' answers to the question "How would you vote if the elections to the Supreme Council (Verkhovna Rada) of Ukraine are to be held this Sunday?" were distributed as follows: "Servant of the People" - 17.6%, "Opposition Platform - For Life" - 16.9%, "The European Solidarity" - 16.3%, "Batkivshchyna" - 12.5%, and "Syla I Chest" - 5.1% (among those who will take part in the voting and have decided on their choice). The other parties do not pass the 5-percent threshold.

64.6 percent of respondents believe that Volodymyr Zelenskyy is not doing a good job as the President of Ukraine. Only 9.5 percent of respondents expressed the opposite opinion.

Assessing the recent press conference of Volodymyr Zelensky devoted to the "equator" of his presidency in Ukraine, the majority of respondents noted that it was "a communication loss for Zelensky and his team" (74.3%):

As for the recent scandals involving Ukraine's top leadership, 53.2% said that the investigation based on the Pandora Papers (involvement of Volodymyr Zelenskiy and his closest entourage in offshore companies) would have the biggest impact on their reputation in Ukraine and abroad. 17.7% of the respondents pointed out Wagnergate as such a factor, and 11.3% pointed out the circumstances of Dmytro Razumkov's removal from the position of the head of the Verkhovna Rada of Ukraine:

Expressing their attitude towards the government actions to limit the broadcast of Ukrainian TV channels, including the closure of "112 Ukraine", "ZIK" and "Newsone", cases of censorship against "UA:Pershiy" and "DOM", attempts to influence the editorial policy of "Ukraine" and "Ukraine 24", the vast majority of respondents (71.6%) did not support such actions of the authorities:

The block of questions about the recent offshore scandal involving Ukrainian President Volodymyr Zelensky showed the following trends: 68.5% of the respondents answered in the affirmative to the question whether they were aware of the involvement of Zelensky and his inner circle (the current head of the Security Service of Ukraine Ivan Bakanov, first presidential aide Sergey Shefir and others) in the creation of a network of at least 10 offshore companies which were involved in shady tax minimisation and money laundering operations (the so-called Pandora Papers).

An overwhelming number of respondents (82.3%) believe that the involvement of Ukraine's senior officials in offshore activities is unacceptable.

64.8% of the respondents were ready to believe the information about the involvement of Volodymyr Zelensky and his closest entourage in shady financial operations of tax minimisation and money laundering even without the investigation based on the Pandora Papers:

67.7% of respondents believe that the investigation based on Pandora Papers will worsen the reputation of the Ukrainian authorities abroad. Only 1.2% of the respondents expressed the opposite opinion.

52.5% of the respondents believe that the results of the investigation based on Pandora Papers will also lead to a drop in Volodymyr Zelensky and the "Sluga Narodu" party's rating in Ukraine.

At least 65% of respondents are planning to closely monitor the situation around the offshore companies related to the Ukrainian president Volodymyr Zelensky and his entourage.

The survey was conducted on the whole territory of Ukraine, except for temporarily uncontrolled areas of Donetsk and Luhansk regions and Crimea, by the international research center BURI-Ukraine (The Belgium-Ukraine Research Institute, Belgium) during November 27-30, 2021. The survey method was telephone interviews based on random sampling of mobile numbers. Total number of respondents was 2,014 persons. Probable error margin is not exceeding 2.2%.

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## Ukraine marks Day of Remembrance of Holodomor Victims

*It is the annual national memorable day in Ukraine, which falls on the fourth Saturday of November*



*Holodomor Victims Remembrance Day  
112 Agency*

Today, Ukraine marks the Day of Remembrance of Holodomor Victims.

It was established in November 1998 by the order of President Leonid Kuchma ("in support of the initiative of public organizations, the Ministry of Culture and Arts of Ukraine, the State Committee of Ukraine for Religious Affairs, the State Committee for Information Policy, Television and Radio Broadcasting") and was called the Day of Remembrance of the Victims Holodomor. It was later renamed "Day of Remembrance of Holodomor and Political Repressions Victims," and on May 21, 2007, President Viktor Yushchenko changed it back to the Day of Remembrance of Holodomor Victims.

In the 20<sup>th</sup> century, Ukrainians survived three mass famines: 1921-1923, 1932-1933, and 1946-1947. The most large-scale was Holodomor in 1932-1933.

Holodomor as genocide of the Ukrainian people by the Soviet regime is officially recognized by Ukraine, Australia, Hungary, Vatican, Latvia, Lithuania, Estonia, Italy, Argentina, Canada, Georgia, Poland, the US, Spain, Peru, Czechia, and Columbia.

### Key facts

- The Verkhovna Rada in 2006 officially recognized the Holodomor of 1932-1933 genocide of the Ukrainian people;
- The Holodomor lasted 17 months – from April 1932 to November 1933. Researchers have not yet finally decided on the number of victims: the figures are from 1.8 to 10 million. Most experts believe that the number of deaths from hunger was from 3 to 3.5 million;
- there is a Unified Register of Holodomor Victims in Ukraine;
- the largest number of Ukrainians died in modern Kharkiv, Kyiv, Poltava, Sumy, Cherkasy, Dnipropetrovsk, Zhytomyr, Vinnytsia, Chernihiv, and Odesa regions;

- according to historians, in the spring of 1933, 17 people died every minute in Ukraine.

### **Main events**

Traditionally, on this day, Ukrainians attend a memorial service and lay symbolic pots of grain and candles at the monuments to the victims of the Holodomor in Ukraine.

The central commemorative event takes place at the Memorial sign "**Candle of Memory**" in Kyiv. Usually, it is attended by top officials of the state, foreign politicians, representatives of various organizations and religious denominations, and so on.

At 4:00 pm, **a nationwide minute of silence** is announced, after which an action "Light a Candle" is held throughout Ukraine. It was established in 2005 by the famous historian and Holodomor researcher **James Mace**. Within the event, everyone, who wants to participate, carries candles to the monuments to the victims. You can also take part in the promotion by lighting a candle in your window.

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## **Ukraine became second worst country in the region for number of unexecuted ECHR decisions**

Institute of Mass Information (12.11.2021) - <https://bit.ly/3kBaKVz> - Ukraine is the second worst country in the region, after the Russian Federation, in terms of the total number of judgments issued by the European Court of Human Rights (ECHR) pending implementation.

Such was a message the experts voiced at the conference on the implementation of ECHR decisions in Ukraine, which took place in Kiev, as [ZMINA human rights center reported](#).

According to experts, the situation in this area needs to be significantly improved. There is a real problem, since the implementation of relevant regulations fails in Ukraine, and the measures necessary to stop repeated human rights violations have not been taken, as human rights activists said.

This is also confirmed by the analysis of some specific cases, which evidenced that human rights continued to be blatantly infringed in Ukraine, many years after adoption of the relevant ECHR resolutions.

Regarding the reasons of such systematic non-implementation, the experts of the Ukrainian Helsinki Human Rights Union (UHHRU) and the Kharkiv Human Rights Group (KHPG) pointed at:

-Most cases considered by ECHR revealed long-term systemic human rights problems that require decisive action by the authorities. Instead, the government's approach is often overly ponderous and formal.

-Many of these systemic issues are related to the judiciary, in particular the right of the citizen to a fair trial and the right to an effective remedy. Their violation forces the victims to turn to the European Court of Human Rights for justice, thus overburdening the Strasbourg court.

"When tough reforms are needed, the authorities set up a commission or even several, which then disagree on the optimal path," commented on Hennady Tokarev, a lawyer with the Center for Strategic Defense of the KHRG.

Also among the obstacles to the implementation of the decisions of the European Court, human rights activists mentioned:

-limited cooperation between the authorities responsible for taking the measures necessary to meet the requirements set out in the ECHR rulings and other participants in the process;

-lack of knowledge on the protection of human rights within the ECHR system of civil servants, officials and judges, especially at the local level.

To improve it, in particular due to the lack of resources in Ukraine to implement reforms, human rights activists offered to require some more support from the Council of Europe and the EU, which could share the costs of developing an appropriate human rights framework at the institutional level in Ukraine.

At the same time, some obstacles can be overcome through the introduction of an inclusive procedure at the national level, which would allow all parties to the process to present their ideas and be heard, experts said.

They called the introduction of parliamentary oversight of the implementation of ECHR rulings an important achievement, although they stressed that it was too early to assess the effectiveness of this step.

Human rights defenders also found indispensable to improve national legal capacity so that applicants, their lawyers and local NGOs could use all the opportunities provided by the Council of Europe's human rights mechanism.

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## **"Kyiv Post has been killed". Journalists cry foul as crucial Ukrainian English-language newspaper abruptly closes**

By Halya Coynash

KHRPG (09.11.2021) - <https://bit.ly/3DaE2Is> - Ukraine's only major English-language newspaper and a vital source of independent journalism has suddenly stopped publishing, with its staff reporting that they arrived at work on 8 November to learn that they had been fired. While the allegation made by Sevhil Musayeva, Chief Editor of Ukrainska Pravda, that pressure had been brought to bear on the newspaper's owner from the Office of President Volodymyr Zelensky cannot be verified, the now former Kyiv Post employees' statement makes it clear that there had been concerns over recent weeks regarding Kivan's plans for the newspaper, and the threat to editorial independence that these were believed to pose. The team are blunt in calling the closure "an act of vengeance".

Adrian Kivan, Odesa businessman and, since 2018, owner of Kyiv Post, [was quoted](#) on the paper's website that it was closing immediately "for a short time". He expressed the hope that it would shortly reopen "bigger and better".

Shortly afterwards, members of what had been until Monday morning the Kyiv Post team, reported, for example, that "Kyiv Post has been killed" and shared [the following statement](#).

The independent Kyiv Post has ceased to exist today, after 26 years.

On the morning of Nov. 8, the paper's employees came to the office only to be notified that they were all being fired, effective immediately.

Three weeks ago, the Kyiv Post's owner, Odesa construction tycoon Adnan Kivan, had other plans: To expand the Kyiv Post and launch a Ukrainian-language outlet under the paper's brand.

At the time, this news, as well as the appointment of a hand-picked chief editor to head this new section, were a total surprise to the newsroom.

We saw significant risks in the expansion format chosen Adnan Kivan. We also saw it as an attempt to infringe on our editorial independence.

The newsroom's attempt to save the editorial independence of the Kyiv Post elicited opposition from our owner.

We consider the cessation of publication and the dismissal of the paper's staff to be an act of vengeance by Adnan Kivan. He has officially announced plans to "reorganize" the Kyiv Post and to restart operations in a month with a new team.

We see this as the owner getting rid of inconvenient, fair and honest journalists.

The Kyiv Post has been the international community's primary source of news about Ukraine for the last 26 years.

We have exemplified high professional and ethical standards. That is why every president and government in Ukraine's history attempted to influence the Kyiv Post.

However, even under all this pressure, none of our owners went so far as to shut down the paper. Adnan Kivan himself promised to protect our editorial independence when he bought the Kyiv Post in 2018.

"I highly value the work of Kyiv Post journalists and intend to preserve editorial independence," Kivan said at the time.

Today, we asked him to sell the paper or to hand over the Kyiv Post trademark to the newsroom. He did not agree.

We call upon our readers and advertisers, businessmen, diplomats, international organizations, and everyone else who believes in independent journalism to support us.

The Kyiv Post newsroom.

*Kyiv Post editorial team's statement*

This is indeed not the first time that Kyiv Post's editorial policy had come under attack. In April 2011, during the presidency of Viktor Yanukovich, an attempt was made by the previous owner of Kyiv Post, Mohammad Zahoor, to dismiss the Chief Editor, Brian Bonner. His team vehemently protested and, in the end, won out with Bonner reinstated and [a joint statement issued by Zahoor and the editorial team](#).

This time, the entire editorial team has been dismissed, leaving a huge gap in available information sources for those who do not read Ukrainian or Russian, and serious concern as to the motives for such an abrupt and radical break.

In [her comment](#) on the developments, Sevhill Musayeva wrote the following, after quoting Kivan's official statement:

*"Unofficially, the problems in the editorial office began several weeks ago. As far as I'm aware, they are linked to pressure on Kivan from the Office of the President.*

*To understand the situation, Kyiv Post is the main source of information about Ukraine for embassies, international organizations and expats.*

*A source that wrote about Wagnergate [the failure, or alleged sabotage, of plans by Ukraine's Security Service to seize Russian Wagner Unit mercenaries accused of crimes in occupied Donbas], the scandal over offshore companies, over the anti-corruption body and reforms in general. That clearly was not to somebody's liking, as the owner was given to understand...*

*It was useless to try to influence Brian and his team. He is known for his principled position and over 25 years has succeeded in retaining independent editorial policy. They therefore decided to simply get rid of him.*

*Considering that there are attempts now to prevent opposition deputies from going on work trips abroad, and the Office [of the President] has drawn up its own weekly digest, in which it plans to report on 'victories', this is a more than logical step, and one in the style of early Yanukovich.*

*Only, without wanting to disillusion the authors of such a wonderful plan, it is simply impossible in 2021 to hide something. Diplomats and European politicians understand what is happening. Over the last couple of days alone, I have received several requests for information from MEPs and ambassadors regarding pressure on journalists in Ukraine. Now, unfortunately, the example of Kyiv Post must be added to these."*

As mentioned, there are no independent sources to confirm Musayeva's allegations regarding pressure on Kyiv Post's owner. There have, however, been similar complaints about pressure from the Office of the President on the editorial team of Suspilne, or Ukraine's TV-1. On 19 October, Myroslava Barchuk [accused](#) the Head of the Office of the President, Andriy Yermak of such pressure on her Suspilne talk show. She asserted, for example, that Yermak had complained that the program broadcast the previous day had not been balanced and demanded the presence of MPs from 'Servant of the People', the party associated with President Zelensky. She added that there had long been such attempts to force Servant of the People's pressure on her program. There was [a formal statement of protest](#) from Suspilne on 20 October, with this [backed by leading Ukrainian media organizations](#).

Serhiy Nikiforov, spokesperson for the Office of the President, [wrote](#) on Monday evening that the news of Kyiv Post's closure was just as much of a surprise for them as for everybody else. He added that he was "unpleasantly startled" by allegations from "certain politicians and media people" against the Office of the President.

Kyiv Post, under Chief Editor Brian Bonner, has provided an invaluable source of independent and reliable information about Ukraine at a time when the country has faced huge challenges and has been under attack, first from a corrupt regime, then from an external aggressor. Perhaps Adrian Kivan really does have some ambitious plans for a multilingual publication under the same name and simply wants to begin with a new team, but the brutal manner in which the Kyiv Post editorial team and Bonner himself have been dismissed and publication suddenly stopped cannot fail to cause concern.

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**Ukrainian neo-Nazis threaten a Ukrainian blogger in Spain**





*A fabricated video posted by Ukrainian neo-Nazis on a Telegram channel to intimidate Anatoliy Sharij*

By Willy Fautré, director of Human Rights Without Frontiers

The European Times (05.11.2021) - Anatoliy Sharij, a Ukrainian videoblogger, has been on the run in Europe since he left his country in 2011 to save his life which was threatened by neo-Nazis. In the summer of 2011, an unidentified aggressor shot in his car while he was inside, he said, but fortunately he was not injured. After experiencing all sorts of other threats, he thought it was time for him to look for a safe haven outside Ukraine. After three years spent in Lithuania where he got political asylum, he had to look again for another safe haven. On the run, he arrived in Spain.

Sharij began to engage in journalism in early 2005. From 2008 to early 2012 he was the head of the Investigation Department of the website *Obozrevatel*, a publication of socio-political orientation.

From 2014 onwards, while living in the European Union, Sharij focused on producing video blogs for his YouTube channel, which among other things carried out debunking misinformation and propaganda in Ukrainian media.

### ***The National Corps and neo-Nazis in Ukraine***

Sharij has dedicated his professional career to denouncing organized crime and political corruption in his country. In particular, the neo-Nazi group "National Corps," a paramilitary armed political party that worships Nazi ideals.

The National Corps, also known as the National Corps Party, and previously called the Patriots of Ukraine, is a far-right political party founded in 2016 by members of the "Azov Civil Corps" and Azov Battalion veterans. It is currently led by Andriy Biletsky, a former member of the Ukrainian Parliament from 2014 to 2019.

Sharij has been particularly targeted by this neo-Nazi group.

In 2020, the National Corps created an ISIS-style propaganda video on a Telegram channel showing Sharij as a prisoner about to be beheaded like the 21 Egyptian Copts in Libya in 2015.

During their demonstrations in Kyiv, those neo-Nazi militants regularly show banners with a rope to hang him or with [his head in a bloody jar](#).

A coffin with his name on it was also laid down by National Corps militants outside his office in Kyiv as [Spanish](#) and [German](#) media reported with unambiguous pictures.

### ***His fights against neo-Nazism***

Sharij has a lot of enemies because he disturbs the political and business establishment of Ukraine.

On 14 May 2018, [Kyiv Post](#) praised him for revealing that Ukraine's Consul General in Hamburg was a fascist after Vasyl Marushchynets wrote in Facebook "It's honorable to be a fascist."

And Kyiv Post added: "Blogger Anatoliy Sharij was the first to bring Marushchynets' alleged posts to public attention, via a YouTube video published on May 12. The media and the internet users also shared a photo of a person who looks like Marushchynets holding a cake with the words '60 Mein Kampf,' a reference to the book by Nazi dictator Adolf Hitler."

The Ukrainian diplomat was first suspended and then dismissed. But in 2019, a Kyiv court decision ruled that the termination of his diplomatic mission was illegal and the foreign minister was forced to reinstate the ex-consul fired over his fascist and anti-Semitic remarks made while serving in his post. This ruling angered the [Jewish media](#) and shed additional shadows on the Ukrainian judiciary which is known to be marred by corruption.

### ***In danger in Spain***

Sharij's investigative journalistic work is disseminated through his website and social media. Although he is now living in the EU, he continues to have a major impact on Ukrainian society and voters. He claims to have 2.5 million subscribers and 4 billion views. Among his followers, 50% are from Ukraine, 30% from Russia and the rest from Russian-speaking people all over the world.

According to [a study](#) conducted by the company Brand Analytics, he has the highest penetration in Ukraine. Because of his popularity, he remains a major target of the Ukrainian neo-Nazis, even in Spain.

Despite his prudence, Sharij's hideout in Spain, where he lives with his wife and their 18-month old son, has been identified by Ukrainian neo-Nazis.

The tentacles of the National Corps reached him Spain in October 2019 when a former soldier of the Aidar Battalion, [Alexander Zolotukhin](#) published a post with the address of Sharij's house, a picture of it and of his wife's car. According to [Amnesty International](#), the Battalion has committed war crimes, including abductions, unlawful detention, ill-treatment, theft, extortion, and possible executions.

After the disclosure of Sharij's place of living, dozens of Nazi militants have demonstrated outside his house and death threats have come back. The Ukrainian couple has requested the protection of the Spanish police.

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## Journalists of blocked media told the Secretary General of the Council of Europe about the destruction of freedom of speech in Ukraine



*Ukrainian journalists continue to fight repression by the authorities, photos from open sources*

Strana.today (03.11.2021) - <https://bit.ly/3cTMLwM> - Journalists of the Ukrainian media, against whom [illegal sanctions were imposed by decrees of the President of Ukraine](#), continue to fight for their rights and freedom of speech.

Employees of 112 Ukraine, NEWSONE, ZIK, Pershiy Nezalezhny TV channels, as well as the Internet publications Strana and Shariy.net addressed an open letter to the Secretary General of the Council of Europe Maria Peychinovich-Burich, who is in Kiev on an official visit until November 5.

Opposition media workers drew the attention of the Secretary General of the Council of Europe to the difficult situation with freedom of speech in Ukraine and asked her to discuss this issue during meetings with representatives of the Ukrainian authorities.

In particular, journalists told Peychinovich-Burich about the illegal closure without trial, and by the decision of the National Security and Defense Council, of three opposition TV channels, as well as about the broadcasting with a letter from the SBU of the fourth TV channel.

Equally concerned, media workers were also concerned [about the actions of right-wing radical forces against journalists](#) who believe have "wrong" political views. And all this happens against the background of complete inaction of law enforcement agencies.

**We provide the full text of the open letter to the eurostructures:**

"Dear Mrs. Peychinovich-Burich,

Journalists of illegally closed Ukrainian media express their respect to you and take this opportunity to draw your attention to the problem of ensuring fundamental democratic

values in Ukraine, among which freedom of speech, freedom of expression and equal access to information are of particular importance to us.

As you know, during 30 years of independence, there have been positive changes in our country aimed at ensuring fundamental human rights and freedoms, including in the field of independent media. However, today there is a significant corrosion of this fundamental idea of democracy in Ukraine.

Paying tribute to what has been done, we have recently stated the curtailment of the process of strengthening the rule of law in the functioning of the Ukrainian media. This is manifested in the absence of the results of investigation of criminal cases related to attacks on journalists and bloggers, open censorship by the state, which applies exclusively to opposition media, and most importantly - in extrajudicial prosecution of media in opposition to the current authorities.

In particular, having grossly violated the rule of law out of court (by decision of the National Security and Defense Council, although deprivation of licenses by the media is possible only by court decision), the Ukrainian authorities banned the broadcasting of three leading news channels - 112 Ukraine, NewsOne and ZIK. According to the usual letter of the deputy head of the SBU and again without trial, the authorities criminally brought the TV channel "First Independent", which united journalists of three closed channels, stopping its broadcasting an hour after the start of broadcasting. Also, through the illegal imposition of sanctions, the authorities have stopped working and threaten to completely destroy the publications "Country" and "Shariy.net".

Equally concerned about the provocations of right-wing radical forces, the physical massacres of such groups with journalists allegedly professing "wrong" political views.

Today, the actions of the Ukrainian authorities are increasingly condemned by leading international human rights organizations, well-known politicians and experts. News about the closure of our TV channels has been published in all leading world media.

In particular, in the last few months alone, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has expressed concern about the sanctions imposed, which led to the closure of 112 Ukraine, NewsOne and ZIK TV channels, and called this a decision contrary to international standards (message of OHCHR Spokesperson Marta Gurtado dated August 24, 2021).

The UN Human Rights Monitoring Mission noted (Iren Gang report of June 21, 2021) that broadcasting censorship in Ukraine "is not only incompatible with international human rights agreements, but also contributes to strengthening misconceptions that cause fear and root public distrust of institutions".

In turn, PACE's speaker on media freedom and protection of journalists, member of the Austrian parliament Stefan Schennagh said that Europe is extremely concerned about the catastrophic situation with freedom of speech in Ukraine, and stressed that the PACE Human Rights Commission is working to ensure that Ukrainian law enforcement officers stop impunity for crimes against journalists (statement of September 2, 2021).

Freedom House President Michael Abramowitz sent a letter to U.S. President Joe Biden on the eve of the visit of Ukrainian leader Volodymyr Zelensky, in which he noted that the latter continues to use executive power without judicial supervision to punish the media, technological platforms, journalists and websites on the occasion of combating disinformation (letter dated August 26, 2021).

In other words, in our opinion, freedom of speech is being curtailed in Ukraine. In this regard, we take this opportunity to draw your attention to these very alarming trends. Today, more than ever, Ukraine needs to consolidate society and overcome the split between different regions.

The issue of unhindered functioning of independent media, including those opposed to the current government, in this sense is a direct way to obtain public consent, unite our citizens around the idea of building a strong sovereign Ukraine.

Taking into account these facts, we ask you to publicly respond to the situation around the illegal closure of the media in Ukraine and initiate a discussion of this issue with representatives of the Ukrainian authorities. We hope that this position will find full understanding on your part.

Sincerely,

Collectives of illegally closed Ukrainian media".

Earlier, "Country" reported that the [German Embassy demanded that the Ukrainian authorities comply with the laws regarding the media](#).

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## **A Ukrainian blogger under threat of extradition in the EU**

By Willy Fautré, director of *Human Rights Without Frontiers*

HRWF (14.10.2021) - Recently, Anatoliy Sharij, a Ukrainian blogger living in an EU country for several years, was accused by the Security Service of Ukraine (SSU) on "High Treason" under the controversial [Article 111 of the Criminal Code of Ukraine](#). This article states that '*an act willfully committed by a citizen of Ukraine in the detriment of sovereignty, territorial integrity and inviolability, defense capability, and state, economic or information security of Ukraine: joining the enemy at the time of martial law or armed conflict, espionage, assistance in subversive activities against Ukraine provided to a foreign state, a foreign organization or their representatives, shall be punishable by imprisonment for a term of ten to fifteen years.*'

Sharij is also accused of committing '*willful actions inciting national, racial or religious enmity and hatred, humiliation of national honor and dignity*' under [Article 161, Part 1, of the Criminal Code](#) which provides for a prison term of five years. Kyiv would like to have him extradited. If so, he would spend many years behind bars for using his freedom of thought and expression.

These two very serious accusations did not remain unnoticed to *Human Rights Without Frontiers* (HRWF) which started to investigate the issue. From open sources, it has quickly appeared that he was portrayed as a journalist being pro-Kremlin, pro-Putin, pro-Russia. This sort of accusation is quite common in a polarized country like Ukraine where since the murder of Gongadze in 2000 a number of other journalists and bloggers have been assassinated, attacked or imprisoned. [Kharkiv Human Rights Protection Group](#), [the Committee to Protect Journalists](#), [Reporter Without Borders](#) and other NGOs have widely reported on these issues. As usual, HRWF has wanted to look for the facts beyond the smoke of the fast food media.

Since 2014, Sharij has been feeding a blog which has 2.5 million subscribers and 4 billion views, according to him. Among his followers, 50% are from Ukraine, 30% from Russia and the rest from Russian-speaking people all over the world. Since he became a blogger, he criticized the successive presidents and governments of Ukraine but also members of the Verkhovna Rada, civil servants, oligarchs, neo-Nazi networks and mafia rings. Corruption and mismanagement of foreign funding are two major issues he has investigated.

For years, the success of his blog in Ukraine has been disturbing all those who run or want to run the country. After Presidents Yanukovich and Poroshenko, it is now the turn

of President Zelensky. When *Human Rights Without Frontiers* met him in early September, he said, "I believed in Zelensky and I supported his candidacy during the last presidential campaign because I had been very disappointed by Poroshenko but now I have multiple reasons to criticize President Zelensky as he is not respecting his electoral promises."

As it could be expected, Sharij got all sorts of threats, including physical ones by neo-Nazis. In the summer of 2011, an unidentified aggressor shot in his car but fortunately he was not hurt. The Ukrainian Ministry of the Interior concluded that he had staged this attempt on his life, which Sharij vehemently denies. The car shooting incident was cited as an example of attacks on journalists in Ukraine in the [Human Rights Watch](#) report for year 2011.

In 2012, under the administration of Yanukovich, Sharij fled to Lithuania because he feared for his life and he got political asylum in that EU country. This status is rarely challenged once it is granted but in 2015, the main Lithuanian news website in English, [Delfi](#), titled one of its news "Anatoli Sharij, a favorite friend of Putin." Sharij says that he sued Delfi about this and that the media outlet was not able to provide any evidence of its assertions.

The Immigration Department was however requested to reconsider the blogger's status but concluded there was no objective reason to start such a procedure. Two more attempts initiated by unidentified actors were made to have his status reviewed but the Immigration Center stuck to its first decision.

Last but not least, four days after President Gitanas Nausėda of Lithuania paid an official visit to Ukraine on 18-19 March 2021, the Ukrainian blogger received a letter from the Lithuanian Department of Migration in which he was asked if there were any real threats against him in Ukraine. He answered with a detailed and documented list of a series of incidents and threats he had been the target of.

On 14 April 2021, less than a month after the meeting between President Zelensky and President Nausėda, the blogger received another letter from the Immigration Department saying that he was deprived of his residence permit in Lithuania. Two days later, on 16 April, he received another letter informing him that a procedure for "withdrawing his refugee status" had been initiated.

In early June 2021, some Lithuanian media announced that Sharij had been stripped of his political asylum status.

This administrative decision is being appealed by his lawyers. A court is expected to release its ruling by the end of September but the blogger told *Human Rights Without Frontiers* "I am not optimistic. This is obviously a politically motivated case."

In the meantime, the blogger decided in 2015 to look for a safe haven in another EU country as, in Lithuania, he had started to receive again lots of threats as an alleged friend of Putin. During his interview with *Human Rights Without Frontiers*, he strongly denied such an unfounded relationship as pure propaganda meant to discredit him and silence him:

**"As a Ukrainian citizen my position is that Crimea is part of Ukraine. I have the same opinion concerning the whole of Donbas but I disagree with our government about its diagnosis of the situation there and its policies."**

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## **On International Day to End Impunity for Crimes against Journalists, Ukraine's media and human rights organizations released the Statement**

***On International Day to End Impunity for Crimes against Journalists, Ukraine's media and human rights organizations call on the Government and law enforcement agencies to conduct effective and transparent investigations into crimes against journalists, reform law enforcement agencies, and carry out judicial reform to prevent impunity.***

Ukrainian Helsinki Human Rights Union (02.11.2021) - <https://bit.ly/3c8jlux> - Free, high-quality, and independent media outlets are extremely necessary for the successful development of Ukraine as they expose corruption, inform about human rights violations, and provide citizens with reliable socially important information on a daily basis, which is especially important in times of pandemic and misinformation challenges Ukraine faces.

**In January-October 2021, the Institute of Mass Information recorded 153 violations of freedom of speech in Ukraine.** Two-thirds of violations relate to physical aggression against journalists. In particular, 19 cases of beatings of journalists, 80 cases of obstruction, 12 threats have been recorded in 2021. COVID-19 pandemic has been yet another challenge, used by local authorities as an illegal excuse for not allowing journalists to attend sessions and working groups of local councils.

**According to the Prosecutor General's Office, in January-September 2021, law enforcement officers investigated and submitted to court 17 indictments relating to crimes committed against journalists under "journalistic" articles of the Criminal Code of Ukraine.** As of October 2021, courts delivered seven judgments in cases related to the journalistic activity. Six of them are related to obstruction of journalistic activity (Article 171 of the Criminal Code), another one – cumulative sentence under Articles 171 and 345-1 (threats to or violence against a journalist) of the Criminal Code. The courts handed down one not guilty and six guilty verdicts.

**We also underscore that 12 journalists, citizens of Ukraine, currently stay in prisons or under house arrest in Russia and in the temporarily occupied Crimea for political reasons.** Ten of them are Crimean Tatar citizen journalists. They were detained by Russian security forces for journalistic activities to cover the persecution of Crimean residents. Their cases are fabricated and considered with numerous violations of the right to a fair trial. Some of the citizen journalists were tortured to force them to incriminate themselves. In addition, since October 25, Russian security forces in Simferopol have conducted three mass arrests of people who tried to attend court hearings in trials of Crimean political prisoners. Four journalists were among the detainees.

***We call on public authorities to:***

- Fulfill their obligations to protect the rights of journalists in accordance with the requirements of the European Convention on Human Rights, the case law of the European Court of Human Rights, and the requirements of the ECHR's judgments related to Ukraine, as well as other international legal obligations of Ukraine
- Take appropriate measures to prevent violence, threats, and attacks on journalists
- Ensure proper, timely, and high-quality investigation into crimes against journalists and to bring perpetrators to justice
- Refrain from any action that may be considered as fomentation or encouragement of violence against journalists
- Strengthen practical activities of law enforcement agencies that ensure the protection of the right to freedom of speech and the right to access to information
- Protect precisely journalistic activity and not just the status of holding press cards

- Ensure effective investigation into the facts of persecution of journalists, citizens of Ukraine, as well as the facts of violation of freedom of speech and obstruction of journalistic activity in the temporarily occupied Crimea.

We call on the Russian Federation, as the occupying power of Crimea and the city of Sevastopol, to immediately release journalists and all other Ukrainian political prisoners and to end the persecution of journalists in Crimea. The Russian Federation, as an occupying power, must abide by its obligations under international law, including ensure observance of freedom of expression and other human rights.

We also call on journalists and media organizations to systematically cover violations of journalists' rights, as well as the quality and status of investigations into such violations. Public exposure and mutual support for journalists can be a factor that will improve the safety of journalistic activity in Ukraine. We also urge journalists to apply to law enforcement agencies in case of violation of their right to exercise journalistic activity.

*Institute of Mass Information  
ZMINA Human Rights Centre  
Center for Civil Liberties  
Human Rights Platform  
DIYA Human Rights Centre  
Kharkiv Human Rights Protection Group  
Ukrainian Helsinki Human Rights Union  
Souspilnist Foundation  
Detector Media  
Crimean Human Rights Group  
Ukrainian center of PEN International*

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## **OPZH called for the lifting of sanctions of the National Security and Defense Council against three opposition TV channels and stop blocking "Country".**



*Politsila expressed support to all Ukrainian journalists. Photo: wikimedia.org*



Strana (02.11.2021) - On Tuesday, November 2, the International Day to End Impunity for Crimes against Journalists, the Opposition Platform for Life called for ensuring the safety of journalists' work in our country. In addition, the political force called for the lifting of sanctions against three blocked TV channels, as well as other media sanctioned, including [our publication](#).

This is stated in a statement by Poltsila published on the OPZh [website](#).

"Today, one of the most pressing challenges for the democratic development of Ukraine is the suppression of freedom of speech. Citizens are deprived of truthful information. Officials revel in their impunity, and the number of abuses is growing. The possibility of public dialogue has been blocked, the lines of division of Ukrainian society are deepened.

Contrary to the Constitution, without trial, opposition TV channels are closed at the arbitrariness of bureaucratic structures, their airing is blocked, sanctions are imposed on leading Internet media and video bloggers. Journalists and editorial offices of independent media are subjected to threats, illegal inspections and fines. Officials hinder the work of investigative journalists. Radicals attack journalists with impunity. No suspended sentences are given for shelling the TV channel from a grenade launcher, and most crimes against media workers remain unsolved," the statement reads, adding that "all this happens with the active participation or obvious connivance of the current authorities."

OPZZH expressed solidarity and support to all Ukrainian journalists. The political force also demanded that the authorities ensure the safety of journalists' work in Ukraine and investigate crimes against media representatives.

"We demand an end to the sanctioned terror of the authorities against opposition media and video bloggers. We demand the lifting of illegal sanctions, the lifting of the ban on the work of TV channels "[112-Ukraine](#)", "[NewsOne](#)", "[ZIK](#)", ensuring full-fledged broadcasting of the channel "[First Independent](#)" and the termination of blocking of Internet portals "[Strana.ua](#)", "[Shariy.net](#)", - the party said in a statement.

Earlier, [Deputy Editor-in-Chief of "Country" Kryukov on the pressure of the authorities on Ukrainian journalists](#).

We also reported that the [Union of Journalists of Ukraine will hold public hearings to protect the rights of media workers](#).

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## **The Union of Journalists of Ukraine will hold public hearings to protect the rights of media workers**

[Victoria Shevchenko](#)



*The Union of Journalists of Ukraine will hold public hearings on the protection of media rights. Photo: Word and Deed*

Strana (01.11.2021) - On Tuesday, November 2, 2021, the National Union of Journalists of Ukraine (NSJU) organizes annual public [hearings to protect the rights of journalists](#), combat impunity and physical aggression against media workers.

This is [reported by the](#) website of the National Union of Journalists of Ukraine.

Key speakers of the meetings are the leadership of the NSJU, representatives of the leadership of the Ministry of Internal Affairs and the National Police of Ukraine, the Office of the Prosecutor General, lawyers.

Journalists, representatives of international organizations, partner public organizations, media experts and media lawyers are invited to participate in public hearings of the CNJU. The event will discuss the level of safety of journalists in Ukraine, the current state of investigations of high-profile cases, mechanisms to improve the level of physical security of journalists in Ukraine and steps to reduce the number of incidents.

Earlier, "Country" reported that the head of the National Union of Journalists of Ukraine Sergey Tomilenko believes that [the public accusation of the leading TV channel "UA:First"](#) of the President's Office of pressure on the editorial office requires maximum attention and discussion. According to him, public positions should be expressed by the heads of Public Broadcasting, the board of the company, and the National Council. At the same time, Tomilenko admits that the invitation of guests to political talk shows is the result of an agreement between the editorial office and political forces.

We also wrote that the [Ukrainian authorities continue the policy of censorship of the media](#). After the closure of opposition channels and blocking of sites (including "Countries") through illegal sanctions of the National Security and Defense Council, employees of the Office of the President began to interfere in the editorial policy of other media.

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## **Zelensky's Ukraine, where the Pandora Papers hit hardest**

***The global probe of offshore accounts around the world strike at the heart of Kiev's current government and power structure of a ruling class that rose to power on the promise of fighting corruption, including the television-star-turned-President Volodymyr Zelensky.***

By Iryna Lysohor

World Crunch (05.10.2021) - <https://bit.ly/3Flg9cp> - Nowhere could the the revelations from the Pandora Papers investigation hit harder than in Ukraine. The discovery of offshore accounts strike at the heart of the current government and power structure of a ruling class that rose to power on the promise of fighting corruption, including the television-star-turned-President Volodymyr Zelensky.

The worldwide probe, prompted by a massive leak to the International Consortium of Investigative Journalists (ICIJ), has included work by journalists from the Ukrainian media [Slidstvo.Info](#), which connected the shady financial dealings of Zelensky's television production company Studio Kvartal 95 to the Ukrainian oligarch Igor Kolomoisky. Slidstvo found that the laundered money passed through the Cyprus branch of Kolomoisky-owned [Privatbank](#), according to law enforcement officers.

More than 600 journalists from all over the world worked on the [Pandora Papers](#) project for the past year. Among the millions of documents of offshore registrars are the names of some of the most powerful figures in Ukraine. Ivan Bakanov, the head of the Security Service of Ukraine, Serhii Shafir, the chief aide to the president, and the President Zelensky himself are all there.

### ***Igor Kolomoisky, the billionaire behind the President***

But, first let's rewind the tape: For this is a story about the actor and head of Studio Kvartal 95, who played the president in the series and won in real life. [Volodymyr Zelensky's successful show business career](#) was created in Ukraine through a hidden financial network of offshore companies.

Nine years ago, the popular Kvartal 95 goes to TV channel 1+1. Their shows and programs are hits on the channel owned by Igor Kolomoisky, who will later support Zelensky and the team not only as entertainers but also as politicians. Today, Kolomoisky is a person of interest in investigations in Ukraine, Britain, and the United States.

According to the Pandora Papers, millions from Kolomoisky went not only to the accounts of Ukrainian companies [close to Zelensky](#) and his associates. The money also went where there was warm weather and lower taxes. That year, when Kvartal began to cooperate with the oligarch, key people of the company registered several companies on distant islands. The network was assisted by the offshore registrar Fidelity and Ukrainian lawyer Yurii Azarov, whose signature is on all key documents.

### ***Maltex Multicapital is revealed***

At the heart of the network is the previously unknown company Maltex Multicapital, reveals [Slidstvo](#). It is equally divided between the companies of Volodymyr Zelensky, brothers Serhii and Borys Shefirs and Andrii Yakovlev. The trust declaration was signed by the current head of the Security Service of Ukraine Ivan Bakanov. His company was the nominal owner of Maltex. The names of the real owners were safely hidden in the vault.

If we take a closer look at how the Kvartal business is structured, we will see that the products are created and shown mainly in Ukraine. At the same time, transactions are made through foreign companies. Accordingly, taxes on these transactions do not go to the Ukrainian budget.

A little later, the co-owner of Kvartal 95, Serhii Shafir, stated that Zelensky had left the business. On March 13, 2019, amid the presidential race, a lawyer working for the firms of [Zelensky and his partners](#), Yurii Azarov, signed the document. It is a transfer of shares to Maltex, which is equally divided between the offshore leaders of Kvartal 95. The firm of Serhii Shafir, the future chief aide to the president, received a quarter of Maltex's ownership free of charge from Zelensky's firm in Belize. The day after the inauguration, Zelensky appointed Serhii Shafir as chief aide to the president of Ukraine.

On April 25, 2019, a few weeks after the transfer of Zelenskyy's share to Serhii Shafir, the same lawyer Yurii Azarov signed another document stating that Maltex intends to pay dividends to Zelensky's offshore. Surprisingly, his offshore company no longer owned a stake in this firm.

Cases involving high-ranking civil servants are being investigated by the National Anti-Corruption Bureau. NABU detectives are also investigating crimes related to money laundering. The investigation believes that the former owners, in particular Igor Kolomoisky and Hennadii Boholyubov, could have caused [billions in losses to the state](#). But the Security Service of Ukraine was unable to calculate the amount of damage and the case got stuck. The current General Prosecutor refused to answer journalists' questions about the Privatbank case.

### ***Risk of U.S. jail time***

What destiny awaits Zelensky? And Kolomoisky? For the latter, this week Kolomoisky in the United States, where his fate risks being the same as former Ukrainian Prime Minister [Pavlo Lazarenko](#): to wind up in an American prison.

For Zelensky, nobody wants to talk about the secret network of offshore companies. Only Borys Shafir, the co-founder of Kvartal 95, [responded to a few of our questions](#). He, unlike his partners, did not go into politics, and now is the owner of a significant part of the offshore business of Kvartal.

"Bakanov was our financial director, he arranged the financial schemes of our company. And honestly, I'm not ready to answer you now," said Borys Shafir. "Maybe I'm the owner."

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## **The first major massacre in the 'Holocaust by bullets': Babi Yar, 80 years on**

By Stéphanie Trouillard

**France24 (29.09.2021) - <https://bit.ly/3uq3dNk> - On September 29 and 30, 1941, more than 33,000 people, mostly Jews, were executed in the Babi Yar ravine near the Ukrainian capital Kyiv – one of the largest mass murders in the Holocaust. FRANCE 24 looks back at this unspeakable event 80 years on, as plans are finally underway for an official museum honouring the victims' memory.**

"A policeman told me to undress and pushed me to the edge of the pit, where a group of people were awaiting their fate. Before the shooting started, I was so scared that I fell

into the pit. I fell onto dead bodies. At first I didn't understand a thing: where was I? How did I end up there? I thought I was going inside. The shooting went on; people were still falling. I came to my senses – and suddenly I understood everything. I could feel my arms, my legs, my stomach, my head. I wasn't even injured. I was pretending to be dead. I was on top of dead people – and injured people. I could hear some people breathing; others were moaning in pain. Suddenly I heard a child screaming: 'Mum!' It sounded like my little daughter. I burst into tears." Dina Pronicheva, one of the few survivors of the Babi Yar massacre, captured its horror when she gave testimony in the trial of fifteen [German](#) soldiers in Kyiv in 1946.

At the Babi Yar ravine just outside Kyiv, 33,771 civilians were massacred on September 29 and 30, 1941, according to figures the Einsatzgruppen C (a Waffen SS travelling death squad) sent back to [Berlin](#).

This followed the [Nazis'](#) capture of Kyiv on September 19, as they stormed through Soviet territory after launching [Operation Barbarossa](#) in June. Nearly 100,000 Jews fled the [Ukrainian](#) capital before the Nazis took it. But for those who remained, it was the beginning of a nightmare.

As explosions planted by the Soviet secret police the NKVD rocked Kiev, the Nazis decided to eliminate the city's [Jews](#) – driven by the Judeo-Bolshevik conspiracist canard at the heart of Nazi ideology, which falsely alleged that the Jewish people were responsible for Bolshevism.

The German occupiers demanded that Kyiv's Jews gather near a train station on the city's outskirts for "resettlement" elsewhere; those who refused to go there were threatened with death.

Read the full article on the website of [France24](#)

*Photo : A German Einsatzgruppen soldier talks to two unidentified women at the top of the Babi Yar ravine, where more than 33,000 people, mostly Jews, were massacred on September 29 and 30, 1941. © Wikimedia*

More: <https://www.rferl.org/a/babyn-yars-ukrainian-jews/31486189.html>

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## **The children's right to school education under threat despite EU funding**

### ***Teachers paid around 100 EUR per month***

By Willy Fautré, director of Human Rights Without Frontiers

HRWF (15.09.2021) - At the beginning of September, the EU Delegation to Ukraine announced the implementation of a number of projects related to school education in Ukraine with EU funding, such as the renovation of [School Nr 41 in Odessa](#) under the European Investment Bank's [Ukraine Early Recovery Programme](#) (UERP). A press release published by the EEAS (European External Action Service) stresses that 4000 pupils will benefit from this renovation. There is however no reason to boast.

Despite the EU financing renovation of school premises in Ukraine, the future of children's education is under real threat because teachers and professors are dramatically underpaid

and leave their job. For the same reason, young people do not want to teach for a miserable wage.

### ***A comparative study***

A recent [study](#) has revealed dramatic figures. In average, Ukrainian teachers are paid  
5 times less than in Russia  
13 times less than in Poland  
27 times less than in France  
33 times less than in the US  
42 times less than in Germany

In 2020, the minimum wage for teachers was 2,800 UAH (90 EUR) from January to April. From May to November the minimum salary was considered to be 3000 UAH. At the beginning of 2021, the minimum wage rate was increased to 3,300 UAH (110 EUR).

After three years of service the teacher is required to attend an in-service training course, after which his pay increases by 150 UAH (5 EUR). After three years of seniority he/she is entitled to a raise of 10% of his/her salary.

Some in Europe may think life in Ukraine is very cheap but it is not. According to an article published earlier this year by [LB/UA/Economics](#), the cost of communal maintenance of a one-room apartment for January was 2300 UAH (about 75 EUR). It is easy to calculate how much is left for teachers to "survive."

With such a situation, you cannot expect to see many Ukrainian teachers spending their holidays on the beaches of Spain or Italy.

They prefer to look for another job in Ukraine or to emigrate. While they make their studies in their own country on the state budget, the return on investment is dramatically collapsing and the quality of state education is following the same curve downwards.

Another issue impeding the quality of school education that never makes the headlines in Ukraine and in EU countries is the closure of school premises for weeks and months for lack of heating due to the lack of budget to this end.

The full and detailed report about the situation of teachers can be found [here](#). Using the Deepl.com website will make it easy to understand the content of the research work.

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## **'I couldn't stop crying': Relatives of MH17 crash victims speak in court**

By AP

Euronews (06.09.2021) - <https://bit.ly/38M7PDo> - Relatives of the victims of the Malaysia Airlines flight MH17 crash have spoken for the first time in court.

All 298 passengers and crew were killed when the aircraft was downed over conflict-torn eastern Ukraine on July 17, 2014.

Prosecutors say the plane was hit mid-air by a Buk missile system trucked into Ukraine from a Russian military base.

Russia denies any involvement in the downing.

After a years-long international investigation, prosecutors charged four suspects with multiple counts of murder for their alleged involvement in shooting down of the aircraft.

The trial opened in March 2020 with a long series of preliminary hearings before lawyers began discussing the merits of the case in June.

Under Dutch law, the relatives are allowed to make a victim impact statement to the court, without being asked questions.

Around 90 people plan to do so over the next three weeks, some speaking via live video links from abroad.

"Next to the verdict, I think it is probably one of the most important days for the family members because they can speak to the court," said Peter Langstraat, a lawyer representing victims' relatives.

"Through speaking to the court, they speak to the suspects and also to the responsible people wherever they are hiding," he added. "This is a form of communication with the people who are responsible for this disaster."

The first to speak on Monday was Ria van der Steen, who lost her father and stepmother in the crash.

Speaking at the courtroom at Schiphol airport near Amsterdam, van der Steen told of the nightmares that woke her up screaming and of the impossible goodbye to her loved ones. "I saw the wreckage, bodies, personal effects, I could not stop crying until I woke up screaming," she said.

After first being told it would not be possible to identify the bodies of her loved ones, van der Steen finally learned that her father had been identified thanks to a tiny piece of bone of his hand.

"I knew it was them, but emotionally I did not want to accept it," she told the court.

Sander Essers also told the court that his brother Peter had called him about 20 minutes before boarding MH17 in Amsterdam.

"He was dead scared and asked me urgently whether or not he should board the plane. I often suddenly feel that I am partly to blame for his death," Essers said.

None of the four suspects on trial -- Russians Igor Girkin, Sergey Dubinskiy, Oleg Pulatov and Ukrainian Leonid Kharchenko -- has appeared in court.

Only one, Pulatov, has lawyers representing him, while all four men deny the charges.

Last week, investigators appealed to Russians to come forward with information about the deployment of the missile that investigators say downed the plane.

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## **OSCE criticizes Ukrainian authorities due to sanctions against mass media**

***The OSCE Representative on Freedom of the Media recommends Ukrainian authorities to carefully check mass media before sanctions***



Open source

112 International (25.08.2021) - <https://bit.ly/3cRSBi3> - OSCE Representative on Freedom of the Media Teresa Ribeiro expressed her concern regarding [the imposing of sanctions by the National Security and Defense Council of Ukraine](#) (NSDC) against a number of mass media, recommending to introduce careful check of each news agency before the introduction of the restrictions against them as [Ribeiro](#) stated.

*"While Ukraine has a legitimate right to protect its national security, the authorities should find a balanced and proportional solution in addressing media-related concerns, a solution that preserves media pluralism, free flow of information and diversity of opinions in line with relevant international standards and OSCE commitments,"* Ribeiro said.

It is noted that media freedom is dependent on a healthy, vibrant and competitive landscape, which includes voices that provide a variety of news".

*"Any sanctions on media should be subject to careful scrutiny, accompanied by effective procedural safeguards to prevent undue interference,"* Ribeiro underlined.

Ribeiro's statement follows last week's decisions of the National Security and Defense Council of Ukraine on the application of sanctions against several individuals and legal entities, which resulted in the banning of access to various news outlets, including, among others, *Strana.ua*, *Vedomosti*, and *Moskovsky Komsomolets*.

On August 20, the National Security and Defense Council of Ukraine imposed [sanctions against Anatoliy and Olha Shariy](#). Also, chief editor of Strana Ihor Huzhva was added to the sanctions list.

On August 19, the National TV and Radio broadcasting council made a decision to file the lawsuit to the court for revoking of broadcasting license for Nash TV channel for broadcasting of statements that supposedly contained "signs of the secret urge to aggressive actions".

On February 2, President Volodymyr Zelenskyy signed a decree on the imposition of sanctions against 112 Ukraine, NewsOne, and ZIK TV channels. According to the decree,



which came into force from the moment of signing, sanctions were applied to TV channels for five years. This provides for blocking the broadcasting of all three TV channels.

Earlier, on February 20, President of Ukraine Volodymyr [Zelensky put into effect the decision of the National Security and Defense Council on sanctions](#) against 8 individuals and 19 legal entities. Among them are three Ukrainian citizens - the politician Viktor Medvedchuk and his wife Oksana Marchenko and the common-law wife of the owner of the NewsOne, ZIK, and 112 Ukraine channels, Taras Kozak, Natalya Lavreniuk.

On February 26, journalists of the TV channels illegally closed by President Volodymyr Zelensky united and created a new TV channel - [Pershiy Nezalezhniy](#). The founders of the new media are a group of journalists who previously worked on the [112 Ukraine](#), NewsOne, and ZIK channels. However, within an hour after the start of broadcasting, [Pershiy Nezalezhniy](#) TV channel was illegally [turned off under pressure from the authorities](#).

During the last months, the world mass media, European politicians and experts published [over 70,000 materials](#) dedicated to the persecution by Ukrainian authorities of the opposition and independent TV channels.

[Communiqué](#) 1/2021 by the OSCE Representative on Freedom of the Media On the right of the media to freely collect, report and disseminate information, news and opinions, regardless of frontiers (3 May 2021)

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## **OSCE Media Freedom Representative concerned about sanctions in Ukraine**

OSCE (25.08.2021) – <https://bit.ly/3nWmyUt> - OSCE Representative on Freedom of the Media Teresa Ribeiro today expressed her concern regarding Ukraine's practice of applying sanctions that negatively affect the work of media outlets and journalists.

Ribeiro's comments follow last week's decisions of the National Security and Defense Council of Ukraine on the application of sanctions against several individuals and legal entities, which resulted in the banning of access to various news outlets, including, among others, *Strana*, *Vedomosti* and *Moskovsky Komsomolets*.

"While Ukraine has a legitimate right to protect its national security, the authorities should find a balanced and proportional solution in addressing media related concerns, a solution that preserves media pluralism, free flow of information and diversity of opinions in line with relevant international standards and OSCE commitments," Ribeiro said. "Media freedom is dependent on a healthy, vibrant and competitive landscape, which includes voices that provide a variety of news. Any sanctions on media should be subject to careful scrutiny, accompanied by effective procedural safeguards to prevent undue interference."

Ribeiro pointed the authorities to her [Communiqué "On the right of the media to freely collect, report and disseminate information, news and opinions, regardless of frontiers,"](#) published in May 2021, in which she recommended participating States to "promote more debate and an open, diverse and dynamic media environment, also on issues that they deem 'foreign' or 'not correct'."

*The OSCE Representative on Freedom of the Media observes media developments in all 57 OSCE participating States. She provides early warning on violations of freedom of expression and media freedom and promotes full compliance with OSCE media freedom commitments. Learn more at [www.osce.org/fom](http://www.osce.org/fom), Twitter: [@OSCE\\_RFoM](#) and on [www.facebook.com/osce.rfom](http://www.facebook.com/osce.rfom).*

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## **Hundreds of journalists of illegally closed TV channels held rally demanding world leaders to protect freedom of speech in Ukraine**

***The journalists planned to hold a rally under the building of the National Opera, where the participants of the Crimean Platform gathered***



### **112 Agency**

112 International (23.08.2021) - <https://bit.ly/32DEr2j> - On Monday evening, August 23, hundreds of journalists of illegally closed channels held a **rally** demanding the protection of freedom of speech in Ukraine. The journalists planned to hold a rally under the building of the National Opera, where the participants of the Crimean Platform gathered, but the police did not let them in.

*"Let's show what's going on around the impromptu press conference. So there is a police cordon, which did not let us through to Volodymyrska street, where the National Opera is located. There are supporters of our three, or rather four, television channels that were illegally closed by Zelensky, and we also see national guardsmen and policemen who do not allow people to see the National Opera,"* Pershiy Nezalezhniy channel's correspondent Andriy Lasch said.

According to him, the police cordon is moving along with the protesters. At the exits from the Kyiv metro, they began to check the documents of people proving their identity. The police claim that the inspections were scheduled and took place yesterday and will take place tomorrow in connection with the holding of mass events in the center of Kyiv.

The journalists planned to appeal to world leaders to help stop the assassination of freedom of speech in Ukraine, which is currently taking place under the leadership of President Volodymyr Zelensky and his team. Journalists of the illegally closed 112 Ukraine, NewsOne, ZiK, and Pershiy Nezalezhniy TV channels, were to attend the rally, defending not only their right to broadcast, but also all illegally closed and sanctioned media sources. This is the TV channel Nash, Strana.ua, sharij.net and many others.

Journalists brought posters with the words "Zelensky is the enemy of freedom of speech" "Aren't you ashamed to greet the dictator?" "We demand sanctions for

infringement of freedom of speech", "Zelensky is awaiting trial", "Closing channels is a dictatorship", "Zelensky is a dictator".

The TV presenter Diana Panchenko, who was present at the rally, noted that Zelensky is in absolute agony today, he does not know when he will stop, so the end is near.

"Today we see the summit of the Crimean Platform - an absolutely far-fetched, unnatural event that will bring absolutely no benefit, this is understandable, in no way will Crimea return. And everything that this government does contradicts the return of Crimea. In contrast to the editorial policy of Pershiy Nezalezhniy, which has always been determined to return Crimea, to return Donbas. We are the ones who have always united and certainly did not incite hostility... Good news, friends, too, and I keep repeating this - every dictator has a drawback: he does not know when to stop. Zelensky today is in absolute agony, in this powerlessness and absolute legal nihilism, he does not know when he will stop, which means his end is near. And how many of us are here and how many people support us once again confirms this," Panchenko said.

Earlier, journalists of the 112 Ukraine, NewsOne, ZIK, and Pershiy Nezalezhniy TV channels, illegally closed by Volodymyr Zelensky, came under the building of the German embassy in Kyiv to deliver a letter to German Chancellor Angela Merkel. Journalists intend to ask Merkel to pay attention to the situation with freedom of speech in Ukraine and **to influence the Ukrainian government**.

Besides, **the journalists appealed with the request for a meeting to President of the Council of Europe Charles Michel** and leaders of the EU countries, heads of the EU leading bodies and profile international organizations due to the pressure on the freedom of speech in Ukraine.

Moreover, the MEPs wrote a letter to Josep Borrell on the violation by Ukraine of the principles of freedom of speech and laws **in the situation on 112 Ukraine, NewsOne and ZIK**.

Besides, the decision to impose sanctions on the MP from the Opposition Platform - For Life Taras Kozak, and **the closure of 112 Ukraine, NewsOne and ZiK TV channels** contradicts international human rights standards. This is stated in the report of the Office of the UN High Commissioner for Human Rights "Update on the Human Rights Situation in Ukraine."

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## **Zelensky got scared of journalists: Europe to learn about Ukrainian dictator, enemy of freedom of speech**

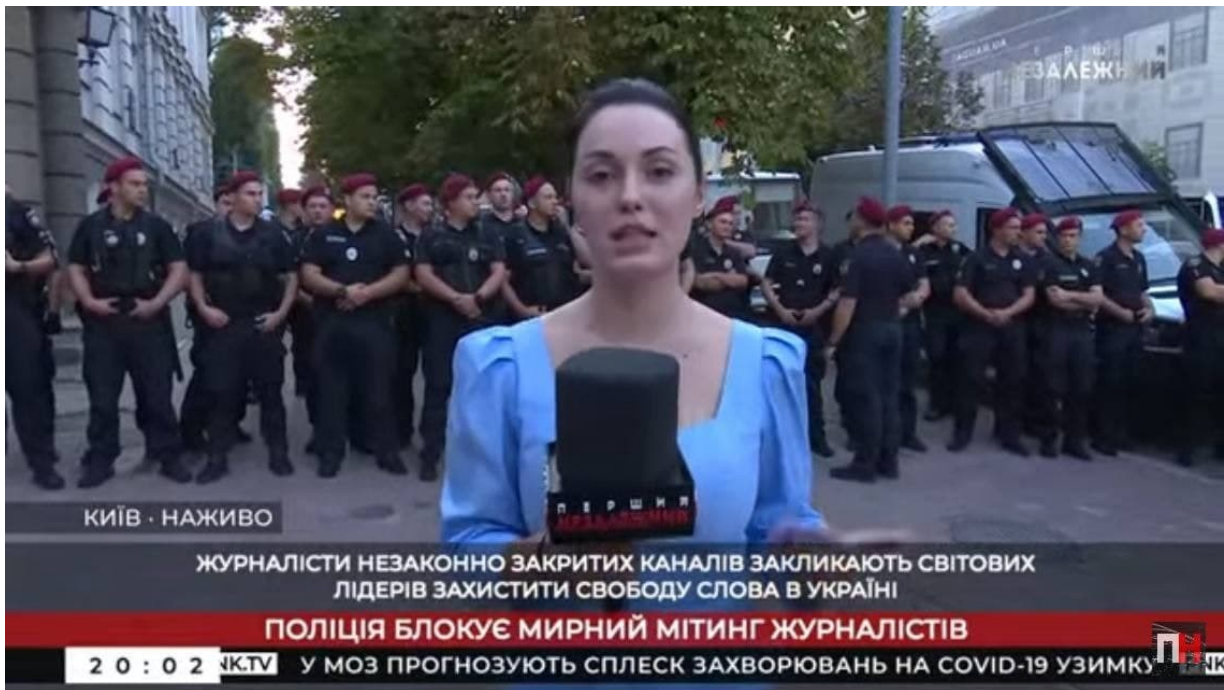
***The authorities are so afraid that they spare no resources to fight the media***

**Igor Smolov**



112.ua.tv

112 International (23.08.2021) - <https://bit.ly/3p2Bcsi> - Ukrainian journalists, who are being deprived of the right to a profession by Zelensky's authorities, wanted to hold a protest outside the National Opera House, where members of the Crimean Platform had gathered. However, the authorities pulled together an unprecedented number of law enforcement officers, blocking journalists' access to the Opera. Zelensky was so scared that he set hundreds of police officers and national guardsmen against journalists. The authorities are so afraid that they spare no resources to fight the media.



112.ua.tv

Journalists of **112 Ukraine**, NewsOne, ZiK, and Pershiy Nezalezhniy TV channels, illegally closed by the authorities, appealed to world leaders to help stop the murder of freedom of speech in Ukraine, which is currently taking place under the leadership of President Volodymyr Zelensky and his team. Journalists brought posters with the words "Zelensky

is the enemy of freedom of speech" "Aren't you ashamed to greet the dictator?" "We demand sanctions for infringement of freedom of speech", "Zelensky is awaiting trial", "Closing channels is a dictatorship", "Zelensky is a dictator". Today, these posters reflect the aspirations and steps that Zelensky is taking against his political competitors and objectionable media. I did not like the channel - to close, the person interferes - to imprison.



112.ua.tv

Recently, the authorities have closed such resources as Strana.ua, sharij.net and are going to close the channel Nash. Zelensky's main political opponent Viktor Medvedchuk was illegally placed under house arrest. The owner of the illegally closed TV channels, Taras Kozak, became a defendant in falsified criminal cases, and recently there was an informational stuffing that they intend to announce him to the international access.

"Zelensky's criminal team accused Taras Kozak of aiding terrorism, but did not provide any evidence of this. We consider this an open persecution by the authorities of an opposition politician, the owner of TV channels that did not broadcast the way the authorities would like. Organizing repression against the MP, member of the political council of the Opposition Platform - For Life party, the authorities sought the closure of the TV channels belonging to him, and also - intended to intimidate the political force," this is how Kozak's TV channels reacted to this information.

"The power is weakening and this is obvious. Indeed, autumn is likely to be very difficult. In addition to the increase in gas prices, and it will be, because prices on world hubs are growing, we are likely to face rolling power outages. Another quarantine, another coronavirus crisis and a difficult geopolitical situation. The meeting with Merkel demonstrated this, and there is still a meeting with Biden ahead," TV presenter Diana Panchenko said at the rally.

The TV presenter stressed that the country's leadership has people without any ideas and principles, who revel in power, and do not improve the well-being of citizens and the state as a whole.

"They are obsessed with this power, this is their only passion today. And all their actions are aimed at keeping this power, because they, like drug addicts on a needle, are fixated on it. The rating of this power will stagger and at some point will come point of no return," she summed up.

All this is done with one goal - to remove all obstacles for Zelensky so that he can be safely elected for a second term. But he will not be able to do this, because he failed everything he promised, plunging the country into chaos. Therefore, it is necessary to hide from people the real picture of corruption, embezzlement, persecution of the opposition and other crimes of the authorities. But even Zelensky did not stop there, deploying a persecution of the opposition.

Which, by the way, did not go unnoticed in the world. Tens of thousands of critical publications were published in the world media, and in the report of the Office of the UN High Commissioner for Human Rights "Overview of the situation in the field of human rights in Ukraine" the decision to close the 112 Ukraine, NewsOne and ZiK TV channels was called contrary to international human rights standards.



112.ua.tv

And the journalists will win anyway. No one has ever won a war against the media. Zelensky will soon step down, but the journalists will remain. The authorities were unable to intimidate them in six months and is unlikely to be able to now.

The main thing is that Europe has seen the problems with freedom of speech in Ukraine. Do not doubt that the summit participants will report this to their leaders. Zelensky is confidently moving towards the fact that yesterday's allies will impose sanctions against him.

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**Journalists of TV channels illegally closed by Zelensky gathered at German embassy in Kyiv to deliver a letter to Merkel**

***Journalists intend to ask Merkel to pay attention to the situation with freedom of speech in Ukraine and to influence the Ukrainian government***



#### 112 Agency

112 International (22.08.2021) - <https://bit.ly/32rKvuy> - Journalists of the 112 Ukraine, NewsOne, ZIK, and Pershiy Nezalezhniy TV channels, illegally closed by Volodymyr Zelensky, came under the building of the German embassy in Kyiv to deliver a letter to German Chancellor Angela Merkel. Journalists intend to ask Merkel to pay attention to the situation with freedom of speech in Ukraine and to influence the Ukrainian government, Pershiy Nezalezhniy reports.

*"Today, German Chancellor Angela Merkel is visiting Ukraine, in Kyiv. She is meeting with President Volodymyr Zelensky, who actually initiated the closure of our three TV channels (112 Ukraine, NewsOne, and ZIK, - ed.), as well as the fourth one, newly formed, Pershiy Nezalezhniy. Her cadence comes to an end, Germany holds parliamentary elections on September 26 Germans will vote for a new chancellor. We ask to somehow influence the Ukrainian authorities, because she, as a talented diplomat, has undoubtedly always succeeded in doing this. We would like to give her this letter with a request to pay attention to this situation with the close of four TV channels. They did not stop at the TV channels – now we can witness the pressure against sites, YouTube channels, blogs, etc. continues,"* said Yulia Koltak, TV presenter.



#### 112 Agency

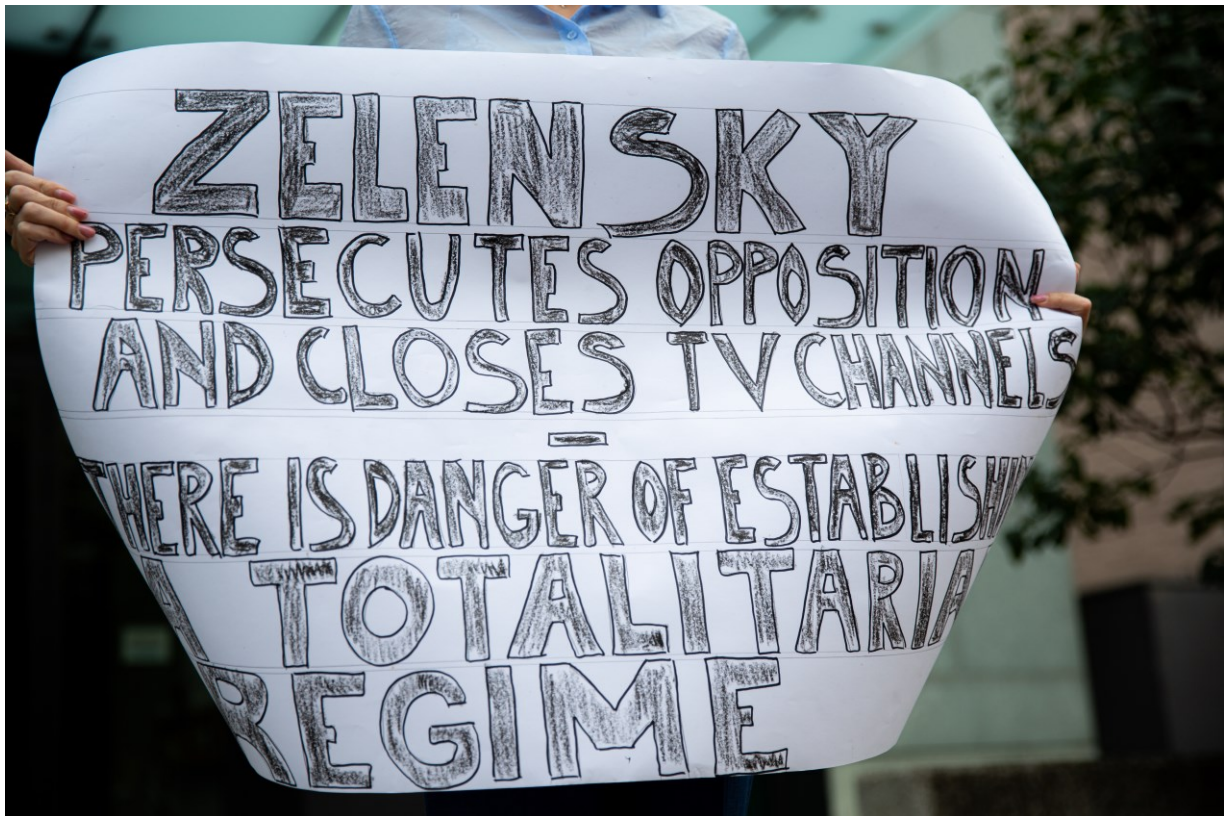
"We hope that she will hear us, since we, the creative team, did not manage to reach President Zelensky. Unfortunately, he did not hear us. And since Frau Merkel defends democratic principles and democratic values, including freedom of speech, we hope that the president will be able to hear us through her. We hope that she will be able to convey our position to them. Unfortunately, he did not hear us, his citizens. In February, three TV channels were closed - 112 Ukraine, NewsOne, and ZIK. Newly created Pershiy Nezalezhniy was closed without a lawsuit, which absolutely does not fit into the legal framework. On Friday, the National Security and Defense Council also illegally [tried to close Internet media Strana.ua](#). This is no longer just a precedent - it is a dangerous trend with freedom of speech, and we want Merkel to hear us," said another presenter of Pershiy Nezalezhniy, Yevhenia Skoryna.





#### 112 Agency

*"On September 2, it will be exactly seven months since the three largest news leading TV channels were closed. Despite this, we still remain faithful, we continue to work and fight for freedom of speech in Ukraine. Nevertheless, during this all the time a lot of work has been done, there have been many appeals to international organizations with a request to support us. the right to work democratically and under normal conditions, to convey the truth to people, nevertheless, I believe that we will be able to do something and move from the place in Ukraine, to overcome this situation, which has developed at the present time,"* said presenter Pershiy Nezalezhniy TV channel Anastasia Pshenychna.



#### 112 Agency

*"We have brought a letter which we want to send to the German embassy. As a person who grew up in a democratic republic, Mrs. Merkel does not understand how unstable the situation with freedom of speech can be. We have it very shaky. Because there are three TV channels, 112 Ukraine, NewsOne, and ZIK, and then Pershiy Nezalezhniy were closed simply on the basis of Zelensky's decision with the help of sanctions without a court decision. Even in democratic Germany, there was no such thing that it was possible to close the media without a court decision. to Angela Merkel - we need help! Mrs. Merkel, from our point of view, has now gone on a farewell visit in her position. We will be glad to see her when she comes to Kyiv not as the Chancellor of Germany, but in a different role.*

*But we believe that now Angela Merkel can speak more freely and influence the Ukrainian leadership that fighting the press is the same as breaking a mirror when you have problems with your appearance. We believe that Merkel has the moral authority that will allow her to influence political beginner Volodymyr Zelensky, who thinks he has solved the problem by shutting down TV channels. But by closing the media, he did not solve the problem but created it.*

*We know for sure that Merkel did not order the imprisonment of former Chancellor Schroeder just because he joined Gazprom's Supervisory Board. She did not even think about it. We know for sure that Germany did not give a decree to put pressure on German journalists. We ask you to help us and to confirm the moral leadership of Germany and Chancellor Merkel personally," Vyacheslav Pikhovshek, presenter of Pershiy Nezalezhniy TV channel, summed up.*



#### 112 Agency

Earlier, the journalists of the 112 Ukraine TV channels, NewsOne, and ZIK, closed by President Zelensky, asked the German Chancellor Angela Merkel for a meeting.

February 2, [Zelensky signed a decree](#) on the application of sanctions against the 112 Ukraine, NewsOne, and ZIK TV channels. According to the decree, which came into force from the moment of signing, sanctions were applied to TV channels for five years. This provides for blocking the broadcasting of all three TV channels.

On February 26, journalists of the TV channels illegally closed by President Volodymyr Zelensky united and created Pershiy Nezalezhnyi TV channel. The founders of the new media are a group of journalists who previously worked on the channels "112 Ukraine", NewsOne and ZIK. But literally, an hour after the start of broadcasting, the authorities illegally disconnected the channel from the air.

Leading European politicians, international and Ukrainian experts, and world media have criticized Zelensky's decree on the termination of the [work of 112 Ukraine, NewsOne, and ZIK TV channels](#).

In recent months, the world media, European politicians, and experts have published more than 37 thousand materials on the persecution of the opposition and independent TV channels by the Ukrainian authorities. At the same time, the report of the Office of the UN High Commissioner for Human Rights "[Report of the situation in the field of human rights in Ukraine](#)" indicates that the decision to close the 112 Ukraine, NewsOne, and ZIK TV channels contradicts international human rights standards.

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## **Ukraine's Defense Council imposes sanctions against Huzhva, Anatoliy and Olha Shariy**

***A full package of sanctions was introduced against them***



#### Ukraine's Defense Council

112 International (20.08.2021) - <https://bit.ly/3xq83vs> - The National Security and Defense Council of Ukraine has imposed sanctions against Anatoliy and Olha **Shariy**. Also chief editor of Strana Ihor Huzhva was added to the sanctions list. This was announced by the secretary of the National Security and Defense Council Oleksiy Danilov during a **briefing**.

*"To date, we have proposed to impose sanctions against Mr. Ihor Huzhva and legal entities directly affiliated with him. There are two more individuals in this list who are directly affiliated with him. They are engaged in illegal activities on the territory of our country. In addition, the physical person Alla Bondarenko, Olha Shariy, and directly Anatoliy Shariy,"* Danilov said.

According to him, a full package of sanctions was introduced against them.

Meanwhile, the National Security and Defense Council **imposes personal sanctions against MP Andriy Derkach.**

*"Today, by the decision of the National Security and Defense Council, sanctions have been introduced against the MP Derkach,"* Danilov said.

In addition, according to Danilov, sanctions were imposed on "a certain circle of persons" who were under US sanctions.

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## **Ukrainian blogger gets 3-year sentence over posts calling for a 'referendum' on joining Russia**

By Halya Coynash

Kharkiv Human Rights Protection Group (10.08.2021) - <https://bit.ly/3jT0ua8> - The Chernihiv Court of Appeal has imposed a real three-year prison sentence on Andriy Novokreshchenov over social media posts. In these, the 49-year-old who was born in Russia, but is now a Ukrainian citizen, claimed that Ukraine had never existed and called for a 'people's referendum' on merging part of Ukraine with Russia and Belarus. Both the first and the appellate court had agreed that this fell under Article 110 § 1 of Ukraine's

Criminal Code (deliberate actions aimed at changing Ukraine's territorial borders), however the first court had imposed a suspended sentence, with a year's parole. All of Novokreshchenov's posts were undoubtedly anti-Ukrainian, however they did not call for any violent challenge to Ukraine's territorial integrity, something that the European Court of Human Rights would take into account should this case ever end up before it.

Novokreshchenov was charged over Odnoklassniki social network posts from 18, 30 October and 13 November 2019. In these, he claims that the Kyiv authorities "have bared their teeth at Donbas " because the latter purportedly used their democratic rights and expressed their will to "live as free people" in a referendum. The event in question, on 11 May 2014, bore no resemblance to a real referendum, and was ultimately not even recognized by Russia ([details here](#)). He later goes on to claim that Ukraine comes from the Russian word for 'outskirts' and, using the Russian word with a capital letter, asserts that Donbas was never part of this, nor Crimea. *"There never was a Ukraine, and there isn't now!"*

Although pro-Russian blogger Anatoliy Shariy has claimed, as, doubtless, will the Russian propaganda media, that Novokreshchenov was sentenced to three years for denying Ukraine's existence, the charges under Article 110 clearly referred to the following utterances.

*"Rus! Rus as made up by Belarus, the European part of Russia, the northern regions of uKraina [as he insists on writing Ukraine] and its South-East! We will hold a people's referendum for the uniting of Russian lands and creation of a single state – Rus in its historical borders!"*

Such a 'people's referendum' would certainly be in violation of Ukraine's Constitution and illegal. The 'referendum stunts' in occupied Crimea and Donbas were held by heavily armed fighters in conditions where expressing pro-Ukrainian views could get you beaten up, abducted and tortured or even killed, with this alone invalidating their alleged result.

Article 110 of the Criminal Code falls within the jurisdiction of Ukraine's Security Service [SBU] which considered that Novokreshchenov was guilty of seeking to change Ukraine's territorial borders through his posts. The charges were presented by the Chernihiv Regional Prosecutor and accepted by the Desniansky District Court in Chernihiv on 1 April 2021, and then by the Chernihiv Court of Appeal on 29 July 2021.

It is probably less clear whether the European Court of Human Rights will share this view, if Novokreshchenov lodges an application, claiming that his posts fell under Article 10 of the European Convention on Human Rights (Freedom of Speech). This remains to be seen, but his lawyers could point to the lack of any calls to violently implement such a 'referendum'.

Ironically, Novokreshchenov's earlier conviction seems less controversial. The journalist initiative [Court Reporter](#) has tracked down details of [this earlier conviction](#) in 2018. The charges were the same, however the social media posts in question were framed in much stronger language, particularly with respect to former President Petro Poroshenko. The post read: *"Make him a real revolution, deprive that bloody dictator of his power."* He later went on to say that Ukraine's MPs *"should be hanged at the entrance to the parliament building."*

On that occasion, Novokreshchenov received a two-year suspended sentence. Although the point of a suspended sentence is that it becomes real if the person commits a new offence, by the elapse of this 2-year period in October 2020, no court sentence had been passed over the new charges laid over the posts in October and November 2019. Therefore on 12 October 2020, the same Desniansky District Court [freed him of his punishment](#) with this effectively wiping the slate clean. That is probably sign.

He was thus treated as a person without a criminal record when Judge Andriy Sapon from the Desniansky District Court came to pass sentence on 1 April 2021. The judge found him guilty of the charge, but took into account his age, family status and state of health and passed a three-year suspended sentence, with a one-year period of parole.

The prosecution objected, with the court on 29 July accepting the appeal, and making the sentence a real three-year term of imprisonment.

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## **Russia tricks residents of occupied Donbas into voting in its 'elections' in new aggression against Ukraine**

By Halya Coynash

Kharkiv Human Rights Protection Group (03.08.2021) - <https://bit.ly/3je3IKk> - Russia's Election Commission has allowed residents of occupied Donbas who have taken Russian citizenship to vote electronically in its parliamentary elections. Russian President Vladimir Putin's decrees making it easy for Ukrainians in Donbas to obtain Russian citizenship were internationally condemned as an act of hostility against Ukraine and this new development should surely receive just as firm a response. Cynical deceit is being used, with residents of the so-called 'Luhansk and Donetsk people's republics' [LDPR] encouraged to obtain SNILS [an Individual Insurance Account Number]. This makes it possible to vote electronically, but the propaganda campaign underway is convincing residents that this will entitle them to Russian social benefits.

Putin issued [his first decree](#) on 24 April 2019, making it easier for residents of LDPR to get Russian citizenship. The move was met with concern especially since Russia had used mass issue of passports in the Georgian regions of South Ossetia and Abkhazia prior to the war with Georgia in 2008. On 17 July 2019, Putin issued [a second decree](#), this time making it possible for all Ukrainians in the Donetsk and Luhansk oblasts (Donbas) to receive Russian citizenship according to 'simplified procedure', even if they live on Ukrainian government controlled territory. The EU [condemned](#) the decrees as being in violation of the Minsk Agreement and on 10 October 2019 [stated](#) that they did not recognize Russian passports issued in occupied Donbas. [A study](#) carried out by the Donetsk Information Institute (DII) in 2020 found that Russia had not achieved its plans to issue 600-800 thousand Russian passports to residents of LDPR by the end of 2020, however most Russian and other sources do claim that 600 thousand residents have obtained such questionable 'citizenship'.

It is these people who, [according to a decision](#) from the Russian Central Election Commission on 20 July 2021, will now be able to 'vote' online in Russia's parliamentary elections. The latter are illegal because they encompass occupied Crimea, and also very suspect because Russia has prevented virtually any opposition candidate from taking part (through legislation or arrests). One of the objectives behind involving LDPR in Russian elections is doubtless to be able to claim a greater number of voters in 'elections' that are essentially as predetermined as those in Soviet times. Ukraine's Centre for Journalist Investigations [reports](#), citing local newspapers, that 'Russian citizens of LDPR' are being enrolled in Russia's ruling 'United Russia' party essentially en masse.

Natalia Lynnyk, Deputy Director of the Committee of Voters of Ukraine [CVU], [believes](#) that Russia is counting on gaining "mobilization resource", with the aim in the future of being able to claim that they "are defending Russian citizens specifically on this occupied territory. And in that way, they get the chance to carry out military activities for the so-called defence of these Russian citizens." The aim, she stresses, is to 'seize' people, Ukrainian citizens, and not the territory. People "are placed in such conditions that they are compelled to take Russian citizenship because that assures them some minimal degree of stability and protection." Lynnyk stresses that there is evidence of coercion, as seen in 2020, when factory workers, public sector employees, etc. were

taken by coaches to the Rostov oblast in Russia to 'vote' in the fake referendum of amendments to Russia's Constitution. Russia basically needs people, both to boost its so-called electorate and for cheap labour outside the main cities in the Russian Federation. The Kremlin understood back in 2014 that there would be a real reaction from the West, if only in the form of genuinely painful sanctions, if Russia openly seized more Ukrainian territory. It is therefore controlling, arming and funding the illegal pseudo republics, while not officially recognizing them.

Radio Svoboda's Donbas Service [Donbas Reality] [has also probed](#) Russia's recent moves and draws attention, in particular, to the mass campaign in LDPR media, on billboards, etc. over the last month trying to get people to obtain a Russian SNILS individual insurance number. It is clear from interviews with people on the street, that they have understood SNILS to provide the right to Russian medicine, social benefits, etc. Those applying for such a number, or those who, in order to get SNILS, decide to obtain Russian citizenship, presumably believe that all such benefits will be available to them. The propaganda campaign is silent about the fact that this is a mere first, largely technical, step, and that people without a Russian place where they are registered will not be able to receive social benefits. They will, however, be able to 'vote' in Russia's elections online. Russia has also simplified the procedure for receiving SNILS, so that you really just fill out a form, and can do it in Donbas, including at work.

Maria Kucherenko, from the Research Centre of Civil Society Issues, is convinced that the main objective is to enable voting online, so that Russia can claim 'mass participation' without the logistical problems of transporting huge numbers of people to the Rostov oblast. She does, however, expect that such coachloads will be organized as well, in order for the good propaganda shots, purportedly demonstrating queues at polling stations and eagerness to participate.

Konstantin Skorin, from the Moscow Carnegie Centre, also views the participation by people from LDPR in the elections as having a propaganda, rather than an electoral, purpose. The idea is to show these 'new Russian citizens' "choosing Russian leaders." *"This is an important propaganda step, indicating that Donbas is integrating more and more with Russia, and is being drawn more and more into Russian political life".*

The fact that people are being conned with false promises of benefits will deepen disillusionment, Kucherenko says, although she does not see this as inclining people to view Ukraine as looking after them. Deep or not, such disillusionment will remain silent, with people doubtless understanding just how dangerous it is to speak out.

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## **End to 7 years of impunity for savage murder of Ukrainian journalist?**

By Halya Coynash

Kharkiv Human Rights Protection Group Over (12.07.2021) - <https://bit.ly/3r2YNu5> - Over seven years after Cherkasy journalist **Vasyl Serhiyenko** was abducted and murdered, the trial of his suspected killers [has been moved](#) from a court which seems to have been doing everything to ensure that the case never ends in conviction. Most importantly, it has been moved from the Cherkasy oblast where a person widely suspected of having commissioned the crime wields considerable influence. The fact that the trial will begin from scratch will make little difference as it had scarcely moved since 2017, with all of the defendants, gradually being released from custody.

The application to the Supreme Court to change the jurisdiction in this case was lodged by the prosecutor and lawyer representing Serhiyenko's family. The Court's ruling on 6 July means that the trial will be moved from the Horodyshe District Court in the Cherkasy oblast to the Darnytsky District Court in Kyiv. The Prosecutor, Yulia Malashych, had

backed her application for the withdrawal of the entire panel of judges by citing their infringement of all reasonable timeframes and failure to respond to applications from the victims in this case. They had totally ignored the state of health and advanced age of a key witness, with victim status, namely Nina Nysha, the murdered journalist's mother. The elderly lady had witnessed the merciless beating of her son outside their home on 4 April 2014, and pleaded in vain with the assailants to let him go. Nina Nysha died on 29 February 2020, without even having had a chance to give her testimony, let alone see the killers of her son answer for their crime.

58-year-old Vasyl Serhiyenko was both a journalist and the leader of the local Euromaidan in the Cherkasy oblast town of Korsun-Shevchenkivsky. In the months immediately prior to his killing, Serhiyenko had reportedly been gathering information about **Hennady Bobov**, an MP until July 2019, and a person with power and connections in the Cherkasy oblast, as well as about Serhiy Tulub, former Cherkasy oblast governor, **Serhiy Tulub**.

Serhiyenko's body was found in a forest the day after his abduction. He had choked to death on his own blood, following major blows to the head and 19 knife wounds.

Three of the suspected perpetrators – **Volodymyr Voronkov**; **Viktor Horbenko** and **Valentin Zavrzhin** were caught in 2015 in connection with another crime. The men were accused of trying to set fire to the equipment of a local farmer who was known to be in competition with Bobov. The car they arrived in had bloodstains which proved to be from Serhiyenko. The investigation concluded that Serhiyenko had been taken in that car to a petrol station near the Modus holiday park, which is also linked to Bobov, before probably being transferred to another car. Two other men were arrested in 2017: **Roman Nedibalyuk** and **Vadym Melnyk**. Two men are in hiding: **Andriy Inosov** and **Valery Fedorov**. On 29 June, the prosecutor [reported](#) to the court that some of the men now on trial had had telephone contact with Inosov several thousand times. Fedorov's whereabouts are not known and it is possible that he was later killed.

Only one of the men on trial, Voronkov, is charged with the actual murder (with Fedorov). Melnyk, who was formerly the head of Bobov's guards, is accused of having organized the abduction and killing. Horbenko; Nedibalyuk and Zavrzhin are accused only of involvement in the abduction, although even this was carried out with extremely brutality and it seems inconceivable that they did not know that the abduction was to end with Serhiyenko's murder.

As mentioned, all of the men have gradually been released from custody, including Voronkov who was freed in December 2020.

Horbenko's release under house arrest came shortly after shocking developments in court led to criminal charges being laid against judge **Lyudmila Synytsya** from the Horodyshe Court. In June 2019, the former Special Investigations Department had wanted Horbenko transferred to Kyiv for questioning in connection with another case where the investigators were trying to establish who had commissioned a crime. Since there are strong grounds for believing that the defendants all worked for the same boss, Horbenko's testimony could have been very important for the Serhiyenko case as well, and the investigators clearly needed to separate him from the other men if there was to be any hope that he would give such incriminating testimony. Details of how their attempt was sabotaged, and the role played by [can be found here](#). Despite repeated warnings from the prosecutor that her behaviour in divulging confidential information carried criminal liability, Synytsya continued to effectively inform everybody present in the courtroom, including men in the same SIZO as Horbenko, that he was about to be transferred to Kyiv where he could well give testimony against them. Horbenko promptly denied writing any application for a transfer, claiming his signature to have been forged. Despite it being abundantly clear why Horbenko would now feel the need to lie, Synytsya chose to believe that the investigators had falsified documents, ordered that Horbenko not be transferred, and soon afterwards released him for custody. The investigators thus



lost a potentially crucial crown witness, who was shortly afterwards released from custody.

On 16 July 2020, Synytsya was informed that she is facing criminal charges over her behaviour in court that day. On 12 August, Ukraine's High Council of Justice [HCJ] [rejected](#) the application from the Prosecutor General's Office to temporarily suspend Synytsya. Indeed, they went even further, and addressed an appeal to Prosecutor General Iryna Venediktova that she identify and bring to account "people who carried out actions which violate the guarantees of judicial independence."

Yevhenia Zakrevska, the lawyer representing the Serhiyenko family, believes that there is evidence to point to Bobov's involvement in the case, with this presented during the original trial of the first three men arrested in 2015. That trial had actually been moving normally but needed to be terminated due to the judge's retirement. That need for a new trial coincided with the arrests of Melnyk (and Nedibalyuk) in 2017, and it was after this that the 'trial' effectively stalled.

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## **More than 3,500 Ukrainians illegally imprisoned in Donbas**

By Kvitka Perehinets

Kyiv Post (09.07.2021) - <https://bit.ly/3hwWQ5V> - More than 3,500 Ukrainians are being held in more than 160 illegal prisons in the occupied parts of Donbas, Deputy Foreign Affairs Minister Emine Dzhaparova reported on July 9, citing the Prosecutor General's Office.

She said that Ukrainians illegally detained in Donbas and Russia have endured torture and psychological pressure, which is just one facet of the crimes committed against Ukrainian citizens over nearly eight consecutive years.

Dzhaparova called for joint efforts to close all secret prisons in the occupied territories of the Donetsk and Luhansk oblasts, unimpeded access by human rights organizations to all places of detention and the ability to speak confidentially with all detainees.

She also remarked that even the UN Special Rapporteur on the Prevention of Torture, Nils Meltzer, was denied full access by Russian-sponsored occupation authorities to detention facilities in Donbas during his visit to Ukraine in 2018.

One of the best-known illegal prisons in occupied Donbas is Izoliatsiya: previously an art factory of the same name. It was seized by militants of the self-proclaimed Donetsk People's Republic in June 2014 and turned into a prison.

According to the police, militants established a "torture base" on the territory of the former plant, where they forcibly detain civilians, captured service members of the Ukrainian armed forces and other units involved in the Joint Forces Operation fighting against the militants.

On July 7, the Prosecutor General's Office had reported that the police had issued suspicion notices to two leaders and organizers of Izoliatsiya.

A total of 15 suspects have already been suspected of violating the laws and customs of war on the territory of Izoliatsiya. About 170 victims were identified.

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## Ukraine's most malicious miscarriages of justice

By Halya Coynash

Kharkiv Human Rights Protection Group (15.03.2021) - <https://bit.ly/3cFnLZA> - Volodymyr Panasenko turned 62 on 13 March, his 15th birthday imprisoned for a crime nobody believes he committed. If he were one of Russia's many Ukrainian political prisoners, legislators and others in Ukraine would, at least, be making public noises, and maybe even trying to secure his release. Panasenko, however, is imprisoned in Ukraine, and legislators are in no hurry to right a terrible wrong, against him and other men, whose life sentences also arouse very strong concerns. Ukraine has already been slammed for this by the European Court of Human Rights, with the second time, on 10 December 2020, a bulk judgement finding violation of the rights of 24 applicants, including Panasenko.

The Court in Strasbourg is losing patience with Ukraine, since this is not the first time it has stressed that the European Convention's prohibition of torture (Article 3 of the Convention) requires that there must be at least the possibility that a life sentence can be reduced. The Court is not saying that all prisoners must be released, only that they must have the chance of "a review which allows the domestic authorities to consider whether any changes in the life prisoner are so significant, and such progress towards rehabilitation has been made in the course of the sentence, as to mean that continued detention can no longer be justified on legitimate penological grounds"

While ECHR kindly assumed that the only possible reasons for a review lay in some changes or reform of the life prisoner himself the situation is far worse in Ukraine. Here one of the most compelling grounds for needing a review mechanism lies in grave concerns that many of the life prisoners are either innocent or have received a disproportionately harsh sentence.

A Ukrainian life sentence is for life, with the only possibilities for release being a terminal illness or a Presidential pardon. The latter have not been issued once in the last several years.

The problems with Ukraine's justice system are most graphically seen in the case of serial killer Sergei Tkach. He was able to murder his victims with impunity over an incredible 25 years because at least ten other men had been tortured into 'confessing' to some of the crimes and sentenced to long terms of imprisonment. Even after Tkach was arrested in 2005 and confessed to around 100 murders, 37 of which were fully proven, it still took a long time before those other victims, arrested for Tkach's crimes, were finally released.

The methods of 'investigations' which enabled such miscarriages of justices were widely used, at least until the adoption of a new Criminal Procedure Code in 2012. Among other important changes, this makes it impossible to pass a sentence solely on the basis of a 'confession', and also ensures that people accused of serious crimes have a lawyer present from the outset.

Human rights monitors believe that there are up to 100 life prisoners in Ukraine whose sentences, based on 'investigations' before 2012, are extremely suspect – either disproportionately long or, worse, passed against men who are innocent.

The last possibility for judicial review of such cases was removed in 2011, when the then President Viktor Yanukovich seriously reduced the powers of Ukraine's Supreme Court. Many of the powers then taken away have been reinstated, but not the Court's right to review cases under exceptional proceedings. This refers to cases where there is believed to have been violations of material and procedural law, through the fabricating of evidence, etc.

For the last 10 years, there have been several attempts, including through legislative initiatives, to rectify the situation. The first parliament following the Revolution of Dignity (Euromaidan) even voted on a draft bill, No. 2033a in its first reading back in 2015 and then let it gather dust until the parliamentary elections in 2019 made its adoption possible. A new bill (No. 3078) was tabled in February 2020, but was returned by the profile committee for reworking, and was, on 2 February 2021, withdrawn.

This makes Ukraine's failure to comply with the European Court of Human Rights' judgements seem especially flagrant. It also leaves a large number of life prisoners whose sentences are very likely flawed with no chance of justice.

This is almost certainly not just inertia, but downright sabotage from some quarters. When there seemed a real chance that the earlier No. 2003a bill could be passed, numerous, highly manipulative, articles appeared in the media about the bill. These gravely distorted the facts about the very restricted scope of the review proposed, and played on people's fears about 'maniacs and killers' being released. Very many of the investigators, prosecutors and judges who either deliberately faked evidence or ignored clear signs that a person was innocent still hold their position, or have been promoted to considerably higher posts, including in the Prosecutor General's Office. They have a clear vested interest in blocking any possible review.

While there are many worrying cases, one stands out for its shocking cynicism and for the number of prominent Ukrainians, including the first Human Rights Ombudsperson, Nina Karpachova and first Ukrainian President, Leonid Kravchuk, who have pointed to the evident miscarriage of justice.

On 26 October 2006, a car bomb, planted under a car belonging to Lviv City Councillor and owner of the Shuvar market, Roman Fedyshyn left him unharmed but killed 14-year-old Marika Kutsinda who was walking past when the bomb exploded.

A month after the blast, the police had caught one person suspected of carrying out the attack, and declared another person wanted (he was arrested in 2013), as well as Oleksandr Rudy, who was suspected of being the go-between between the perpetrators and the person who had commissioned the crime.

Rudy was arrested while under treatment for alcoholism in a psychiatric clinic and signed four different 'confessions'. He first asserted that the blast had been ordered by Fedyshyn himself to improve his political rating. When the investigator Roman Sharko told him that such a confession would not do, he named Myroslav Bokalo, the administrator of the market. This was also deemed wrong, so Rudy then asserted that the crime had been ordered by two men - Bokalo and Panasenko. The latter had created the company behind the Shuvar market together with Fedyshyn. A fourth 'confession' mentioned only Panasenko.

Rudy retracted his words in court, stating at both first trial, and then appeal level, that Panasenko had nothing to do with the crime and that it had been commissioned by somebody else. He later also wrote a statement saying that he had given false testimony against Panasenko under pressure from the investigator. The pressure, he specified, consisted of threats that he would get life himself if he didn't provide the testimony and beatings.

This was ignored by the court, under presiding judge Stanislav Holubytsky, as were other falsifications in the case. Panasenko's lawyer Natalya Krisman is convinced that everything was done to put Panasenko away for life. She says that neither the investigators nor the court really tried to conceal their certainty that Panasenko was innocent. It was simply that the other candidates had power and could not be touched.

Volodymyr Panasenko remains imprisoned. Despite the European Court of Human Rights' judgement, on 15 February 2021. The Grand Chamber of Ukraine's Supreme Court

refused to initiate proceedings into Panasenko's appeal against his life sentence. Stanislav Holubytsky is now a Supreme Court judge, with this despite a negative assessment from the Public Integrity Council which cited his role in the trial of Panasenko. Roman Sharko, who played a direct role in falsifying evidence has been appointed to a managerial post in the Prosecutor General's Office, responsible for overseeing 'adherence to the law within the National Police'.

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## **DONBAS: What's happening in Donbas? Analysis and forecast**

By Sergei Garmash (Research Center of Donbas Social Perspectives)\*  
Published in English by HRWF (04.03.2021)

### **Analysis**

In the past few months, two trends have clearly emerged in the course of the conflict in Donbas. First, Moscow has stepped up its actions to effectively integrate occupied regions of Donetsk and Lughansk Regions ("occupied territories") into the military, legal, economic and political sphere of the Russian Federation. Second, Russia has returned to the use of military actions launched from occupied territories as an instrument of political influence on Ukraine.

It should be noted that Moscow initially regarded the ceasefire agreement reached on 22 July 2020, not as a humanitarian gesture, but as an instrument to achieve its main goal: to position the "governments" of occupied territories as a party to the conflict and therefore a legitimate negotiating partner with the Government of Ukraine (Kyiv). To achieve this result, the Kremlin must move the center of gravity for resolution of the conflict from the "Normandy Four" (N-4), where there is no direct representation of the occupation "governments" and where Russia is considered to be a party to the conflict, to "the Trilateral Contact Group" (TCG) in which there is direct representation of the occupation "governments" and where Russia pretends to be the "second mediator." That is why Moscow was not willing to reach an effective ceasefire agreement via the "Normandy Four" but was willing to agree to a ceasefire via the TCG as a method of proving the relevance of the occupying governments as an independent agent from Russia.

Therefore, Russia has set a trap for Kyiv. Any further movement by Kyiv towards a direct dialogue with the occupying "governments" via the TCG will be presented to the world by Moscow as "proof" that the conflict is and "internal Ukrainian" civilian conflict and not the result of Russian aggression. And, of course, it will then demand the lifting of sanctions tied to its failure to comply with the Minsk agreements while still providing money, weapons and "vacationers" to its puppet "governments" in the Donbas. And, at the same time, Kyiv will no longer have any instruments, other than military action, to influence the enemy.

Indeed, as Ukraine has for six years been forbidden by the Minsk Agreements to achieve the liberation of its occupied territories by military action, its only instrument to weaken the aggressor is economic sanctions, primarily those imposed by Western governments, as well as domestic. If Moscow, having succeeded at forcing Kyiv to negotiate table with the occupied "governments" of Donetsk and Lugansk, eliminates or weakens the effect of international sanctions, then Ukraine will be left with three options:

- Agree to federalization and thereby the de facto **absorption of Ukraine** by the so-called "Donetsk and Lughansk Peoples Republics";
- Accept a "frozen conflict," recognizing the eastern territories as lost until the ultimate collapse of Russia;

- Use the only remaining method - military force.

It is clear that none of these three options can satisfy the majority of Ukrainians, which means the conflict will continue to cause serious internal destabilization and therefore pose a threat to Ukraine's territorial integrity and national sovereignty. And, this is precisely why the Kremlin is pursuing its "TCG strategy." In other words, for Moscow the end of hostilities in the Donbas as a result of direct negotiations between Kyiv and occupying governments is not "the end of the war," as Russian proxy/Ukrainian politicians such as Medvedchuk are singing sweetly, but the strengthening of the GLOBAL HYBRID WAR against Ukraine, the purpose of which is to destroy Ukrainian statehood. Seen in this light, it is clear why Moscow agreed in July to a ceasefire it previously rejected and why now, six months later, it has resumed hostilities. Moscow has concluded that Ukrainian President Zelensky would not trade a sham "peace deal" for his de facto recognition of the conflict as an "internal Ukrainian" civil conflict.

At the same time, Russia is intensifying the transformation of the Donbas occupied territories into an integrated Russian enclave (notwithstanding that majority of residents of occupied Donbass considered themselves as Ukrainian prior to the start of Russian aggression in 2014). Since Kyiv was not agreeable to a quick suicide on Russia's terms, Moscow has now dedicated itself to playing the long game. As Russian political strategist and Vladislav Surkov protege Alexei Chesnakov recently said, "Moscow is ready to wait at least 50 years ..." In practice, this "readiness to wait" means that Moscow will try to execute the "Abkhazian scenario" in Donbas occupied territories. "This means that Donbas is a part of Russia in fact, but not legally. Approximately the way it was with Abkhazia before the events of 2008," explains the pro-Kremlin Russian political analyst Sergei Markov. In fact, the Abkhazian scenario is:

- Institutionalization of the puppet "state";
- "Conversion" of the majority of residents to Russian citizenship;
- Integration of this quasi-state into the Russian economic and political space'
- De jure recognition in the event of a military attempt by Ukraine to liberate its territory.

There are, of course, material differences in the cases of Abkhazia and occupied Donbas. First, in Abkhazia there are Abkhazians, a separate nationality from the "oppressive" Georgian national majority. There are no such people as "Donbasians," separate from Ukrainians by their nationality, religion, or any other characteristics. Secondly, in Abkhazia there are only 200,000 people while the population of occupied Donbas is more than 3 million.

But, Russia has figured out how to solve these "small problems." First, Moscow is implementing a comprehensive strategy to effect the segregation of the population in occupied territories by cutting all ties to Ukraine and Ukrainian government services. This is reinforced by displacing Ukrainian citizenship with new "DPR" and "LPR" citizenship supported by occupation issued passports. According to information from our sources in Donetsk, Moscow has set a deadline for the occupation "governments" to complete the "de-Ukrainization" of the population by 2025 and also to ensure that more than 50% of these "DPR/LPR citizens" should also have officially obtained Russian citizenship and passports. In this way, the Russian Federation optimizes the expense of occupation, expands the possible pool of local combatants in future conflicts and creates a pretext for direct military intervention by Russian Army "peacekeepers" to protect "Russian citizens."

### **Forecast**

#### **1. Implementation of the "Doctrine of the Russian Donbas"**

The "governments" of the DPR/LPR have developed a "Doctrine of the Russian Donbas" that provides a road map for their policy and actions. According to "DPR" head Denis Pushlin, the original goal of the doctrine was to provide the legal and political basis for the

absorption of the "DPR/LPR" into the Russian Federation. However, after push-back from the Kremlin, the final doctrine as issued instead promotes "strengthening the statehood of the Donetsk and Lugansk People's Republics as Russian national states." From this episode it is clear that while Moscow does not want the formal entry of the "peoples republics" into the Russian Federation, it does want the Donbas conflict to continue as an unhealed wound on the body politic of Ukraine. In this regard, the "Russian Donbas" doctrine has quite practical goals:

- Creation of an ideological and "scientific" basis for separating occupied territories from Ukraine as the region is allegedly "natively Russian";
- Support for the myth that Russian aggression is actually an "intra-Ukrainian and ethnic conflict";
- Creation of an uncontested ideological Russian identity for residents of occupied territory with the Russian Federation as their "future";
- Psychological pressure on the Ukrainian government to accelerate a political settlement of the conflict on Moscow's terms.

## **2. Increased coercion in renunciation of Ukrainian citizenship**

- In Donetsk, holders of Ukrainian passports can be detained for 30 days in order to "determine their identity." This absurd and coercive situation, detention for 30 days to determine the identity of a person with an internationally recognized identity document, speaks for itself.
- Holders of Ukrainian ID-passports cannot receive social benefits in Donetsk or carry out other operations in which an identity document is needed. To do so, they must first "legalize" the ID-passport by getting an "address certificate" of their registered place of residence. In turn, this certificate is issued only if there is a certificate stating that the person has applied for a "DPR passport."
- For about a year now, Ukrainian citizens in occupied territory who qualify for their first Ukrainian passport (age of 16) or upon passport expiry cannot receive a Ukrainian passport because of checkpoint closures by the occupation administrations. As a result, in order to have any sort of identity document, they are forced to obtain "DPR" passports.
- According to information from open sources and our confidential sources, in order to meet Moscow's orders for 100% DPR/LPR "passportization" by 2025, the authorities are preparing a plan for the seizure of Ukrainian passports. Such a step will present Ukraine with a choice, either close the entrance to Ukraine for Ukrainian citizens with passports of "DPR" - "LPR", or recognize the "passports" of the "republics". Both options will suit Moscow, but both carry serious risks for Kyiv.
- Without a passport of Ukraine, residents of ORDLO (HRWF Note: Temporary Occupied Territories of Ukraine) will not be able to receive Ukrainian pensions, social benefits, enter universities, open bank cards, etc. That is, they will be completely cut off from Ukraine.
- The draft "Law" "On Citizenship" currently being discussed in Donetsk anticipates that "DPR citizenship" cannot be obtained by people who have been absent from the territory for long periods (forced migrants) or politically unreliable people. Thus, "legal" conditions will be created for the disenfranchisement of more than 2 million Ukrainian citizens from occupied territories.

## **3. Forced Acceptance of Russian Citizenship / Passports**

As a practical matter, receipt of a DPR/LPR passport by most people is primarily a means for the receipt of a Russian passport so they can leave occupied territory. This is because by the operation of Russian law, a holder of a DPR/LPR passport qualifies for Russian citizenship under a defined "simplified procedure." Of particular note is that applications for Russian passports are accepted by officials of the DPR/LPR "Ministry of Internal Affairs." This farcical situation, whereby the "independent government" officially accepts citizenship applications for another government (the Russian Federation) quite neatly

exposes the fundamental lie of Moscow's "non-involvement" in the administration of occupied territories.

Notably, Russian passports are issued only after a fingerprint check and the of taking the oath of a citizen of the Russian Federation. According to our sources, DPR/LPR authorities have set a goal the issuance of Russian passports to 80/90% of the population by 2025, significantly greater than Moscow's order for 50% passportization. This mass Russian passportization resolves several pragmatic goals:

- Permanent consolidation of its influence over occupied this territory, regardless of the timing and modalities for its return to Ukraine;
- Creation of pretexts for military intervention in the event of Kyiv's military intervention in occupied territories;
- Creation of a new mobilization resource from "citizens of Russia" living in DPR/LPR;
- Creation of a bridgehead for the seizure of new territories of Ukraine by the hands of the "DPR/LPR" military forces;
- Creation of a legal basis for military and special personnel training "republic citizens" as "citizens of Russia" living in DPR/LPR;
- Creation of an environment were able bodied men will want to leave DPR/LPR territory to evade military service;
- Creation of an environment where able bodied men will emigrate to Russia and assist in resolving Russia's demographic collapse.
- Increase the pro-Putin electorate in Russia via emigration from DPR/LPR

#### **4. Militarization of DPR/LPR**

A key factor explaining Moscow's desire of the increased pace of DPR/LPR integration with the Russian Federation is the success of Azerbaijan in the Karabakh conflict followed by Ukraine's agreement with Turkey on the supply of 48 "Bayraktar" drones, the use of which which has been widely recognized as the deciding military factor of the hostilities in Karabakh. This has caused a new stream of weapons deliveries by Moscow to DPR/LPR, as well as the beginning of the construction of a "second line of defense" of the "republics." In addition, to increased mobilization and readiness, Moscow's puppet leaders of the "DPR/LPR" have issued decrees mandating drills for the call up of "citizens in reserve at the mobilization points from December 2020 to November 2021".

Against this background, an information campaign on the need to introduce universal military service has intensified. In the public announcements, details about the terms of mandatory service have already been resolved. According to the ex-commander of the "Vostok" battalion A. Khodakovsky, "Draftees will have the right to join the military on a contractual basis. They will not be initially sent to active units, but those who wish to join the army and defend their homeland can do so."

It must be noted that the hype around "universal conscription" will also contribute to the emigration of young people from the territory of the "republics" as service in the legitimate Ukrainian or Russian armies is perceived as preferable to participation in illegal armed formations.

#### **5. Use of COVID-19 to isolate and reduce the population**

The COVID-19 pandemic remains an important factor that is used to segregate the DPR/LPR population and isolate it from Ukraine. As before, the passage of people through the checkpoints is significantly limited by the DPR/LPR authorities. When compared to 2019, crossings have decreased by almost 30 fold. Existing checkpoints have been closed and the opening of new checkpoints (as anticipated by TCG agreements) is being blocked by the occupation authorities, notwithstanding that the situation with COVID in government-controlled territory is much better than in occupied territory. As a result, one can only conclude that the reasons for such isolation are purely political. Moreover, there

is no reason to believe that the militants intend to lift the blockade of checkpoints with an improvement in the epidemic situation.

Against this background, data on infection and mortality from COVID-19 in DNR/LNR obtained via open source information demonstrates the Kremlin's policy to physically reduce the population of the occupied territory of Donbas. In DPR/LPR, on average, only 0.016 of the population is tested daily (for comparison - in Ukraine - on average, about 0.15%). There is only one (!) laboratory for testing COVID-19 tests for about 2.5 million persons. On average, 52% of the tests are positive. The mortality rate of patients diagnosed with COVID-19 in the "DPR" (according to "official" statistics) is 9% (in Ukraine - 2.4%). If we add to this and mortality from "common pneumonia", then the mortality rate will approach 15% - a rate higher than anywhere else in the world.

At the same time, local authorities are treating the vaccination program against COVID-19 as only a propaganda event and they are trying to compensate for the low amount of the vaccine received from Russia with false information that vaccination is contra-indicated for those who have already had COVID-19. This and other misinformation promulgated by the occupation authorities will significantly reduce the percentage of those who voluntarily apply for vaccination.

### **Conclusion**

We can conclude that Russia's purposes for continuing the conflict in Donbas are to use it as a tool to restrain Kyiv from Euro-Atlantic integration, divert its efforts from the fight against the occupation of Crimea, and as a mechanism to influence the internal political situation in Ukraine. Outside of these goals, neither the people of Donbas nor its territory is needed by Moscow. And, as a result of Moscow's policies, the lives and safety of those living in the occupied territories of Donetsk and Lugansk will continue to deteriorate. This is an explicit Russian policy to purposefully cause the deterioration of the quality of life force the reduction of the regions' population.

And yet, today, more than ever, there is light at the end of the tunnel - a real hope for the possibility of returning the occupied territories of Donetsk and Lugansk to Ukrainian sovereignty in the foreseeable future. The deterioration of geopolitical and economic conditions for the Russian Federation will slowly but surely influence the internal political situation in Russia, which is increasingly fed-up with the decrepit Putin regime. In turn, Zelensky administration in Ukraine has become more realistic and come to understand that Kyiv will not be able to come to an agreement with Moscow without shooting itself in the head. This leaves Zelensky no choice but to start a real fight against the aggressor state, including Russian agents within Ukraine. For the first time in seven years of war, the process, as they say, has begun. Now we must take even more care to make ensure that Zelensky continues in the right direction.

(\*) Source in Russian <https://www.ostro.org/general/politics/articles/607011/>  
Translated by Joel Ray Montgomery

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**Pershiy Nezalezhniy TV channel broadcasting disconnected one after its start under pressure from the authorities**

***The government puts pressure on all partners of the TV channel***





### *Pershiy Nezalezhniy TV channel*

Pershiy Nezalezhniy TV channel Under was disconnected from broadcasting an hour after its start under the pressure of the authorities and law enforcement agencies.

Telecommunication and cable providers were demanded by the Security Service of Ukraine not to provide any services to the TV channel, despite all the contracts and agreements that were concluded earlier.

Hence, the government puts pressure on all our partners.

We believe that such actions of the authorities are illegal. Pershiy Nezalezhniy TV channel was legally established in accordance with the law. We call on the authorities to stop these reprisals against unwelcome media and to stop the mechanism of making politically motivated decisions in relation to journalists.

Today's factual ban on the broadcasting of our channel does not comply with international legal standards for freedom of speech and broadcasting.

Pershiy Nezalezhniy was created so that the journalists of the illegally closed TV channels [112 Ukraine](#), NewsOne and ZiK had the opportunity to work. Our goal is to be on air and create a high-quality media product. We remain on [">YouTube](#) and [pnk.tv](#) website.

We are for the freedom of speech and freedom of thought.

"The government is obliged to ensure that Ukrainians have their legal right to access information, to return the opportunity to hear the truth about the real state of affairs in Ukraine. In a country that strives for European values, it is necessary to preserve the right to freedom of speech," Yehor Benkendorf.

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## **Will anyone answer for the killings on Maidan?**

By Halya Coynash

Kharkiv Human Rights Protection Group (22.02.2021) - <https://bit.ly/2NWLzQ7> - It is seven years since the worst day of bloodshed on Maidan left 49 activists dead and over 150 injured. Three of the only five men whose trial over the killings on 20 February 2014 are now in hiding, with the trial of the remaining two men only just beginning again. On 17 February 2021, Ukraine's parliament finally voted in its first reading on a [bill](#) which

could make it possible to try the three fugitives in absentia. [According to lawyer Yevhenia Zakrevska](#), important amendments must still be made and soon to this bill if there is to be any chance of receiving a verdict regarding the only Berkut officers to have been put on trial over the killings that day.

Although 25 Berkut officers from a special unit under the command of Dmytro Sadovnyk are believed to have been involved in the shooting of activists, only six officers were ever taken into custody. Sadovnyk was arrested in April 2014, together with two of his subordinates **Serhiy Zinchenko** and **Pavlo Abroskin**. There other subordinates – **Serhiy Tamtur; Oleh Yanishevsky** and **Oleksandr Marinchenko** - were later arrested and taken into custody.

Sadovnyk [vanished](#) almost immediately after judge Svitlana Volkova from the Pechersky District Court in Kyiv suddenly decided to release him under supposed house arrest on 19 September 2014. Volkova was later charged under Article 375 §§ 1 and 2 of the Criminal Code (the issuing by a judge of a knowingly wrongful ruling). The court was, however, in no hurry to examine the case, passed to it in May 2015. By the end of the trial in August 2020, Volkova [was per force acquitted](#) since several months earlier Ukraine's Constitutional Court had declared the article she was charged under to be unconstitutional.

The other five men remained in custody, charged with the killing of 48 activists on Instytutska St. All admitted to having been in that part of the street, but denied any part in the gunning down of protesters. Although three of the men were later released under house arrest, the trial was continuing and a verdict had been expected in early 2020.

Then in December 2019, it became clear that the men were to be released as part of an exchange of prisoners between the Ukrainian authorities and the Russian-controlled Donbas militants. Their inclusion in the exchange was bitterly opposed by the families of the victims and their lawyers and, seemingly, by the prosecutors in the case, with this ignored by President Volodymyr Zelensky and the then Prosecutor General Ruslan Riaboshapka. The men [were all freed](#) from detention or house arrest on 28 December 2019, after a cruel mockery of an appeal court hearing where the outcome proved to have been known in advance. They were handed over to the militants the following day.

Marinchenko and Tamtur returned to Kyiv in February 2020, asserting that they were victims of persecution and that they were determined to prove their innocence. The whereabouts of Abroskin; Yanishevsky and Zinchenko are not known, but it is likely that they, like many other ex-Berkut fugitives are in Russia and have probably received Russian citizenship.

Zelensky later admitted that this had been a political decision, but asserted that the trials would go ahead. For a very long time this seemed a very empty assurance, however on Svyatoshynsky District Court in Kyiv [declared Abroskin; Yanishevsky and Zinchenko to be in hiding](#) with this aimed at getting them placed on the international wanted list, as a prerequisite to them being tried in absentia.

On 25 November 2020, the court [separated the case](#) against Abroskin; Yanishevsky and Zinchenko and suspended it until the accused men had been caught, with the trial of Marinchenko and Tamtur continuing in December under presiding judge Serhiy Dyachuk at the Svyatoshynsky District Court in Kyiv. Dyachuk called the suspension a decision forced upon the court since any further delay could be viewed as the court taking a certain position to help one side in the proceedings.

Essentially the trial of the three can only be resumed if either INTERPOL or some other international body places the men on their wanted list, or if Ukraine's legislators pass the necessary amendments to the legislation on trial in absentia.

The above-mentioned bill voted on in its first reading on 17 February will not, in its present form, solve the problem. While the bill excludes being on the international wanted list as a condition for trial in absentia, it does not envisage any other mechanism for defending the rights of such individuals to access to justice. This is why Zakrevska believes that amendments must be made within the next two weeks if there is to be any hope of a verdict with respect to all five men in 2021.

In the October 2020 ruling, the court stressed that the three men are accused of the gravest of crimes and that their prosecution is in no way political. There were therefore no grounds for INTERPOL to reject the request to issue Red Notices (that they are wanted) with respect to Abroskin, Yanishevsky and Zinchenko.

The ruling stated that the men would be considered on the wanted list from when an international body with such jurisdiction took the relevant decision.

The problem here is that the former search mechanism for CIS countries is not functioning (and Russia has, after all, given most fleeing Maidan suspects asylum and, often, citizenship). INTERPOL, on the other hand, has not once agreed to issue Red Notices with respect to any former Ukrainian high-ranking official or Berkut officer. There is thus a dead end with no trials in absentia able to take place.

In [her report for LB.ua](#), Sonya Roy notes that not only Berkut officers are suspected of involvement in the Maidan killings. According to the public prosecutor, there are currently 11 criminal prosecutions underway over the killings on 20 February 2014, with 33 suspects.

One of these suspects is Volodymyr Kosenko, from the Omega special unit, who [was arrested](#) on 18 February 2020 and charged with the murder of Maidan activist Oleh Ushnevych and the attempted murder of Vitaly Hukov, as well as with exceeding official powers. He is accused of having deliberately aimed and shot at protesters on Instytutaska St. on the morning of 20 February 2014. The prosecution asserts that the Omega officer worked closely with Berkut officers and that they were shooting, without attempting to ascertain whether those they were targeting were unarmed.

Another former Omega officer and sniper, Dmytro Khmil was arrested in 2018 and charged with killing Maidan activist, Oleksandr Khrapachenko. The proceedings [were reportedly](#) suspended in August 2019, pending the response to a request for assistance from Switzerland. Khmil was, at the request of the prosecutor, released from house arrest in late December 2019, with the only demand being that he gives up his passport. The case appears to have gone dead since then.

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## **Ukraine's Defense Council imposes sanctions against Medvedchuk, his wife**

***In general, eight people included in the sanctions list***



*Chairman of Political Council of Opposition Platform - For Life Party Viktor Medvedchuk*  
**Opposition Platform - For Life**

112 International (19.02.2021) - <https://bit.ly/3I147pY> - The National Security and Defense Council of Ukraine (NSDC) has imposed sanctions against eight people (three of them are Ukrainians), including Chairman of Political Council of Opposition Platform-For Life **Viktor Medvedchuk** and his wife Oksana Marchenko as **112 Ukraine** TV channel reported citing NSDC Secretary Oleksiy Danilov.

Besides, the sanctions list includes:

- Vatskovsky Kostyantyn Borysovykh, a citizen of Russia;
- Donchenko Vitaliy Valeriyovych, a citizen of Russia;
- Lavrenyuk Natalya Mykolaivna, a citizen of Ukraine;
- Lysohor Serhiy Viktorovych, a citizen of Russia;
- Maslyuk Oleksandr Mylokayovych, a citizen of Russia;
- Popov Mykhailo Yuriyovych, a citizen of Russia.

The sanctions were imposed for property owned by mentioned persons.

Besides, the sanctions were introduced against 19 companies (not specified). However, it is known that they are registered in Russia, Moldova and other countries.

Moreover, during the meeting, the decision concerning aggravation of the situation in Donbas was made. It was not reported what this decision was. As the Secretary of the National Security and Defense Council Oleksiy Danilov said at the briefing, it is classified.

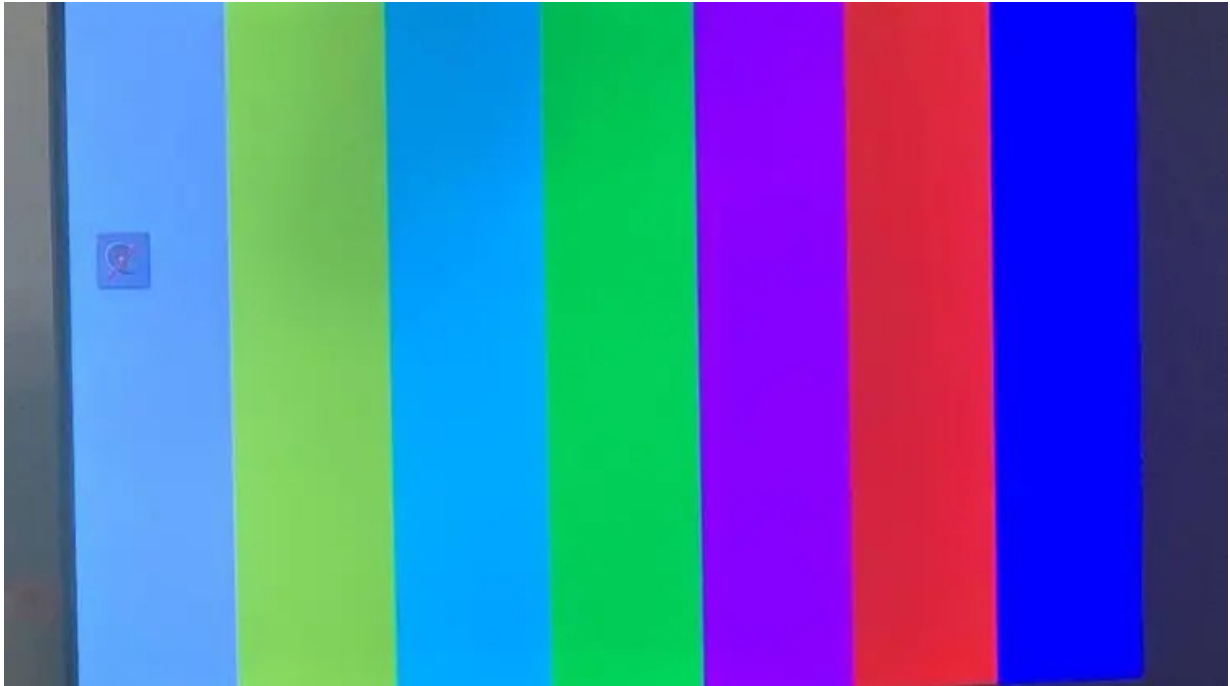
Besides, the Cabinet of Ministers has been instructed to take the necessary measures for the preservation and exploitation of part of the oil pipelines with a total length of 1,433 km, passing through the territory of Ukraine. In particular, it was instructed to return the oil pipeline Samara-Western direction to state ownership.

On February 2, **Volodymyr Zelensky signed a decree on sanctions against 112 Ukraine, NewsONE and ZiK TV channels**. By this decree, he enforced the decision of the National Security and Defense Council on sanctions on the cancellation of the broadcasting licenses of the **TV channels belonging to Taras Kozak** (112 Ukraine, NewsOne, ZIK). According to the decree that is eligible since the moment of signature, the TV channels faced sanctions that will be active for five years. These sanctions make **the broadcasting** impossible.

Earlier, the [Ministry of Culture and Information Policy of Ukraine](#) demands to close YouTube pages of 112 Ukraine, NewsOne and ZIK TV channels.

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## **Leading opposition TV channels of Ukraine 112, NewsOne and ZIK have been disconnected from broadcasting**



*112, NewsOne and ZIK TV channels have revoked their licenses*

Strana (02.02.2021) - <https://bit.ly/3nUjJmN> - On the evening of February 2, 112, NewsOne and ZIK TV channels, which [canceled licenses due to personal sanctions](#) against OPZZH deputy Taras Kozak, were disconnected from the TV.

All three TV channels are no longer available to users of "Cable Will".

At the same time, live broadcasts are available on YouTube.

This information was confirmed by the heads of 112 and NewsOne TV channels.

Thus, the head of NewsOne Yuri Buryak said that all three TV channels have already been disabled, broadcasting continues only on YouTube.

Artem Marchevsky, general producer of 112 TV channel, also commented on the termination of broadcasting to Strange due to the sanctions imposed on the owner of the media holding Taras Kozak.

"As far as we can see, we have already been disconnected from the broadcast. ZIK had a digital license and satellite license, NewsOne and 112 only had satellite licenses. We continue to broadcast on YouTube - the Internet is not yet controlled by these idiots, and remains the only available platform for us so far," Marchevsky said.

Recall that on the evening of February 2, the press service of the Office of the President reported that Volodymyr Zelenskyy signed a decree on the introduction of sanctions against People's Deputy of Ukraine from the Opposition Platform - For Life faction Taras Kozak.

"In accordance with Article 107 of the Constitution of Ukraine, I decide: to enact the decision of the National Security and Defense Council of Ukraine of February 2, 2021 "On the application of personal special economic and other restrictive measures (sanctions)," the text of the decree says.

That is, three largest opposition TV channels have been destroyed in Ukraine since tomorrow morning.

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## **DONBAS: 251 Ukrainian citizens detained in the separatist regions**

***There are 251 Ukrainian citizens held captive in the separatist regions of Donbass, according to the Human Rights Ombudsman of the Verkhovna Rada of Ukraine Lyudmila Denisova, writes Willy Fautré of Human Rights Without Frontiers (HRWF).***

EU Reporter (14.12.2020) - <https://bit.ly/3mpzu1c> - During a meeting with Melinda Simmons, the British Ambassador Extraordinary and Plenipotentiary to Ukraine, Denisova announced: "It is still impossible to monitor the observance of their rights and conditions in places of detention."

Denisova petitioned the Ambassador to contact the International Committee of the Red Cross to strengthen their efforts to get access to the Ukrainian detainees in the Donbass regions outside the control of the Kiyv government.

Additionally, she asked Melinda Simmons to ask the representatives of her country to support the UN General Assembly resolution "The human rights situation in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine" during the 16 December vote and to request the immediate release of all Kremlin prisoners.

The priority for Commissioner Denisova is to pressure the Russian Federation to abide by the Vienna Convention on Consular Relations, to which Moscow is a party. This convention provides Ukrainian officials such as The Verkhovna Rada's Commissioner for Human Rights, the possibility of visiting all Ukrainian citizens, including political prisoners in the temporarily occupied Crimea and the Russian Federation.

On 7 December, Ambassador Silvio Gonzato, Delegation of the European Union to the United Nations, made a [statement](#) on behalf of the EU and its Member States at the 75th United Nations General Assembly ruling on the resolution on the Problem of the militarization of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as well as parts of the Black Sea and the Sea of Azov [Item 34 a) – Prevention of armed conflict].

He was notably quoted as saying: "The EU does not and will not recognise the illegal annexation of Ukraine's Autonomous Republic of Crimea and the City of Sevastopol by the Russian Federation. The European Union remains steadfast in its commitment to Ukraine's sovereignty and territorial integrity within its internationally recognized borders." And he urged: "The Russian Federation to ensure safe, secure, unconditional and unimpeded access of all international monitoring mechanisms, including the OSCE SMM, to the illegally annexed Autonomous Republic of Crimea and the city of Sevastopol."

### **HRWF Comment:**

HRWF is aware that several terminologies are used in Ukraine and international institutions such as the OSCE to qualify the status of the Donbass areas that are out of

control of the Kiyv government. The choice of HRWF was determined by the most used one by the media, think tanks and NGOs in Western Europe.

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## **Venice Commission head opposes radical solutions to Constitutional Court crisis**

By Oleg Sukhov

Kyiv Post (14.12.2020) - <https://bit.ly/383BxCY> - The European Commission for Democracy Through Law, better known as the Venice Commission, opposes the most radical proposals to resolve the crisis triggered by the Ukrainian Constitutional Court's decision to destroy the country's official asset declaration system, commission president Gianni Buquicchio said.

Buquicchio's comments echoed two Dec. 11 opinions that the commission issued on the Constitutional Court decision and on reforming the court.

The Venice Commission specifically disapproves of bills seeking to immediately replace all the judges on the Constitutional Court and to increase the court's quorum to block its work. Instead, the commission proposes a gradual reform of the Constitutional Court.

On Oct. 29, the Constitutional Court ruled that the country's asset declaration system for state officials was unconstitutional, effectively destroying one of the pillars of Ukraine's anti-corruption infrastructure. That triggered a major backlash from both civil society and President Volodymyr Zelensky.

Since the ruling, several bills have been submitted to parliament to resolve the impasse with the Constitutional Court.

On Dec. 4, lawmakers passed one of them, but it does not appear to be a viable solution. The bill reinstates penalties for lying in asset declarations, but civil society has criticized the new penalties as too mild and ineffective.

"Both opinions of the Venice Commission issued this week are very critical of decision No. 13-r/2020 of the Constitutional Court," Buquicchio told the Kyiv Post. "The commission detected serious flaws in the court's reasoning. The court failed to address very specific and serious allegations of a conflict of interest, which would normally prevent several judges from sitting in this case. Conclusions of the court are not based on the international and European standards and create serious obstacles for the fight against corruption in Ukraine."

In its opinions, the Venice Commission said that the role of the Constitutional Court as the guarantor of the Constitution must be respected. Critics of the court argue, however, that there is massive evidence that the Constitutional Court does not fulfill its role and, on the contrary, undermines the Constitution and Ukraine's anti-corruption infrastructure.

On Oct. 30, Zelensky submitted a bill to the Verkhovna Rada, Ukraine's parliament, seeking to fire all incumbent Constitutional Court judges and treat their decision on asset declarations as null and void.

The bill was widely regarded as the most radical proposal. The Ukrainian Constitution and legislation do not allow for the dismissal of Constitutional Court judges without the court's consent, thus granting them absolute immunity and impunity. Adding to the court's untouchable status, the Rada has no authority to nullify any Constitutional Court decisions.





Zelensky has admitted that he was seeking a political, rather than legal path out of the impasse.

On Nov. 3, lawmakers from the Servant of the People and Holos factions submitted a bill to temporarily block the Constitutional Court's work by increasing its quorum from 12 to 17 judges. Currently, three of the 18 Constitutional Court seats are vacant.

However, Buquicchio sees these solutions as inconsistent with the rule of law.

"Problems created by this judgment should be solved within the framework of the principles of the rule of law," he said. "...Parliament should not block the activity of the Constitutional Court through financial pressure or procedural obstacles or similar efforts."

He said that "other solutions are proposed by the Venice Commission: the obligation to give more detailed and specific reasoning (explaining Constitutional Court judgments), enhanced disciplinary procedures, new rules on recusal of judges, etc."

"The Commission did not exclude that the rules of quorum may be reviewed – but rather in order to prevent the blocking of the work of the Court when a number of judges have to withdraw due to a conflict of interest," Buquicchio said. "In sum, we are not in favor of a quorum which would make further functioning of the Court impossible."

Instead of these proposals, the Venice Commission suggested a thorough reform of the Constitutional Court.

"Strategically speaking, we see a need for a serious reform of the court, its procedures and the way how judges of the court are elected," Buquicchio said. "The Venice Commission recommended pre-selection of candidates to the positions of judges of the Constitutional Court with the participation of international partners, more stringent conflict of interest rules, re-defining cases where self-recusal of a judge is required, revising rules on disciplinary liability of judges, etc. "Bad" decisions of this kind will be virtually impossible if such reform of the court is successful."

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## **DONBAS: Are militants in the Donbas preparing to mobilize?**

***Exceptional video footage and reporting from inside Donbass.***

**By Roman Pahulych for Human Rights Without Frontiers**

HRWF (03.12.2020) – New video footage documents that the so-called "L/DPR" is in the midst of assessing how many men could be mobilized for its "armies" in the Donbass Region, which is not controlled by the Ukrainian government. The leader of the so-called "DPR", Denys Pushilin, issued a "decree" that obligated citizens to arrive at "military commissariats". This officially took place between 23-27 November 2020, but locals said this process continued unofficially for a few weeks more. Ukrainian military intelligence says that this could be the first step towards illegal "mobilization" of militant forces against the Ukrainian army in the Donbass conflict.

The video can be watched here:

[https://www.youtube.com/watch?v=v4nuuKS\\_Q9g&list=PLRVLFiywHmGJVXK7f82zMVyw9X7FLHVQ&index=3](https://www.youtube.com/watch?v=v4nuuKS_Q9g&list=PLRVLFiywHmGJVXK7f82zMVyw9X7FLHVQ&index=3).



**English transcript of the video footage below  
0'00" - 0'22"**

A car arrives at the military commissariat in Donetsk. Men periodically exit through the gate with a large inscription: "Pre-gathering point of citizens". In this region, which is beyond the control of Ukraine, militants send a SMS from the subscriber Police DPR. Their message to citizens is to come with a passport to the military commissariat within a specified time frame. ((off-screen))

**0'22" - 0'47": Interviews of men on the street in Donetsk**

"At the military training camp? I will go. Why wouldn't I go?"

"I gave my debt to my homeland. I served as expected for two years. I think that's enough. I'll go, of course. The state ordered it. We have to go."

"I'm disabled. But I would go."

"I just got a text message on my phone. However, I did not receive a summons specifically for me."

"I received the summons and so I came to the military commissariat. [An officer of the military commissariat] noted where I live, my data and nothing else."

((residents of Donetsk))

**0'47" - 1'14": Sergey Harmash, journalist, on camera**

"This is understandable. They cannot say that they will not go to serve, because then the militants will come and take them, in principle. (...) I monitor social networks and I don't see any desire from parents to send their children to serve in this so-called army. I do not see any desire from young people. I see the opposite - reluctance. And people are really ready to go even to Russia, if they are now blocked access to Ukraine, just to avoid this." ((On camera - Sergey Harmash, participant in negotiations of the Minsk Trilateral Contact Group, journalist))

**1'14" - 1'25": Comment off-screen**

The militants do not hide their actions. Even the so-called "decree" was published. They claimed that counting the men eligible for fighting would take about five days. Sergey Harmash says this process has lasted much longer. ((off-screen))

**1'26" - 2'00": Sergey Harmash, journalist, on camera**

"This process has been going on for at least a month. People told me that they were receiving summons from Donetsk. At the same time, the decree of the so-called chapter appeared just a week ago. This means that in Donetsk they tried to hide [the process of mobilization]. If they are trying to hide [the process of mobilization], then this is clearly not propaganda. This, instead, is for actual mobilization. Real mobilization. Again - if we are monitoring their social media in parallel, then we see that a propaganda campaign that everyone should serve is growing. A campaign about the conscription [of each man]." ((Sergey Harmash, participant in negotiations of the Minsk Trilateral Contact Group, journalist))

**2'01" - 2'21": Roman Pahulych, correspondent for the Radio Liberty in Ukraine**

"And here it is worth remembering that the truce in the Donbass is still active. The other day, the commander in chief of the Armed Forces of Ukraine, Ruslan Khomchak, said that in more than 120 days of the ceasefire, 14 Ukrainian military were injured. Four soldiers died. The last incident was on 25 November when a militant sniper mortally shot senior soldier Vyacheslav Minkin." *((Roman Pahulych, correspondent for the Radio Liberty in Ukraine))*

**2'22" - 2'35": Comment off-screen**

These are the positions of the Ukrainian army near Gorlovka that are controlled by the militants. Enemy snipers were also spotted here - it's just as dangerous as before the truce. However, the military is carefully monitoring enemy positions. *((off-screen))*

**2'36" - 2'50": Interview of a Ukrainian soldier nicknamed Achillesse**

"About three new positions and one new blindage were created since we have been here. And we have also noticed that they are improving old positions for firing." *((soldier of the Armed Forces of Ukraine, nickname "Achillesse"))*

**2'50" - 2'57": Comment off-screen**

Marines say gunmen are opening fire more and more often. It is believed that the armistice will soon end. *((off-screen))*

**2'57" - 3'09": Interview of Achillesse**

"It all began with the usual provocative shootings. Now they have moved to the next level, so to speak, and intensively fire machine guns and grenade launchers every day." *((soldier of the Armed Forces of Ukraine, nickname "Achillesse"))*

**3'09" - 3'18": Interview of a Ukrainian soldier nicknamed Deputy**

"The last few weeks have already begun, in principle, a war. We can forget about the truce. It only remains to wait for the artillery to start working." *((soldier of the Armed Forces of Ukraine, nickname "Deputy"))*

**3'18" - 3'23": Comment off-screen**

Here we heard about preparations for mobilization in the territory beyond the control of Ukraine. *((off-screen))*

**3'24" - 3'43": Interview of a Ukrainian soldier nicknamed Deputy**

"Today they have a problem with a lack of support. There is no longer a number of people who want to come from Russia. Nobody wants to die for 500 bucks. If you look in the DPR and LPR today there is a curfew as in a concentration camp. I wouldn't be surprised if they 'drive people with sticks' to the military commissariats." *((soldier of the Armed Forces of Ukraine, nickname "Deputy"))*

**3'43" - 3'48": Comment off-screen**

However, in Donetsk, they also believe that not everything is clear with the truce. *((off-screen))*

**3'48" - 4'36": Residents of Donetsk**



"Not everything is straightforward with the truce."

"I don't see a truce at the moment. This is not a truce."

"In my opinion, Ukraine is doing everything possible to delay martial law."

"Cities have been shelled before and are now being shelled again. The war continues."

"The Ukrainian side does not want to reconcile with us."

*((residents of Donetsk))*

**4'36" - 4'55": Roman Pahulych, correspondent for the Radio Liberty in Ukraine**

"For several years, the structure of the army of militants has not changed much. The same goes for the amount of equipment. There are about 500 tanks, twice more various armoured vehicles and about 1,000 artillery systems - barrels and rockets. The staff of the 1<sup>st</sup> and 2<sup>nd</sup> Army Corps is about 35,000 people. 3,000 of them are Russian military." *((Roman Pahulych, correspondent for the Radio Liberty in Ukraine))*

**4'55" - 5'31": Vadim Skybytsky, representative of the Main Intelligence Directorate of the Ministry of Defense of Ukraine**

"The staffing of the main units of the 1<sup>st</sup> and 2<sup>nd</sup> army corps is 75-80%. At the same time, it should be noted that the rear and support units are more staffed. To date, the 2<sup>nd</sup> army corps is more staffed. And this is understandable because there is less tension. Regardless, there is an outflow of military personnel and a decrease in the mobilization resources of the military because most of the population leave for Russia." *((Vadim Skybytsky, representative of the Main Intelligence Directorate of the Ministry of Defense of Ukraine))*

**5'31" - 5'47": Comment off-screen**

In the Donbass, which is not controlled by Ukraine, a so-called military training camp takes place every year. The most massive was back in 2017 – then, 30,000 people gathered at Saur Mogila according to the militants. True, they were taken from everywhere and sometimes even involuntarily. *((off-screen))*

**5'47" - 6'18": Vadim Skybytsky**

"All military reservists [in the NGCA] were recorded [by the Russian Federation]. They were attributed to military units and divisions and after that control events were carried out. But this year there was a problem with the shortage of mobilization resources. This problem was suddenly identified during training events and inspections of the 1st and 2nd army corps by the general staff of the Russian armed forces in Ukraine territory. And now [the Russian side] is trying to urgently solve this problem [the shortage of mobilization resources]." *((Vadim Skybytsky, representative of the Main Intelligence Directorate of the Ministry of Defense of Ukraine))*

**6'18" - 6'32: Comment off-screen**

Intelligence says that so far this is not full mobilization, but preparation for it and, possibly, for the creation of new units. For example, it could be for territorial defense. A significant increase in local militants in groups is a problem for Ukraine. *((off-screen))*

**6'32" - 6'52": Sergey Harmash, journalist**

"If conscripts serve, this changes the picture of the whole conflict. There will no longer be Russian mercenaries. There will be former and current Ukrainian citizens. Not all of the youth will be able to get Ukrainian passports, but they will be Ukrainian citizens from our point of view. It will then be easier for Russia to say that this is a civil conflict." ((Sergey Harmash, participant in negotiations of the Minsk Trilateral Contact Group, journalist))

**6'52" - 7'08": Comment off-screen**

Obviously, the DPR group wants to know how many people they will be able to arm. Given the non-payment of salaries at enterprises and closed checkpoints by militants, there are few options for the local population to earn an income – they can take an assault rifle or go to Russia. ((off-screen))

**Roman Pahulych** is a journalist for the Donbass Realities project and Radio Liberty in Ukraine. For more information, please contact him at: [PahulychR-FL@rferl.org](mailto:PahulychR-FL@rferl.org).

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## **DONBAS: How to get in and out of Donbas?**

**HRWF (01.12.2020) - On 20 November 2020, HRWF organised a webinar with panellists from several Ukrainian civil society organisations about the humanitarian situation in the non-government controlled areas of Donetsk and Luhansk in Ukraine. Elina Shyshkina from the *Right to Protection* in partnership with *HIAS* spoke about freedom of movement and the crossing of the line of contact in Donbass during the COVID-19 pandemic. You can watch the full recording of this webinar here: <https://www.youtube.com/watch?v=NU-K945o2LE>.**

**The following is the paper used during her oral presentation:**

### **EECPs crossings**

Generally, movement across the line of contact is facilitated on a regular basis by five Entrance-Exit CheckPoints (EECPs): four in Donetsk region and one in Luhansk region.

On 22 March 2020, the Ukrainian Government closed all five EECPs along the line of contact due to quarantine measures in response to the COVID-19 pandemic. For the next couple of months, people weren't allowed to travel between the non-government controlled area (NGCA) and the government controlled area (GCA).

The consequences of closing the EECPs included:

- the right to freedom of movement between the GCA and NGCA was restricted;
- families were separated;
- individuals were stuck either on the GCA or NGCA side without housing, costs for living, or medical care;
- it was not possible to visit relatives (particularly elderly people), receive pensions or other social benefits, access administrative services, etc.;
- and the crossing was only allowed for humanitarian reasons such as serious illness, death of a relative, or the need to reunite families.

From April to May 2020, only **297** people crossed the line of contact through the EECPs.





On 10 June 2020, the EECs were reopened, but only two of them were operational.

From June to October, **231,542** people crossed the line of contact through the two functioning EECs.

On 15 October 2020, the EEC in Luhansk region - Stanytsia Luhanska - closed again due to quarantine restrictions.

Although two new EECs in Luhansk region - Zolote and Shchastya - were opened from the GCA side on 10 November 2020, they remain closed from the NGCA side. Therefore, there is still no movement through those EECs.

Another issue that people crossing the line of contact from NGCA to GCA face is the obligation to install the "Act at home" app, which indicates their location for self-isolation. This obligation is imposed by the authorities due to quarantine restrictions. If travellers do not install this app, they must undergo a 14-day observation in locations provided by local authorities on GCA or return to NGCA.

This policy creates additional problems for individuals such as:

- old versions of smartphones do not support the application. In this case, individuals are not allowed to cross through EECs.
- observatories are often absent or crowded.
- if individuals are not allowed to cross through an EEC, they have to stay for a night in a neutral zone between GCA and NGCA.

### ***Administrative fines for violation of border procedure***

According to Ukrainian legislation, travel to and from NGCA must occur exclusively through the EECs. It is forbidden to cross the line of contact outside of these designated checkpoints. In February 2018, the Code of Ukraine on Administrative Offenses was supplemented by Article 204-2, which established an administrative penalty for violating this procedure. Since then, people who enter or exit the NGCA outside the EECs could be fined varying amounts of money.

Violations of this procedure have been recorded throughout Ukraine because people leaving uncontrolled territory use different routes, and may return to the territory controlled by the Government of Ukraine using any border region of Ukraine.

With the aforementioned quarantine restrictions, the number of administrative offenses under Art. 204-2 began to increase. This is due to the following reasons:

- limited functioning of the EECs after their re-opening in June 2020;
- and the closing of "borders" between so-called "republics". In this case, people living in the uncontrolled areas in Donetsk region could not use the road through the NGCA of Luhansk region to get to the checkpoint "Stanytsia Luhanska" and were forced to go through an uncontrolled part of the Ukrainian-Russian border to Russia and then from Russia to Ukraine.

There were **584** such cases in 2019, and **611** in 9 months of 2020 throughout the Donetsk and Luhansk regions. However, **6,432** administrative proceedings related to the violation of the protocols for entry / exit of the NGCA were issued throughout Ukraine for ten months of 2020. A few comparisons follow:

**In January 2019 there were 68 violations issued, while in January 2020 there were 390.**

**In February 2019 there were 270, while in February 2020 there were 351.**

**In March 2019 there were 706, and in March 2020 only 217 due to the pandemic.**

**However, in September 2019 there were 447, while in September 2020 there were 1,703.**

**Finally, in October 2019 there were 471, while in October 2020 -there were 1,685.<sup>1</sup>**

Fortunately, the majority of cases under Article 204-2 of the Code of Administrative Offenses ended in favour of the individuals for the following reasons:

- the term to press charges of an administrative offense expired;
- shortcomings of evidence such as a lack of recording of the violation of the order of entry into and exit from the NGCA;
- a warning or formal reprimand was issued in place of a fine;
- or there were no viable "components" of the administrative offense.

People living in NGCA have become hostages of the situation and quarantine measures as their opportunities to leave NGCA and go to GCA are much more restricted than they were before March 2020. In addition, the increasing number of cases under Art. 204-2 of the Code of administrative offenses further inhibits the freedom of movement of NGCA residents despite the fact that they are citizens of Ukraine.

*For more details, please contact:*

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## **DONBAS: A secret prison in Donetsk occupied territory**

**HRWF (27.11.2020) - On 20 November 2020, HRWF organised a webinar with panellists from several Ukrainian civil society organisations about the humanitarian situation in the non-government controlled areas of Donetsk in Ukraine (<https://www.youtube.com/watch?v=NU-K945o2LE>). Oleksandra Matviichuk from the *Centre for Civil Liberties* spoke about a secret prison in Donetsk known as 'Isolation'.**

**The following is an excerpt from her paper about this prison. Please note that there is a trigger warning as it contains detailed accounts of torture:**

The 'Isolation' is an unofficial prison on the territory of a military base<sup>2</sup> located at the following address: 3 Svitlyi Shlyakh St, the city of Donetsk. It was established after the forcible seizure in June 2014 of a former insulation material factory owned by the

<sup>1</sup> According to the official answer on the request of CF "Right to protection" to the State Border Service for public information as of November 18, 2020.

<sup>2</sup> The military base and the 'Isolation' prison report to the so-called Ministry of State Security of the Donetsk People's Republic (MGB DPR).



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IZOLYATSIA Foundation. Now, they train military personnel, store military equipment and weapons, and keep illegally detained people on that base.

Up to 80 people can be held in 'Isolation' at the same time. The unofficial prison includes eight cellars, two dungeons and two basements. It holds mostly civilian hostages, whom the so-called Ministry of State Security of the Donetsk People's Republic (MGB DPR) suspect of disloyalty. As of October 2019, about 30% of prisoners held there were women. People detained in this prison have been without contact with their families and the outside world for years, and even the International Committee of the Red Cross has no access to them.

Prisoners are forced to work on base. They cut metal, weld gratings, service the military base, build military training grounds, and wash military equipment.

In December 2019, after 28 months in 'Isolation', Stanislav Aseyev<sup>3</sup>, a journalist of *Radio Free Europe/Radio Liberty*, was released. He recalls that in the fall of 2019, the prison administration almost completely starved the prisoners. Each individual only received up to 50 grams of bread per day. Prior to that, prisoners were sometimes allowed to pick fruit from nearby trees while they were doing forced labour, or to take spoiled food from the local warehouses seized in 2014. This starvation continued for a month. Some prisoners announced in despair that they would completely reject the 'food' provided by the authorities. In response, the administration provided rice and canned fish for two weeks. Then this meal ended. When asked why, authorities told detainees that the prison was unofficial, so no one was obliged to feed them.

'Isolation' is known for torture and ill-treatment of prisoners, regardless of gender, age or health. The 16 November 2019 to 15 February 2020 report<sup>4</sup> of the *Office of the UN High Commissioner for Human Rights* documented prisoners being subjected to: beatings, electric shocks, asphyxiation (using both 'wet' and 'dry' methods), sexual violence, torture, removal of body parts (such as nails and teeth), deprivation of water, food, sleep or access to the toilet, imitation of an execution, threats of violence or death, and threats of harm to their families.

Torture by electrical shock is the most common technique. Two wires from a special device called an 'induction coil field telephone' are connected to the prisoner and an electric current of varying power is applied. Wires can be attached to any part of the body - from fingers to a tongue. Most often, one wire is attached to the genitals, and the other - in the form of an electrode - is inserted into the anus. At the time of electrocution, people are usually being kept naked in one of the two basements and constantly soaked in water by guards. Prisoners suffer additional emotional agony due to threats that the authorities will arrest their family members (usually a wife, mother, or sister), bring them to the basement and rape them in front of that prisoner.

According to Stanislav Aseyev, in the fall of 2017, the prison administration intentionally began to broadcast the torture occurring in the basements via a screen that was located on the same floor as the cells for other detainees. Consequently, prisoners constantly heard the screams of people being tortured. Towards the end of 2017, a new practice was introduced in which people were tortured in a room next to

<sup>3</sup> All the testimonies of Stanislav Aseyev were recorded by him especially for this document.

<sup>4</sup> Paragraph 69 of the Report:

[https://www.ohchr.org/Documents/Countries/UA/29thReportUkraine\\_EN.pdf](https://www.ohchr.org/Documents/Countries/UA/29thReportUkraine_EN.pdf).

the cells, forcing the other prisoners to sing Soviet patriotic songs in attempts to drown out the screams.

The prison administration constantly beats and humiliates male and female prisoners alike, regardless of whether they signed a confession forced by the MGB DPR. They attack people when transporting them to forced labour, during these jobs, and in their cells at night to keep them from sleeping. Some prisoners are kicked under their bunk bed and then forced to bark like a dog.

The 'newcomers' are subjected to the 'stretching' method which is when a prisoner is forced to face the wall and spread their legs wide while placing their hands on the wall above their head. Any attempt to lower their hands is punishable by being hit in the genitals with a special pipe. People are forced to stand in this position for several days until they fall.

In the fall of 2017, the prison administration also organised fights between prisoners for their entertainment. They would take some prisoners to an industrial area near the military base and force them to fight.

No medical care is provided to detainees. The report<sup>5</sup> of the *Office of the UN High Commissioner* mentions a healthcare worker whose primary task was to revive people who lost consciousness during torture. Deaths of prisoners have been reported, but the exact number of people who have died in 'Isolation' is unknown. At least a few hundred people have been held in this prison over the years, but the exact number is also unknown.

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Matviichuk

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## **Anti-corruption update**

### ***Outrageous decision of Constitutional Court dismantles corruption prevention system.***

By Tetiana Shevchuk

Kyiv Post (03.11.2020) - <https://bit.ly/360EqDC> - On Oct. 27, the Constitutional Court of Ukraine (CCU) adopted the decision on the unconstitutionality of the system of electronic assets declarations, criminal liability for false statements in declarations, and powers of the National Agency on Corruption Prevention (NACP). In fact, the decision means the abolition of the system of asset declaration disclosure of public officials and destroying a significant part of the anti-corruption achievements of the Revolution of Dignity. The decision was adopted with 11 votes.

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5 Paragraph 35 of Annex I to the Report:

[https://www.ohchr.org/Documents/Countries/UA/29thReportUkraine\\_EN.pdf](https://www.ohchr.org/Documents/Countries/UA/29thReportUkraine_EN.pdf).



The analysis of the decision indicates that the CCU went beyond the constitutional appeal and in fact violated the Constitution of Ukraine. The constitutional review was initiated by pro-Russian and oligarchic forces and was considered in record time. This decision can in no way be considered independent, as there is every reason to say that the judges of the CCU acted in their own interests, because of the fact of their own violation of the anti-corruption legislation which they repealed.

The CCU justified its decision in a way that it will be impossible to reinstall criminal liability for false statements in asset declarations back to the Criminal Code as the CCU justifies that such an offense should not be a subject of criminal penalty at all. As for the rest of the provisions, the CCU does not provide for the justification of the unconstitutionality of most of the rest abolished provisions. Any Parliament's attempts to reintroduce those provisions back to the legislation will result in the CCU striking them out again. The CCU's decision also makes impossible further judicial reform already agreed by Ukraine with the international partners and established within the International Monetary Fund program and macro-financial agreement with the European Union. The CCU states that only the judicial body either can perform any checks on judges or exercise control over them, thus making impossible establishment of independent expert bodies trusted with integrity checks of High Qualification Commission of Judges and High Council of Judges, which has been agreed as the basis of judicial reform.

The decision created the deadlock which provoked a constitutional crisis as there is a real risk that with any consequent decision the CCU will further dismantle the constitutional order and recent reform achievements. Thus, on October 29, the Security and Defence Council adopted the decision to declare the CCU decision void and dissolve the current composition of the court. Following it, the President submitted the relevant draft law to the Parliament. This is a political solution to resolve the situation, protect the constitutional order, and anti-corruption reform. At the same time, the draft law lacks new procedures to guarantee the fair and transparent selection of new judges of the CCU. Adopting such provisions would be crucial for reinstalling public trust in the CCU and rule of law.

### ***Zelensky finally promises to liquidate Kyiv District Administrative Court***

On Oct. 28, President Volodymyr Zelensky responded to the e-petition to launch a liquidation of the notorious Kyiv District Administrative Court, which gained the necessary 25,000+ votes. He promised to submit the respective draft law to the Parliament following the consultations with the High Council of Justice. The latter is an obligatory step required by the legislation.

It is worth noting, that on Oct. 26, the KDAC made another illegal and controversial decision. The court ordered to illegally dismiss NABU director Artem Sytnyk and launch a criminal investigation into his actions.

### ***SAPO's head Selection Commission approves the rules of the procedure***

On Oct. 29, the Commission for the Selection of the Head of the Specialized Anti-Corruption Prosecutor's Office (Commission) continued its work. It elected the Chairman and the Secretary (both are nominees of parliamentary group "For the Future"). The Commission has determined that it will make all decisions by a qualified majority of 7 votes, of which 5 members should be delegates of the Parliament and 2 members should be delegates of the Council of Prosecutors. Such a procedure will allow taking into account the voices of international experts.

### ***HACC revokes the illegal closure of Rotterdam+ investigation***



On Oct. 27, following AntAC's appeal, the High Anti-Corruption Court canceled the illegal closure of the criminal investigation on the "Rotterdam+" case committed by SAPO prosecutor Vitaliy Ponomarenko. However, the case will still not have a chance to be properly investigated if Ponomarenko remains the prosecutor. Now only Prosecutor General Iryna Venediktova, who has previously refused to review and overturn his blatantly illegal decision to close the case, can replace a biased prosecutor.

### **Media coverage of the constitutional crisis**

- [EU: Constitutional Court rulings threaten aid, visa-free regime](#)
- [Faced with dismissal, Constitutional Court puts off dangerous rulings](#)
- [Lawmakers ask Constitutional Court judges to resign in attempt to resolve crisis](#)
- [Anti-Corruption Action Center: Who are the Constitutional Court of Ukraine judges?](#)
- [Volodymyr Zelenskyy: We will not move forward with this composition of the CCU](#)
- [President of Ukraine and President of the Venice Commission agreed on the need to restore confidence in the judiciary, especially in the CCU](#)
- [Controversial judge Vovk placed on wanted list, second time in 3 months](#)
- [Ukraine faces a constitutional crisis over the sacking of Constitutional Court judges bill](#)
- [Constitutional Court judge threatens Zelensky with war, prison in anti-corruption standoff](#)

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## **Crisis deepens after Constitutional Court sabotages Ukraine's anti-corruption reform**

By Halya Coynash

KHPG (02.11.2020) - <https://bit.ly/389Y7eO> - A major crisis has erupted in Ukraine following a 27 October Constitutional Court [CCU] judgement that has seriously obstructed Ukraine's efforts to fight corruption and placed visa liberalization and other aspects of EU relations, as well as IMF funding, in jeopardy. Some of the measures proposed, including the bill introduced by President Volodymyr Zelensky which would remove all the current CCU judges, may well only deepen the crisis, however the majority Servant of the People party has promised to support the bill.

As reported, the CCU judgement found unconstitutional, and therefore revoked, certain critical parts of anti-corruption legislation, namely the criminal liability for knowingly false income declarations in Article 366-1 of the Criminal Code and a number of powers of the National Agency for Corruption Prevention [NACP]. Despite serious concerns about a possible vested interest in the ruling from the President of CCU, Oleksandr Tupytsky and at least one other judge, the Court's rulings are final and not subject to appeal. The ruling has already led to suspension of electronic declarations, and stripped NACP of important powers for monitoring and checking for corruption. Such anti-corruption legislation was a critical part of Ukraine's moves towards visa liberalization with the EU and EU officials have informally warned Ukraine's Ambassador to the EU, Mykola Tochytsky that the cancellation of the legislation would be grounds enough to suspend the visa-free regime.

On 30 October President Zelensky tabled Draft bill No. 4288 'On restoring public confidence in constitutional court proceedings'. This proposes to terminate the powers of CCU judges; declare their 27 October ruling to be null and void, as having "been adopted





in conditions of a real conflict of interest”, and to cancel the changes made as a result of the ruling to the Law on Prevention of Corruption and Criminal Code.

Although the bill speaks of proceeding to choose new judges in accordance with the Constitution and the Law on the Constitutional Court, there is nothing at all in the Constitution that would allow removal of judges in this largely political manner. Nor, according to Mykhailo Zhernakov, Director of the DEJURE Foundation, is there any clearly articulated procedure in the Law on the Constitutional Court that would prevent new judges being chosen for reasons that have nothing to do with the required moral qualities; professional competence and independence.

Zhernakov is certainly convinced that a proper competitive system for selecting CCU judges is needed. He notes that two judges from the six whom the President is allowed to choose were, under President Petro Poroshenko, selected by a panel including an international expert and representatives of civic society. Both judges, he adds, refused to vote for the 27 October judgement. As well as the six judges appointed by the President, there are (or should be, since at the moment 3 posts are vacant) six judges appointed by the Verkhovna Rada and another six by the Congress of Judges. Up till now, he says, you have ended up with almost exclusively politically engaged individuals, willing to come up with any ruling at the command of their political patrons. The situation is no better with those appointed by the Congress of Judges, he believes, as here people were appointed solely to suit corporate judges’ interests, often corruption-linked.

Volodymyr Yavorsky, from the Zmina Human Rights Centre, is under no doubt that the CCU ruling is a huge setback for fighting corruption in Ukraine, however he considers that Zelensky’s bill will generate even more problems.

The Constitution does not give either the President or parliament the power to dismiss judges, and this would be a very dangerous precedent. He believes that the bill is effectively abolishing the separation of powers (into the legislative; the executive and the judiciary).

The crisis, he says, has been brewing for a very long time, however he points in particular to the removal, “in illegal fashion”, in May 2019 of the former CCU President, Stanislav Shevchuk, with the CCU even stripping him of his status as CCU judge. Shevchuk appealed against this decision and an administrative court found his dismissal unlawful. Over a year later, he has still not been reinstated.

Yavorsky adds that, since then, “the Constitutional Court has passed a fairly large number of extremely contradictory and, one might say, legally curious rulings.”

There is, undoubtedly, a problem that needs to be resolved but the essentially political solution which Zelensky is proposing has the problem that it can later be revoked, with this meaning that a real solution is simply being delayed.

Yavorsky cites Zelensky’s bill which calls the actions of CCU “an attempt to overturn the constitutional order and seize state power in Ukraine” and notes that the judges are effectively being accused of several crimes, although he is not aware of any criminal proceedings having been initiated.

In fact, that is not entirely the case. The State Bureau of Investigations has summoned Tupytsky for questioning on 2 November with the criminal investigation initiated over possible state treason and illegal purchase of land in Crimea under Russian law.

As reported, the day after the disastrous CCU ruling, the Skhemy investigative journalist program published proof that Tupytsky had not stated on his income declaration, either

in 2018 or 2019, that he had purchased land in occupied Crimea in 2018, and that the purchase had been carried out according to Russian law. He has since suggested only that he “made a mistake” although failure to admit to this purchase made his involvement in the CCU ruling revoking criminal liability for such concealment at very least a conflict of interest, although also concealment of a crime.

On 30 October, Yaroslav Yurchyshyn, MP (from the ‘Holos’ party and former head of Transparency International Ukraine) reported that he had, as an MP, ensured that criminal proceedings under Article 109 of the Criminal Code (an attempt to seize power) were officially initiated (or at least recorded in the Single Register of Pre-Trial Investigations).

The chances of the latter investigation moving beyond inclusion in the Single Register, seem much lower, not least because this is the same accusation levelled against Pavlo Vovk, President of the District Administrative Court in Kyiv, and his colleagues. Despite seemingly very incriminating intercepted conversations, there has been very little real action even over the second wave of such revelations about Vovk & Co. This, it should be said, is especially galling in the present situation since in one of the conversations, a voice that appears to be Vovk’s boasts: “two courts belong to us, the Constitutional Court and the District Administrative Court.”

One of the legal ways that Ukraine’s Verkhovna Rada could try to restore some degree of public confidence in the Constitutional Court, Yavorsky suggests, would be to introduce amendments to the Law on the Constitutional Court allowing judges under criminal investigation over crimes against national security to be suspended, pending the outcome of the investigation. Parliament could also suspend implementation of the 27 October ruling in the same way. If judges who passed that court ruling were found to have acted in their own interests, that should be grounds for declaring the ruling to be null and void, however this is something that CCU judges have the power to do, not the President or Ukrainian legislators.

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## **Presidents of Venice Commission, GRECO speak against Zelensky’s bill to dismiss Constitutional Court**

By Denys Krasnikov

Kyiv Post (01.11.2020) - <https://bit.ly/2I1LS8Z> - The heads of two Council of Europe’s monitoring and advisory organizations have warned the Ukrainian parliament against the adoption of a pending draft bill that would dismiss the Constitutional Court.

Gianni Buquicchio, president of the European Commission for Democracy Through Law, also known as the Venice Commission, and Marin Mrcela, president of the Group of States against Corruption (GRECO), sent a joint letter to the Speaker of Parliament Dmytro Razumkov on Oct. 31.

The bill, initiated by President Volodymyr Zelensky, would dismiss all 15 justices of the Constitutional Court and annul a recent controversial ruling of the court that effectively destroyed Ukraine’s asset declaration system for state officials, undermining the country’s hard-won anti-corruption infrastructure.

Meanwhile, at least four judges of the Constitutional Court have been subjects of investigations concerning wrongful information in their asset declarations.



Although acknowledging the challenge of the current crisis, Buquicchio and Mrcela nevertheless consider Zelensky's attempt to fire the judges "a blatant breach of the constitution and of the fundamental principle of separation of powers."

In their address to Razumkov, Buquicchio and Mrcela urge to consider the "adverse, profound and long-term" implications this bill may have for Ukraine and look for "alternative ways" to preserve the country's anti-corruption institutions.

This was Buquicchio and Mrcela's personal address, which doesn't represent the stance of GRECO and the European Commission for Democracy Through Law.

"We totally agree on the importance of ensuring public confidence in the Constitutional Court..." they write. "(But) confidence does not imply lack of independence, on the contrary: the Constitutional Court may only enjoy the trust of the other state institutions and of the public if it is truly independent."

At the same time, according to David Arakhamia, lawmaker and faction leader of Zelensky's Servant of the People, the European Parliament approved Zelensky's move to fire the Constitutional Court. He also said that the country's leadership assured envoys from the G7 countries that the new judges of the court will be selected and appointed in a transparent manner.

"There's no alternative to the suggested annulment of the Constitutional Court," Arakhamia said in a column for news website Ukrainska Pravda on Oct. 31.

At home in Ukraine, Zelensky's bill has faced polarized reactions: some praised the bold move, while others criticized him for undermining the constitution and even accused him of trying to usurp power.

The head of the Constitutional Court, Oleksandr Tupytsky, accused Zelensky of attempting a "constitutional coup."

After the scandalous ruling by the Constitutional Court on Oct. 27, Zelensky stepped in to try and save the anti-corruption reform. Through the National Defense and Security Council, he ordered on Oct. 29 to restart the declaration registry, ignoring the court's ruling. Public access to the database was restored a few hours later, meaning that the registry had only been closed for 30 hours.

Then, Zelensky submitted the draft law, in which he accused the judges of "conflicts of interest" and of "an attempt to overthrow the constitutional order and seize state power in Ukraine."

Zelensky also ordered the Ministry of Foreign Affairs to ask Ukraine's international partners to help combat "negative effects" of the Constitutional Court ruling and "restore the integrity of the constitutional law in Ukraine," Minister of Foreign Affairs Dmytro Kuleba said on Twitter on Oct. 31.

**Press coverage of the constitutional crisis**

*3 November*

- [As Zelensky seeks to fire the Constitutional Court, experts look for alternative solutions](#)

*2 November*



- [Zelensky calls on his party to fire Constitutional Court; blames Medvedchuk, Kolomoisky factions](#)
- [Constitutional Court to consider decision that threatens Ukraine's banking system](#)
- [President's official statement](#)
- [Interfax: Maintaining anti-corruption institutions is essential commitment under IMF-supported program](#)
- [Reuters: Zelensky warns of "bloody chaos" if anti-graft laws not restored](#)
- [Interfax: Constitutional Court's head does not appear for questioning on Monday](#)

1 November

- [Presidents of Venice Commission, GRECO speak against Zelensky's bill to dismiss Constitutional Court](#)

October

- [UkrInform: IMF reacts to the Constitutional Court's decision](#)
- [Experts split over Zelensky's solution to Constitutional Court's sabotage of anti-graft reform](#)
- [Andriy Magera: Why CCU's arguments remain unconvincing](#)
- [Constitutional Court accuses Zelensky of pressure, judge resigns](#)
- [Head of Ukraine's Constitutional Court concealed illegal purchase of land in Russian-occupied Crimea](#)
- [Ukraine's Constitutional Court rules against fighting corruption and European integration](#)

## **DONBAS: Humanitarian situation in the separatist regions of Eastern Ukraine**

HRWF (31.10.2020) – A report about the humanitarian situation in the separatist regions of Donetsk and Luhansk has recently been published by Olga Aleksandrovskaya (Democracy Development Initiative).

This report entitled "Overview of humanitarian situation in the non-government controlled areas of Donbass amid the global pandemic of coronavirus infection COVID-19" is said by the author to have been made possible by two friends of her organizations, Mr. John DeBlasio (GPD Charitable Trust: [jdeblasio@gpdcharitabletrust.org](mailto:jdeblasio@gpdcharitabletrust.org)) and Mr. Joel Ray Montgomery (New Media Development Group).

The main objective was to see how the global pandemic of coronavirus infection COVID-19 affects the lives of Ukrainians living in the separatist regions of Donetsk and Luhansk oblasts in Ukraine. The proposed analysis is based on the author's personal experience from her trip to these regions that she names by the acronym of ORDLO for "Occupied Regions of Donetsk and Luhansk Oblasts" from September 20 to October 20, 2020, conversations with residents of Luhansk and Donetsk oblasts, as well as information obtained from open sources – Ukrainian, Russian and "republican" media.

The report comprises of the following sections:

CORONAVIRUS AND QUARANTINE IN ORDLO  
PASSPORT REGIME IN ORDLO  
CURRENCY OPERATIONS IN ORDLO



Human Rights Without Frontiers FoRB Newsletter | Ukraine

## CROSSING THE UKRAINIAN BORDER FROM ORDLO CONCLUSIONS AND RECOMMENDATIONS

We are pleased to present you the full report on our website (<https://bit.ly/2Ty9XH1>) and an excerpt of it hereafter:

### **Passport regime in ORDLO**

Authorities of the self-proclaimed republics are forcing residents of the non-government controlled territories to register in the electronic queue for obtaining LPR / DPR passports.

The passports of the republics are not accepted as a basis for crossing the border with the Russian Federation. I have repeatedly observed how Russian border guards would return a republican passport to a "citizen of the republic" and would demand an internal or foreign passport of a citizen of Ukraine: "DPR does not exist. Write in your migration card that you are a citizen of Ukraine and indicate the details of your Ukrainian passport." Republican migration services are slow to issue passports. Today, the electronic queue for submitting documents for LPR / DPR passports dates all the way to the spring of 2023.

It is "mandatory" for civil servants, employees of educational institutions, medical workers, and pensioners to queue up to receive a republican passport – for everyone who receives budget money.

In the opinion of ORDLO residents, the electronic queue for obtaining a republican passport is an indirect population census. Also, a republican passport is the basis for obtaining Russian citizenship.

Many people understand that a passport of a citizen of the Russian Federation obtained in ORDLO is not recognized in the world. Therefore, in order to "cheat" the system, some of them, having received an LPR / DPR passport, go to their friends and relatives in Russia, register for permanent residence there, and receive Russian citizenship according to a simplified system (with passports of LPR / DPR residents<sup>6</sup>).

Behind the scenes, the republics do not recognize the ID card of Ukraine (which, according to Ukrainian legislation, is issued to citizens of Ukraine upon reaching the age of 14 and in cases of loss or theft of an internal passport). "Citizens of the republics" with a Ukrainian ID card are admitted into and released from the territory of ORDLO if there is an address certificate confirming the place of registration on the territory of ORDLO (the place of registration is not indicated in the ID card). At the same time, according to the residents of the republics, it is difficult to obtain a "republican passport" for a holder of an ID card of Ukraine. "Our documents have been accepted, but application consideration is dragging on for the second year now. We are kind of "unreliable"..."

Also read on the website of IA [OSTRO.ORG](http://OSTRO.ORG) "Border guards of the Russian Federation confirmed that they will not allow Ukrainians with an ID card to cross the border".<sup>7</sup>

Officially, the term for issuing republican passports is one calendar month from the date of submission of documents. In practice, the process is delayed indefinitely. Employees of

<sup>6</sup> <https://www.rbc.ru/politics/24/04/2019/5cc043b09a79473f067eae71>

<sup>7</sup> <https://www.ostro.org/general/society/news/599332/>





the DNR migration service offer an unofficial service to speed up the procedure (jump over the electronic queue from spring 2023 to autumn 2020, submit documents and obtain a passport of a citizen of the DPR within a month). The price of the issue "for reliability" is RUB 7,000 and the official state fee is RUB 250. The "service" became available relatively recently, in the summer of 2020. There is no information regarding the existence of such a "service" in the neighboring LPR.

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## **Court led by graft suspect orders NABU chief's dismissal**

By Oleg Sukhov

Kyiv Post (26.10.2020) - <https://bit.ly/3msdX8z> - The Kyiv District Administrative Court has ordered the dismissal of Artem Sytnyk, head of the National Anti-Corruption Bureau of Ukraine (NABU), two sources familiar with the matter told the Kyiv Post on Oct. 26.

The sources spoke on condition of anonymity because they were not authorized to speak with the press.

One of the most controversial legal bodies in Ukraine, the Kyiv District Administrative Court is led by judge Pavlo Vovk, who is currently a suspect in a graft case investigated by NABU.

It instructed the Ministry of Justice to register Sytnyk's official dismissal based upon a Constitutional Court ruling according to which Sytnyk's appointment in 2015 was unconstitutional.

The court also instructed the State Investigation Bureau to open a criminal case against Sytnyk on charges of failing to implement a Constitutional Court ruling and usurpation of power.

The administrative court's decision appears to be part of a broader conflict between Vovk and Sytnyk. It can be appealed to a higher court.

Earlier, on Aug. 28, the Constitutional Court ruled that then-President Petro Poroshenko's 2015 decree to appoint Sytnyk as head of NABU was unconstitutional. On Sept. 16, the Constitutional Court also ruled that some clauses of the law on the NABU violated the constitution.

Civil society activists feared that the rulings would lead to the dismissal of Sytnyk, his replacement with a loyalist to the corrupt establishment and the destruction of the NABU's independence.

In July, NABU charged Vovk and other judges of his court with organized crime, usurpation of power, bribery and unlawful interference in the work of government officials. The bureau released audio recordings of the judges that back up the accusations.

The Kyiv District Administrative Court's ruling comes just days ahead of an Oct. 29 hearing on bail for Vovk in the corruption case.

That same day, the Slidstvo.info investigative journalism show is scheduled to release an investigation into Vovk's alleged corruption.

Meanwhile, a petition on the site of the President's Office for the liquidation of Vovk's court collected the required 25,000 signatures on Oct. 26. It must now be reviewed by the president.

Civil society views the Vovk case as one of the most egregious examples of judicial corruption and impunity.

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## **Zelensky to consider petition to liquidate Ukraine's most odious court**

By Oleg Sukhov

Kyiv Post (26.10.2020) - <https://bit.ly/35HysYc> - A petition to liquidate the odious Kyiv Administrative District Court, headed by controversial judge Pavlo Vovk, on Oct. 26 collected the necessary 25,000 signatures on the site of the President's Office.

Now President Volodymyr Zelensky must consider the petition and respond to it. Previously Zelensky has resisted demands to liquidate the court, saying he had no right to interfere in the judiciary.

The court has issued some of the most controversial rulings in Ukraine and triggered indignation from civil society. Vovk and other judges of the court have been charged with obstruction of justice and corruption – accusations that they deny.

The case is seen by civil society as one of the most egregious cases of judicial corruption and impunity. Top officials, prosecutors and judges have done their best to help Vovk and other suspects escape responsibility and keep their jobs.

"We ask the president of Ukraine to submit a bill on the liquidation of the court to the Verkhovna Rada... due to its loss of trust – specifically, because of wiretapped conversations of the court's leadership published by the National Anti-Corruption Bureau of Ukraine (NABU) in July 2019 and July 2020," reads the petition, which was initiated by journalist Danylo Mokryk. "(The tapes) prove deeply rooted corruption and the issuance of unlawful rulings at the court."

The President's Office did not respond to a request for comment.

### ***Vovk corruption saga***

In August 2019, the Prosecutor General's Office charged Pavlo Vovk and other judges of his court with obstructing the work of the High Qualification Commission of Judges, issuing unlawful rulings and unlawfully interfering in the work of other judges.

However, Kyiv's Shevchenkivsky Court rejected a motion to extend the Vovk investigation and ordered prosecutors to either close the case against the judges or send it to trial within five days. The prosecutors did not send it to trial, and the case stalled indefinitely after that.



In July 2020, the NABU resurrected the case and charged Vovk and other judges of his court with organized crime, usurpation of power, bribery and unlawful interference with government officials.

In August judge Serhiy Vovk of the Pechersk Court, Pavlo Vovk's namesake, ordered the case to be transferred from the NABU to another body. Anti-corruption activists interpreted this as an effort to kill the case since the State Investigation Bureau, Security Service of Ukraine and the police, which may get the case, are politically dependent and are likely to bury the case.

The NABU has summoned Vovk and other judges of his court for interrogations but they have repeatedly ignored the summonses. In August the NABU had to put them on a wanted list.

### ***Continued sabotage***

On Sept. 1, the High Council of Justice also unanimously refused to suspend Vovk and other judges implicated in his case.

The council's members are also implicated in the Vovk case. In wiretapped conversations released by the NABU, Vovk mentioned the involvement of Andrii Ovsienko, head of the High Council of Justice, and council members Oleh Prudyvus, Pavlo Grechkivsky, Viktor Hryshchuk and Mykola Khudyk in his alleged bargains with the council. They did not respond to requests for comment.

On Oct. 12, judge Serhiy Vovk of the Pechersk Court also ordered the Prosecutor General's Office to cancel the charges for Pavlo Vovk because they had been allegedly brought in violation of procedure.

Serhiy Vovk is controversial because he was charged with issuing an unlawful ruling in a civil case in 2015 and was temporarily suspended. In 2012 he sentenced then opposition politician Yuriy Lutsenko to four years in jail in a graft case that has been recognized by European and Ukrainian authorities as politically motivated.

The High Anti-Corruption Court was scheduled to consider bail for Vovk and Ihor Pohribichenko, a judge at Vovk's court, on Oct. 22. However, both judges failed to show up for the hearing, and it was postponed until Oct. 29.

### ***Controversial rulings***

The Kyiv Administrative District Court has issued highly controversial rulings.

These include the suspension of acting Health Minister Ulana Suprun and the reinstatement of ex-State Fiscal Service Chief Roman Nasirov, who was charged with corruption.

According to the judicial watchdog Public Integrity Council, some of the judges of the Kyiv District Administrative Court do not meet integrity standards, but the High Qualification Commission of Judges has failed to dismiss or punish them.

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## **Venice Commission criticizes parts of Zelensky's judicial reform bill**

By Oleg Sukhov



Kyiv Post (11.10.2020) - <https://bit.ly/3k42w64> - The European Commission for Democracy through Law, also known as the Venice Commission, has criticized some aspects of Ukraine's judicial reform legislation.

The commission expressed its opinions in an Oct. 9 assessment of a judicial reform bill submitted by President Volodymyr Zelensky to the Verkhovna Rada in June.

Specifically, the Venice Commission lambasted Ukraine's efforts to increase the powers of the controversial High Council of Justice (HCJ), the judiciary's highest governing body, and called for ensuring its integrity.

The commission also recommended improving criteria for ensuring the independence and integrity of foreign experts who will help Ukraine choose another judicial body, the High Qualification Commission of Judges (HQCJ). Moreover, the commission recommended restricting the powers of the unreformed and tainted Kyiv District Administrative Court, which is headed by Pavlo Vovk.

Zelensky's first judicial reform bill was signed into law in 2019 with the ostensible aim of firing tainted judges and creating credible judicial institutions. However, two bodies tasked with cleansing the judiciary had not been created by the deadline set under the law for February, and the attempt failed.

In June 2020 Zelensky submitted another bill on judicial reform to the Verkhovna Rada. But legal experts and anti-corruption activists lambasted the bill, saying it would not lead to any real reform.

### **High Council of Justice**

The current High Council of Justice, which will determine the outcome of the new judicial reform, has a toxic reputation among Ukraine's civil society. Many of its members face accusations of corruption and ethics violations, which they deny.

According to Ukraine's memorandum with the International Monetary Fund, Ukraine was supposed to create a commission including foreign experts in order to fire tainted members of the High Council of Justice if they violate ethics and integrity standards. However, the bill submitted by Zelensky in June does not envisage such a commission.

"During the virtual meetings, the delegation of the Venice Commission learned about allegations of corruption against some members of the judiciary, including the High Council of Judges (hereinafter HCJ)," the Venice Commission said. "Furthermore, the delegation received contradicting information as to the nature and quality of the members of the HCJ having been properly scrutinized in line with applicable rules and about whether all members of the HCJ were appointed in line with the rule that a consecutive appointment for two terms is not permitted. The question of trust in this highest body of the judiciary was a recurrent topic in all of the virtual meetings."

In 2019 Pavlo Grechivsky and Oleksiy Malovatsky were re-elected to the High Council of Justice for a second term despite the legal ban on a consecutive second term for council members. Vovk's Kyiv District Administrative Court issued a ruling allowing them to be re-elected.

In 2016 Grechivsky was charged with extorting \$500,000 for favorable court rulings with the help of Bohdan Lvov, who is currently the deputy head of the Supreme Court. Both of them deny the accusations.

Zelensky's bill also envisages increasing the powers of the High Council of Justice and giving it full control over the selection of the High Qualification Commission.

"These provisions should be removed and the new HQCJ should have full autonomy, like the dissolved HQCJ, especially be able to establish its own rules of procedure," the Venice Commission said. "The new HQCJ should build on the work of its predecessor and it should be free from interference from the HCJ. While this is not covered in draft Law No. 3711, the issue of the integrity and ethics of the HCJ should be addressed as a matter of urgency as well... No new competencies should be attributed to the HCJ."

Several sources told the Kyiv Post that the President's Office had drafted a separate judicial reform bill in September on cleansing the High Council of Justice. The sources spoke on the condition of anonymity because the information is confidential.

In its current state, the new bill does not comply with IMF conditions: the High Council of Justice would have full control over its own cleansing, and foreign experts would have a minimal role and would not be able to influence anything, according to the sources. The draft could be changed in the future, however.

### **High Qualification Commission**

Zelensky's June bill also stipulates that a selection panel comprised of three members of the Council of Judges, a judicial self-regulation body, and three foreign experts would choose new members of the High Qualification Commission of Judges.

According to the legislation, foreign experts may be nominated by any international organizations that engage in anti-corruption efforts and judicial issues. The High Council of Justice will then choose any of the nominees.

Judicial expert Halia Chyzhyk, the DEJURE legal think tank and Vitaly Tytych, former coordinator of judicial watchdog Public Integrity Council, argued that this procedure makes it very easy for the High Council of Justice to pick "fake" foreign experts who would rubber-stamp Ukrainian authorities' decisions instead of independent foreign experts.

Under Zelensky's previous reform bill, foreign experts were to be selected out of the Public Council of International Experts, which took part in the selection of High Anti-Corruption Court judges last year. Its members were praised by Ukraine's civil society for independence and professionalism, and their participation was supposed to ensure the selection of an independent and professional High Qualification Commission.

"The current draft (Zelensky's June bill) however widens the scope of bodies which can nominate international experts. Instead, the circle of possible nominating entities should remain as narrow as with the Anti-Corruption Court," the Venice Commission said. "The Venice Commission recommends granting nomination powers only to those entities who traditionally cooperate with Ukraine in the field of the judiciary and have already concluded agreements on such cooperation."

Under the new bill, if international organizations fail to nominate experts for choosing a new High Qualification Commission, they can be nominated by Human Rights Commissioner Lyudmila Denisova. Anti-corruption activists and legal experts argue that this is a loophole for avoiding using foreign experts altogether, which also makes the reform bill meaningless.

Denisova, who is supposed to nominate experts, is also controversial. According to recordings released by the National Anti-Corruption Bureau of Ukraine (NABU), Judge

Pavlo Vovk proposed in 2019 that Denisova appoint a High Qualification Commission member in exchange for his court canceling rulings against her by the National Agency for Preventing Corruption.

Denisova, who appointed Mykola Syrosh to the commission in 2019, did not respond to requests for comment.

"This choice (of the human rights commissioner for choosing experts) was criticized during the virtual meetings," the Venice Commission said. "This function should be entrusted to a neutral and ethical actor or body. It is up to the Ukrainian lawmaker to decide which institutions meet these requirements best."

### ***Vovk's court***

The Venice Commission also commented on one of Ukraine's most controversial courts – Vovk's Kyiv Administrative District Court.

In 2019 the NABU charged Vovk and other judges of his court with obstruction of justice and issuing unlawful rulings. In July 2020 the bureau also charged Vovk and other judges of his court with organized crime, usurpation of power, bribery and unlawful interference with government officials.

"The disciplinary procedure should be simplified by reducing the excessive number of remedies available: against disciplinary decisions of the HCJ, an appeal should lie directly with the Supreme Court and no longer with the unreformed Kyiv District Administrative Court and the administrative court of appeal," the Venice Commission said.

### ***No reform strategy***

The Venice Commission also criticized Ukrainian authorities' general approach to judicial reform.

"The judicial system of Ukraine has been subject to numerous changes in recent years," the commission said. "Following presidential elections, the new political power would often start new changes to the judicial system. In the absence of a holistic approach, various pieces of legislation were adopted that did not have the character of comprehensive reform. These problems are – at least in part – the result of a poor legislative process: a plethora of bills dealing with specific aspects, often in a rushed manner, a fragmented approach/lack of a holistic approach, no proper impact assessments before further changes are proposed and a lack of clarity."

The commission said that "another problem is the poor implementation of the laws once they are adopted, possibly due to a continued problem of corruption and a lack of integrity in some parts of the judiciary."

"Due to the numerous unfinished and incoherent attempts to reform the judiciary, the Ukrainian judiciary rests in a stage of transition," the commission added.

# **Prosecutor general fires deputy who spearheaded case against Judge Vovk**

By Oleg Sukhov



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Kyiv Post (25.09.2020) - <https://bit.ly/3cvz8mp> - Ukraine's Prosecutor General Iryna Venediktova fired her deputy who spearheaded the high-profile [corruption case](#) against Pavlo Vovk, the head of the Kyiv Administrative District Court and one of Ukraine's most notoriously controversial judges, on Sept. 24.

The deputy, Andriy Lyubovych, confirmed that he was fired the same day. The Prosecutor General's Office did not respond to requests for comment.

The Kyiv Administrative District Court has gained a [reputation of being one of the most corrupt](#) legal structures in the country among the Ukrainian civil society. Vovk denies the accusations of wrongdoing.

The Vovk case involves some of Ukraine's [most controversial](#) and politically influential judges who are accused of obstructing justice, organized crime, and bribery, wrongdoings they deny. The country's whole law enforcement system has faced accusations of [sabotaging the case](#) due to Vovk's alleged political connections.

### ***Charges against Vovk***

The Anti-Corruption Action Center argued that Lyubovych's dismissal was directly linked to his decision to [approve charges against Vovk](#) in July.

"Zelensky is entirely happy with Vovk's mafia," the watchdog said. "Zelensky's prosecutor fired Lyubovych... Now tell us fairy tales about Zelensky fighting corruption and influence peddling within courts."

Zelensky and his office have argued that they cannot comment on the Vovk case because that would constitute interference in the judiciary. However, this has not prevented Zelensky from lambasting Oleksandr Yurchenko, a lawmaker from his party, in a different corruption case.

In July, Lyubovych [authorized the National Anti-Corruption Bureau of Ukraine's request](#) to charge Vovk and other judges of his court with organized crime, usurpation of power, bribery and unlawful interference with government officials.

Two sources at NABU and the Prosecutor General's Office told the Kyiv Post that Lyubovich was facing pressure from Venediktova for authorizing the charges. They spoke on condition of anonymity because they were not authorized to speak to the press.

Lyubovich was also stripped of oversight over cases into murders of protesters during the 2013-2014 EuroMaidan Revolution and over the State Investigation Bureau, according to the sources. He was also deprived of the authority to register criminal cases and was kicked out of the Vovk investigation group, the sources said.

Prosecutors in the Vovk case were threatened with dismissal if they investigated Vovk's court, one of the sources said.

Venediktova was also dragging her feet for weeks on requesting to suspend Vovk and the other judges, prompting criticism from civil society.

When she finally applied for their suspension under public pressure, the High Council of Justice, the judiciary's highest governing body, on Sept. 1 unanimously [refused to suspend them](#).

Members of the High Council of Justice were implicated in the NABU recordings on the Vovk case. They did not respond to requests for comment on the issue.

Specifically, Vovk mentioned the involvement of Andrii Ovsienko, head of the High Council of Justice, and council members Oleh Prudyvus, Pavlo Grechkivsky, Viktor Hryshchuk and Mykola Khudyk in his alleged bargains with the council, according to the NABU recordings.

The Prosecutor General's Office and the NABU pressed their first charges against Vovk and other judges of his court in August 2019. The judges were then charged with obstructing the work of the High Qualification Commission of Judges, issuing unlawful rulings and unlawfully interfering in the work of other judges.

Kyiv's Shevchenkivsky District Court then helped the judges by rejecting a motion to extend the investigation and ordered the Prosecutor General's Office to either close the case or send it to trial within five days. The prosecutors did not send it to trial, the case stalled indefinitely and was resurrected by the NABU and Lyubovych only in July 2020.



Andriy Lyubovych, a former deputy prosecutor general. ([gp.gov.ua](http://gp.gov.ua))

### **Other deputies**

While firing deputies who have shown results in fighting corruption, Venediktova has appointed controversial ones accused of corruption and other wrongdoings.

In July she appointed Roman Hovda as her first deputy. He worked at the prosecution unit that supervised the police during the EuroMaidan Revolution and was accused of persecuting EuroMaidan protesters. Hovda denied the accusations in a response to the Kyiv Post.

In 2015 Hovda was the chief prosecutor of Odesa Oblast and clashed with the region's then governor Mikheil Saakashvili, who accused him of banditry and racketeering. Hovda denies the accusations.

Hovda also signed the fraud charges against ex-Deputy Prosecutor General Vitaly Kasko in 2016 in what anti-corruption activists deemed to be a political vendetta by then Prosecutor General Viktor Shokin.

He allegedly came in handy for several tainted prosecutor generals: Hovda was both a deputy of Shokin and the chief prosecutor of Kyiv under Yuriy Lutsenko.

On Sept. 9, Venediktova also appointed as one of her deputies Maksym Yakubovsky, who has direct ties to Russian dictator Vladimir Putin's close ally Viktor Medvedchuk. Yakubovsky did not respond to a request for comment.

According to several videos posted on YouTube and articles published on Medvedchuk's Ukrainian Choice's group, Yakubovsky took part in conferences organized by the group in 2013. He was presented as an expert at Pravova Derzhava (Rule of Law), a legal think tank linked to Medvedchuk.

Pravova Derzhava counts among its members Mikhail Pogrebinsky, a political analyst tied to Medvedchuk, and Stepan Havrysh, an ex-member of Medvedchuk's Social Democratic Party of Ukraine.

Yakubovsky used to be a lawyer for Medvedchuk, according to the Slidstvo.info investigative show.

His profile on the National Association of Lawyers' site lists the same telephone number as that of the Ukrainian Choice, while his address is the same as that of Pravova Derzhava and the Ukrainian Choice.

According to the Ukrainian Choice's website, the group supported the rigged March 16, 2014 referendum on Russia's annexation of Crimea. The group has also published articles in support of Kremlin-backed militants in Donbas.

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## **How Akhmetov gets away with fleecing Ukraine's state railway**

by Sergii Leshchenko

Kyiv Post (25.09.2020) - <https://bit.ly/3kPhMUA> - Recently, the Security Service of Ukraine, known as the SBU, held a special operation investigating allegations of corruption at the country's biggest state enterprise, railway company Ukrzaliznytsia.

Within the investigation, the SBU searched the house of one of the suspects and found that he stored huge amounts of cash in his refrigerator, on a shelf next to lemons. In Ukraine, "lemon" is a slang term for "million." And that's what corruption costs Ukrzaliznytsia — many, many millions of dollars.

The investigation is only one example of the fight for cleaning up Ukrzaliznytsia. The fight has been taking place in the past several months, after the enterprise got a new chairman.



*Billionaire oligarch Rinat Akhmetov attends a training session of his Shakhtar football team in Donetsk on Feb. 12, 2013, a day before its Champions League football match against German champions Borussia Dortmund. (AFP)*

### **Biggest employer**

Ukrzaliznytsia is the biggest employer in Ukraine. It gives jobs to 250,000 people. Its chairman manages a number of employees that is roughly the population of the state of Barbados. The company is a monopolist in passenger transportation, a chronically unprofitable business. It manages the third-biggest network of railroads in Europe.

In August, Volodymyr Zhmak became chairman of Ukrzaliznytsia. His background and the action plan he presented to the board lead us to have high expectations of him as someone who can real-ly change the ways of Ukrzaliznytsia.

Previous chairman Yevhen Kravtsov, who was very fond of awarding himself big bonuses, man-aged Ukrzalizntysia for two years and resigned in January, leaving the company unreformed and plagued with corruption.

One recent example of corruption at Ukrzaliznytsia was especially impressive: The money meant for repairing a passenger train's locomotive was spent to buy two Audi A8 Long cars for management.

### **Corruption fight**

Trying to move on from this heritage, Ukrzaliznytsia proclaimed a policy of zero tolerance to corruption. In the past several years, there have been many abuses of office and suspicious procurement. For example, Ukrzaliznytsia purchased so much rotary bearings that this supply will last for decades. The supplier company belonged to a member of parliament, who in exchange was supporting then-Prime Minister Volodymyr Groysman, whose Cabinet controlled Ukrzaliznytsia.

Another example. In the previous convocation of the Verkhovna Rada, Ukraine's parliament, head of the Transport Committee was the railroad's main supplier of braces for rails and ties. It was Yaroslav Dubnevych, and he went on to become the first member of this convocation who faced criminal charges.

Things are looking up now. Since the start of 2020, Ukrzaliznytsia has been purchasing diesel fuel, its main fuel, below the market price. It is setting a good example for other state companies.

But nevertheless, such changes aren't changing Ukrainians' opinion of Ukrzaliznytsia's service: They get on the trains and don't see any improvement.

The thing is, Ukrzaliznytsia is likely the only railway company in Europe that doesn't get compensation from the state budget for passenger transportation, which is invariably loss-making for all railway operators in the world.

It means that Ukrzaliznytsia has to balance its books using the profits it gets from cargo transportation.

### **Akhmetov's free ride**

But here's what makes this situation absurd: Because of political deal-making, Ukrzaliznytsia is transporting some cargo at below-cost tariffs. This sweet deal mainly concerns the iron ore transported by the enterprises of the Rinat Akhmetov, the richest of Ukraine's billionaire oligarchs.

While Akhmetov makes enormous profits on selling ore abroad, Ukrzaliznytsia loses hundreds of millions of hryvnia on transporting the ore for him.

The thing is that, ever since Soviet times, Ukrzaliznytsia has different tariffs for the transportation of different goods. For example, when it transports a train loaded with iron ore, its owner pays Ukrzaliznytsia less than if that train was transporting grain.

Speaking in numbers, the profitability of transporting iron ore for Ukrzalianytsia is "minus 19%." The tariff is so low that the state company is losing money when it's transporting

iron ore. Its tariff for transporting ore is 2.5 times lower than in Poland, and 4.5 times lower than in Slovakia.

### **More absurdities**

But the absurdities don't stop there.

Ukrzaliznytsia's tariffs are different even for transporting empty cars to the next client. The price depends on what was transported in these cars before. The transportation of an empty car after it carried iron ore costs the client less than if that car carried grain.

Ukrzaliznytsia has been trying to deprive private companies of this privilege — first of all, the companies of Akhmetov. They sell iron ore on global markets while paying a laughable rent to Ukraine and a laughable price to the state railway operator to have the ore transported to a port.

It's especially important now since this year has been very challenging for Ukrzaliznytsia.

The company has been planning to start equalizing the cargo tariffs gradually: first, for empty cars, then for iron ore. It would have brought the company some \$150 million within the first six months.

### **Akhmetov's lobby**

But the company's efforts met with Akhmetov's lobby. Officials from a low-key state agency, the State Regulatory Service, vetoed Ukrzaliznytsia's suggested tariffs.

Meanwhile, paid-for articles were published in the Ukrainian media that said that the increase of transportation tariffs by Ukrzaliznytsia would have bad impact on "Big Construction," a state program of constructing infrastructure objects, curated by the President's Office. The stories alleged that higher tariffs would make "Big Construction" more expensive. It's a cynical lie that aims to set an important anti-crisis measure of Ukrzaliznytsia against the state program that is important for President Volodymyr Zelensky.

### **Currying favor**

The end goal of this whole effort is to save money for the oligarch. This money will then be "invested" in politics: to curry favor with lawmakers and officials.

Ukrzaliznytsia also suffers from Akhmetov as a consumer of electricity. The government is currently trying to put together a special fund to pay out what it owes to the producers of green energy. To fill that fund, the state plans to increase the tariffs on the transportation of electricity. This money would go directly to pay the green energy producers. The biggest benefactor of this will be, again, Akhmetov, whose company controls every fourth sun energy panel in Ukraine.

### **Campaign of harassment**

Meanwhile, Akhmetov is running a campaign of harassment and revenge to the few public figures who dare to criticize his schemes. This summer, his TV channel sent a crew

to Turkey to spy on Andriy Gerus, a lawmaker and head of the Energy Committee in the parliament, while he was on vacation.

“His TV channel dedicated several pseudo-investigative programs to me. I’ve seen five different TV crews rotating on duty next to my apartment. But it’s not going to stop my efforts to find justice — both for Ukrainians and for the state company Ukrzaliznytsia, where I’m a member of the supervisory board.

In case of Ukrzaliznytsya, we are being robbed twice. First, we aren’t getting dividends from the company for the state budget, which would pay for new roads, hospitals, and schools. At the same time, the impoverished Ukrzaliznytsia lacks the money to buy new comfortable trains or maintain the railways in a good condition to guarantee fast transportation.

Where is this money? It’s not hard to find it. Just look at Akhmetov’s latest purchase — a €200-million villa on the south coast of France.”

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## **High Anti-Corruption Court refuses to reopen Rotterdam+ case**

By Daria Shulzhenko

Kyiv Post (24.09.2020) - <https://bit.ly/333uQje> - The High Anti-Corruption Court of Ukraine refused to reopen the case of the so-called Rotterdam+ coal pricing scheme on Sept. 24.

The decision comes after the infamous case was [partly suspended](#) by the Special Anti-Corruption Prosecutor’s Office in late August. Prosecutors say they could not find enough evidence against the [six main suspects](#) — government officials and DTEK employees — and that it was impossible to establish the losses.

The August decision was later appealed by Viktor Chumak, the former deputy prosecutor general of Ukraine.

But on Sept. 24, Kateryna Shyroka, the High Anti-Corruption Court judge, [ruled against](#) the reopening of the Rotterdam+ case, therefore, recognizing the decision of the Special Anti-Corruption Prosecutor’s office to close the case as the investigation failed to establish evidence of the crime.

“The collected evidence of the crime is not enough. The court concluded to reject the complainant’s application and uphold the prosecutor’s decision to close the case,” Shyroka said.

The Anti-Corruption Action Center, however, disagrees with the recent decision and wants to appeal.

“We did not expect such a decision and peremptorily disagree with it,” the Anti-Corruption Action Center’s statement [reads](#).





"Fortunately, we have hope in the Court of Appeal of the Anti-Corruption Court, where Shiroka's decision will be appealed. We lodged a complaint as one of the applicants in the case," their statement reads.

The infamous Rotterdam+ formula was introduced in 2016 by Ukraine's energy regulator and ran until July 2019. The formula set energy prices based on a coal index in European hubs "plus" the cost of its delivery to Ukraine.

However, most coal didn't come from European hubs — it came from Ukraine. According to the National Anti-Corruption Bureau of Ukraine, or NABU, paying for nonexistent delivery drained Hr 39 billion (today, \$1.4 billion) from Ukrainian energy consumers — money they shouldn't have had to pay.

In March 2017, NABU opened a criminal investigation into the controversial scheme.

NABU found evidence that DTEK Group, which controls 70% of the country's coal energy, created the formula and illegally colluded with the regulator to make it law.

The Rotterdam+ case was one of NABU's priorities during recent years as it aimed at fighting corruption in Ukraine's energy sector.

According to NABU, when the Rotterdam+ case was closed on Aug. 28 by the Special Anti-Corruption Prosecutor's Office, it was already at the final stage of the investigation.

NABU says that the decision of the High Anti-Corruption Court is not final and can be appealed.

"NABU insists on reopening the investigation, which will allow the case to go to court for evaluation by impartial judges and civil society," NABU [wrote](#) in a Facebook post.

The main benefactor of the illegal scheme was allegedly DTEK's owner Rinat Akhmetov, who is Ukraine's wealthiest oligarch. Former President Petro Poroshenko is also accused of benefitting from the scheme. The former president [has business ties](#) with ICU, a financial firm where Dmytro Vovk, the former chair of Ukraine's energy regulator, used to work.

Both Akhmetov and Poroshenko deny the accusations.

DTEK, in its turn, called accusations "unjustified " and in a statement [released](#) on Aug. 28 said that all suspicions were groundless.

"DTEK has always consistently advocated for the introduction of the transparent European pricing mechanisms in Ukraine and the abolishment of manual regulation. The company regrets that NEURC's decision to implement such principles has become a tool for political manipulation and long-term persecution of the company," their statement reads.

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## **Anti-graft agency: Yanukovich's ex-lawyer must be fired from investigative bureau**

by Oleg Sukhov



Kyiv Post (22.09.2020) - <https://bit.ly/2RVWGrf> - Oleksandr Babikov, the ex-lawyer of Ukraine's former President Viktor Yanukovich, must be fired from the State Investigation Bureau to prevent a conflict of interest, Oleksandr Novikov, head of the National Agency for Preventing Corruption (NAPC), said late on Sept. 21.

The State Investigation Bureau is pursuing cases against Babikov's former client Yanukovich, including those into the murder of dozens of EuroMaidan Revolution protesters and other crimes against them in 2013-2014. His appointment as the first deputy chief of the bureau in January triggered a flurry of indignation from civil society due to his links to Yanukovich and the potential conflict of interest that it created.

"The only solution for fully getting rid of the conflict of interest would be his dismissal from the job," Novikov said at a news briefing.

The State Investigation Bureau said it could not comment on the issue.

### ***Conflict of interest***

Novikov said NAPC had sent a letter to Denys Monastyrsky, head of parliament's law enforcement committee, about Babikov's conflict of interest.

NAPC said that when Ukrainian Prosecutor General Iryna Venediktova was head of the bureau in late 2019 through early 2020, she had taken action to prevent a conflict of interest in Babikov's case. However, when Venediktova became prosecutor general in March, the situation changed and a conflict of interest in Babikov's case "became inevitable," according to NAPC.

Until February, the EuroMaidan Revolution cases in which Babikov previously served as Yanukovich's lawyer were investigated by a sub-unit of the bureau's third department, which was supervised by Babikov. However, in January, Venediktova said she would supervise the sub-unit directly to avoid a conflict of interest. This created a bizarre situation in which a subdivision of Babikov's own unit was allegedly not supervised by him.

Under the law, all of the deputy heads of the bureau must serve as the acting bureau head in turn for two months each until a chief of bureau is selected in a competition, NAPC said in its letter to Monastyrsky.

"Babikov's conflict of interest has a permanent character," NAPC said.

NAPC also issued a warning to Oleksandr Sokolov, deputy head of the bureau and its former acting head, for failing to submit information on both his and Babikov's conflicts of interest. Sokolov's conflict of interest is that he paid bonuses to himself, according to the NAPC.

Sokolov and Babikov did not respond to requests for comment.

Novikov also said the State Investigation Bureau is pressuring NAPC due to its ruling on Babikov and Sokolov's conflicts of interest. The bureau declined to comment.

"We believe this is connected with the fact that NAPC is fulfilling its functions, and the State Investigation Bureau is thwarting the fulfillment of its functions," Novikov said.

On Sept. 21, Novikov was interrogated by the bureau as a witness in a criminal case into alleged abuse of power by NAPC's previous leadership. He sees the investigation as an excuse for the State Investigation Bureau to put pressure on NAPC.

### ***Babikov saga***

Babikov previously denied having represented Yanukovych. However, this claim contradicts the official court cases register. NAPC has also refuted Babikov's claim.

In April, NAPC concluded that Babikov would only have a conflict of interest were he to become the acting head of the State Investigation Bureau.

But independent lawyers and activists questioned this assessment, saying Babikov would have a conflict of interest as long as he worked at the bureau.

The bureau's second department, which is directly subordinate to Babikov, is investigating a usurpation of power case against Yanukovych. Babikov was a defense lawyer in this case, both Sergii Gorbatuk, the former top investigator for EuroMaidan cases, and Vitaly Tytych, a lawyer for the families of the EuroMaidan protesters, told the Kyiv Post.

Tytych also said that Babikov is legally banned from holding his job at the State Investigation Bureau by Ukraine's law on defense lawyers. The law states that everything possible must be done to prevent defense lawyers from violating attorney-client privilege and revealing their clients' secrets.

Gorbatuk and the EuroMaidan lawyers also argued that, contrary to Venediktova's claims, Babikov still has huge administrative influence on the EuroMaidan cases due to the nature of his job as first deputy chief.

Venediktova has also been accused of choosing Babikov through a non-transparent and rigged competition. She has denied the accusations of wrongdoing.

In March, Venediktova was replaced with Sokolov as the acting head of the bureau. On Sept. 21, Oleksiy Sukhachyov, another deputy chief of the bureau, became its acting chief.

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## **Ukraine needs a judicial ombudsman to solve its corruption problem**

***This is the theory of Bate C. Toms, Chairman of the British-Ukrainian Chamber of Commerce.***

HRWF (25.09.2020) - In various articles and webinars, Bate C. Toms, Chairman of the BUCC (Managing Partner of B C Toms & Co, Kyiv and London; JD Yale Law School and MS



Yale Graduate School) has shared his views about the inefficient fight against corruption in Ukraine and made a number of recommendations to solve this problem. Here is what he said in an article titled "Recommendations to resolve key problems and protect investors in Ukraine" published by Kyiv Post on 11 September.



### **The Judicial Ombudsman Proposal: Ukraine needs real judicial reform to fight corruption – not another bogus reorganisation**

Recent statements published in the KyivPost by a number of political science and economics (but not legal) experts have called for another reorganization of the Ukrainian court framework in response to accusations of court corruption. While Ukrainian courts still have some problems, the last thing the judiciary needs is yet another attempt to revise the number of courts and judicial positions, as apparently one elite tries to replace another, moving positions around without any meaningful systemic reform to actually address corruption. As we earlier predicted, many of the reforms previously adopted to supposedly fight court corruption were superficial and generally unsuccessful – it is time for a different approach.

What is needed instead is true systemic reform that actually addresses the key issue – which is the content of judicial decisions affecting litigants. The BUCC's proposed solution is to create a Ukrainian judicial ombudsman (sometimes referred to as a "legal ombudsman") to respond to the critical problem facilitating corruption in Ukraine, which is the total absence of any independent systematic outside oversight over what courts actually do, i.e. of the quality of their decisions. The judicial ombudsman is a "silver bullet" solution that should be relatively simple to implement and that would fundamentally forever improve the Ukrainian judicial system. By creating a judicial ombudsman similar to that in Sweden to investigate decisions that are claimed to not be properly based on applicable law, either due to corruption or incompetence, litigants would be protected from much of the gross corruption of the sort used to dispossess investors in Ukraine, that has resulted in so many bilateral investment treaty ("BIT") arbitrations for Ukraine. In the early 1900s, Sweden courts were also perceived as being among the more corrupt in Europe, but their judicial ombudsman put their courts onto a completely different course. Ukraine has the potential now to develop, as Sweden has,

into a model country, both for commerce and for justice, which are, of course, somewhat linked.

Are court decisions properly decided in accordance with law, or do they constitute “denials of justice” (defined, *inter alia*, as whenever a court fails to observe its duty to decide a case in accordance with law, and instead renders a decision for which there is no reasonable legal basis)? While this standard is applied for Ukraine with respect to foreign investors under the typical BIT, our proposed judicial ombudsman would apply this standard to all litigants, based also on the Ukrainian judicial oath of office under Article 126 of the Constitution that a judge may be dismissed for failing to “objectively, impersonally, impartially, independently and fairly administer justice, complying only with the law, to honestly and faithfully perform the duties of a judge”.

The BUCC has several variations for this judicial ombudsman proposal (which we will elaborate on in subsequent articles) – the critical decision now is to adopt the principle for the creation of such an ombudsman to be available to review judicial action in response to complaints by litigants. The ombudsman we propose should be able to: (1) send decisions that he or she finds constitute denials of justice, at any judicial level, back for reconsideration by different judges, and (2) recommend that those judges adopting such denial of justice decisions be investigated and possibly lustrated for cause (i.e. for breach of their oath of office, rather than dismissed because of some criterion not relevant to judicial performance).

The proposed judicial ombudsman would therefore provide for a relatively quick review at any judicial level. It would not act like another court to decide cases itself – but rather would provide an independent outside review of the legal basis for a judgment and, where appropriate, recommend a rehearing. This is similar to how BIT arbitration tribunal functions, but a BIT tribunal cannot act until all domestic court appeals are exhausted, which can take two or more years, and the full arbitral process itself to render a final award can take a further three to four years.

For most investors, such a full BIT arbitration process takes too long to protect their investment and costs too much, typically many millions of US dollars. Usually, even where eventually a denial of justice is found in a BIT cases, it is too late for the authorities to discipline the judge for improper behaviour. The BUCC’s proposed judicial ombudsman would be available to react quickly to decisions at any court level at the request of any litigant (foreign or domestic) in time to save the litigant’s property before it is sold on or otherwise destroyed in value. This ombudsman’s decision would function, in effect, only as an interim review to safeguard the litigant’s position, and not as a definitive judgment, with the courts then reviewing in detail the problems identified by the ombudsman.

Such judicial ombudsman review should effectively block corporate raiders from quickly using the Ukrainian courts to effectively steal investor property based on claims made without any genuine legal basis – the most serious court corruption problem currently for the members of the BUCC and other international chambers that invest in Ukraine. For this proposal to work, of course, the person selected to be the ombudsman needs to be someone universally respected as an incorruptible legal expert at the highest level. As for the very effective Ukrainian Business Ombudsman, the appointee might be an eminent foreign legal authority (like the former judges and other legal experts typically appointed to BITs arbitration tribunals), which should help, in particular, to restore foreign investor confidence in the Ukrainian courts.

Thus, rather than needlessly take apart and reorganise the existing Ukrainian judicial system, that will take many more years, will slow down the disposition of existing cases harming litigants while this is on-going and is unlikely to help fight corruption (as the

previous reorganisation reform has shown), Ukraine needs systemic reform that addresses the lack of any independent outside oversight of the Ukrainian judiciary to remedy denials of justice that result from corruption or incompetence – i.e. a reform that focuses on what courts actually do in actual cases, and responds to denials of justice for actual litigants, in reality rather than only in theory. This is currently done for foreign investors by the BIT arbitration process (and sometimes by the European Court of Human Rights), but as noted, only after exhaustion of remedies in Ukrainian courts, so it typically takes five to eight years, which is too late to help most investors, and the process is very expensive, so only very large litigants can ordinarily afford to use such BIT arbitration. Consequently, the BIT protections do not sufficiently encourage most potential investors that they will be adequately protected legally in Ukraine.

Instead, Ukraine needs a reform to provide judicial oversight by allowing the rapid review of judicial decisions in response to complaints by litigants made to an independent legal authority, the judicial ombudsman, so that neither corruption nor incompetence can have a decisive influence on the decisions of judges to deprive investors of property – the critical problem presently. The judicial ombudsman that we propose should block court decisions effectively dispossessing investors and others of property without a genuine legal basis.

*Previous articles on the BUCC's Ombudsman proposal can be found at:*

<https://bit.ly/3045iQY>

<https://bit.ly/2EwKcmM>

<https://bit.ly/3kH9UEv>

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## **45% of Ukrainians will fall below actual poverty level in 2020: study**



*An elderly woman begging for money in central Kyiv, 2018. Photo by Oleg Petراسиuk*

By Igor Kossov

Kyiv Post (18.09.2020) - <https://bit.ly/3hTa2z2> - Close to half of Ukrainians will experience poverty in 2020, according to a study by the M.V. Ptukha Institute of Demographics and Social Research.

Even though the study was published in June 2020, it only recently came to public attention.

The study defines poverty as one's living conditions being below the actual minimum subsistence level, which varies between an average of Hr 3,237 and Hr 3,636 (\$115-130) per person during the first nine months of 2019.

The "actual" minimum subsistence level defined by the study is much higher than the legally defined average of Hr 2,118 (\$75) established in June.

The COVID-19 crisis reversed the last few years' trend of stable or declining poverty, according to the research. By last year's predictions, the poverty rate was supposed to be 31.2% in 2020.

Instead, it will be closer to 45%, which is more than 18 million Ukrainians. This is 6.5 percentage points higher than last year's poverty rate of 38.5%. It also means a 17% increase in the total number of Ukrainians in poverty.



The year 2018 and the first three quarters of 2019 showed a decline in both absolute and relative poverty, meaning that fewer Ukrainians were poor and lower income Ukrainians began to experience better living standards. The institute expected the trend to continue this year.

“However, in 2020, events are unfolding in such a way that the achievements of the last three years may be wiped out entirely,” the research paper stated.

Lyudmila Cherenko, head of the institute’s living standards department, last week told Ukrainian Radio that the number of people living in poverty has increased by 2 million to 16.5 million Ukrainians just in the first quarter, even before the COVID-19 quarantine was fully implemented.

She also warned that the past few decades have seen a stagnation in income distribution, on top of a growing income gap.

According to the institute’s survey, 60% of respondents said they had financial losses – 38% had a decline in regular income, 16% lost income entirely and 14% lost their jobs. Households with multiple children have been hit the worst.

The results reflect May findings by the Ministry of Social Policy, which also estimated that the poverty rate will increase to 45% in 2020.

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## **Supreme Court criticizes judicial corruption in statement on judge Vovk case**

By [Oleg Sukhov](#).





Pavlo Vovk, head of the Kyiv Administrative District Court, has become the epitome of corruption for society. He denies the accusations.

The Supreme Court on Sept. 18 made a rare statement for Ukraine's judiciary – one criticizing judicial corruption.

Ukrainian courts and judicial governing bodies have routinely made statements in support of judges and officials who face corruption accusations.

But the Supreme Court went against the trend and lambasted corruption while referring to tapes implicating Judge Pavlo Vovk in corruption and obstruction of justice. Vovk and several other judges of his court were charged by the National Anti-Corruption Bureau of Ukraine in July.

Vovk, head of the Kyiv Administrative District Court, has been protected by numerous top officials and judicial governing bodies, and his case has been blocked. The court of Vovk, who denies the accusations of wrongdoing, has become the epitome of corruption for Ukrainian civil society.

President Volodymyr Zelensky has failed to condemn Vovk's alleged corruption, claiming that he had no right to interfere.

### **Statement**

"The essence of the tapes caused great damage to the judiciary," the Supreme Court said. "This poses a risk of serious damage to the values on which an independent and fair judiciary is based and offsets everyday efforts by thousands of judges to increase society's trust in the courts."

The court said that “the prestige of the judiciary depends on the actions of every judge.”

“The pillars on which just courts are based are competence, ethics, integrity, zero tolerance for corruption, prevention of external or internal interference, and refusal from personal connections, non-transparent procedures and getting orders (from top officials) by phone,” the court said. “In this situation the plenum of the Supreme Court calls on all judges to demonstrate through all their procedural and non-procedural actions high standards of justice and ethics, independence and objectivity in the issuance of rulings.”

### ***Supreme Court’s integrity***

Despite its statement, the Supreme Court’s integrity has also been compromised.

Under ex-President Petro Poroshenko, the High Council of Justice appointed 44 Supreme Court judges who judicial watchdog Public Integrity Council says violated integrity and professional ethics standards. The Public Integrity Council has also accused the High Council of Justice and the High Qualification Commission of effectively rigging the competition for Supreme Court jobs, which they denied.

One of the judges who do not meet integrity standards is the deputy head of the Supreme Court, Bohdan Lvov, according to the Public Integrity Council.

In 2016, Pavlo Grechkivsky, a member of the High Council of Justice, was charged with extorting \$500,000 for favorable court rulings with Lvov’s help. Both of them deny the accusations.

Lvov is also under investigation as a potential accomplice in a case in which ex-High Commercial Court Chairman Viktor Tatkov and his deputy Artur Yemelyanov have been charged with issuing unlawful rulings. Lvov has not been officially charged in the case and denies all accusations of wrongdoing.

### ***High council of justice***

The Supreme Court’s statement on the Vovk case contrasts with the position of the High Council of Justice, which has done its best to defend Vovk.

In July the council lambasted the NABU for the use of the words “crimes” and “corruption” in the bureau’s statements about the Vovk case, claiming that they violated the presumption of innocence.

On Sept. 1, the council unanimously refused to suspend Vovk and other judges implicated in his case.

In the NABU recordings, Vovk mentioned the involvement of Andrii Ovsienko, head of the High Council of Justice, and council members Oleh Prudyvus, Pavlo Grechkivsky, Viktor Hryshchuk and Mykola Khudyk in his alleged bargains with the council. They did not respond to requests for comment.

**Vovk  
case**



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The Prosecutor General's Office pressed its first charges against Vovk and other judges of his court in August 2019. The judges were then charged with obstructing the work of the High Qualification Commission of Judges, issuing unlawful rulings and unlawfully interfering in the work of other judges.

Kyiv's Shevchenkivsky Court also helped the judges by rejecting a motion to extend the investigation and ordered the Prosecutor General's Office to either close the case or send it to trial within five days. The prosecutors did not send it to trial, and the case stalled indefinitely after that.

The NABU resurrected the case in July 2020, charging Vovk and other judges of his court with organized crime, usurpation of power, bribery and unlawful interference with government officials.

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## **Ukrainian MPs endanger independence of key anti-corruption body and country's international support**



*With 239 votes, Ukrainian MPs appointed scandalous and much-criticized members to the commission that will select the head of the Specialized Anti-Corruption Prosecutor's Office,*

*a*

*key anti-corruption institution. Photo: [24tv.ua](https://24tv.ua)*

Article by: Olena Makarenko

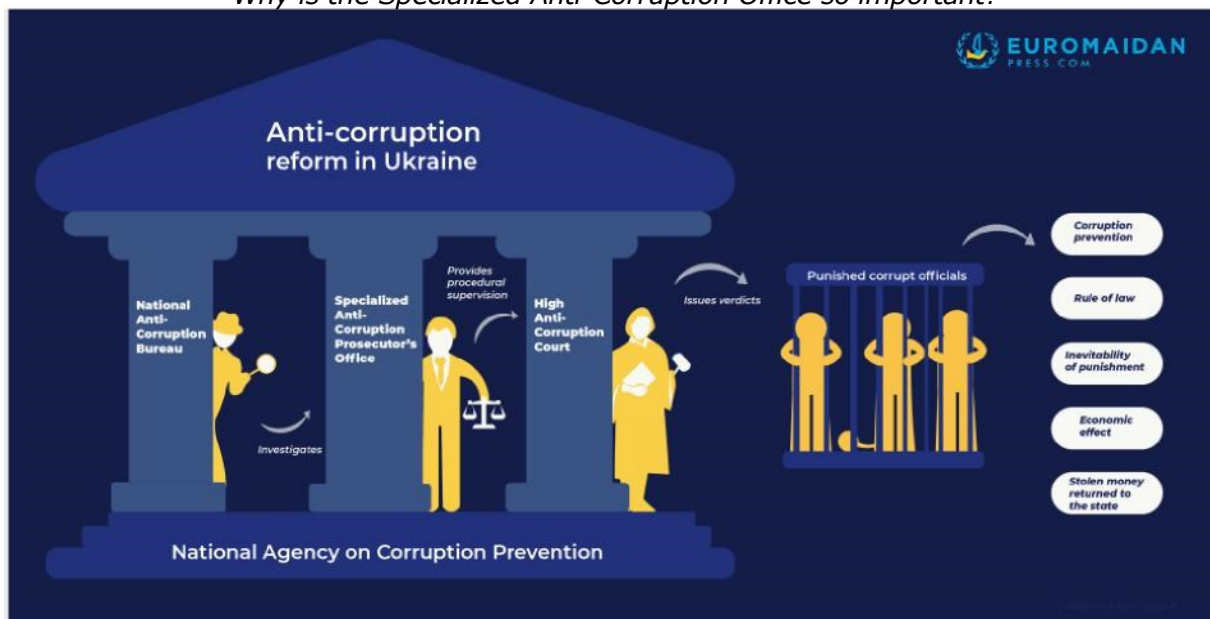
Euromaidan Press (18.09.2020) - <https://bit.ly/2EIIGE0> - On 17 September, Ukrainian MPs voted for a decision that puts international financial support for the country under risk and threatens the independence of a key anti-corruption institution.





In particular, the Parliament voted for the members of the commission which selects the head of the **Specialized Anti-Corruption Prosecutor's Office**. Previously, NGOs fighting against corruption, Ukraine's international partners, as well as pro-democratic politicians pointed at the lack of qualification and integrity among the candidates to the commission suggested by the corresponding parliamentary committee. Still, the majority of the MPs ignored these issues and supported the candidates. European representatives responded by hinting that Ukraine's visa-free regime with the EU and a EUR 1.5 bn tranche now be up in the air.

### *Why is the Specialized Anti-Corruption Office so important?*



Infographic: Liliya Gapyuk / Euromaidan Press

The **Specialized Anti-Corruption Prosecutor's Office (SAPO)** is a new institution created in 2015 to fight top corruption, together with the **National Anti-Corruption Bureau (NABU)**. While the NABU investigates cases on top-corruption, the SAPO provides procedural supervision for such cases. Afterward, the two direct such cases to the High Anti-Corruption Court, created in 2019. Previously, the top-corruption cases were directed to ordinary courts.

Over the five years of their work, NABU and SAPO directed over 260 cases to courts.

Previously in Ukraine, government top-officials, MPs, and other influencers were considered untouchable. Therefore, before the NABU and the SAPO existence, Ukrainians have never seen investigations on top corruption.

### ***The procedure for selecting the head of the SAPO***

The head of the SAPO is selected for five years. The terms of powers of the previous one, **Nazar Kholodnytskyi**, would have expired in November 2020. However, he resigned two months earlier.

In the process of creation of the SAPO, Ukrainian civil society and politicians together with Ukraine's international partners focused on how to make the procedure of selection of its head transparent and fair. Otherwise, there was a high chance that those potential corrupts investigated by the NABU and the SAPO would influence the institution through its head.



They arrived at a solution when the head of the SAPO is selected by a **Commission** consisting of 11 persons. Four out of them are nominated by the Prosecutor's Council. Seven are nominated by the Parliament.

### ***What is the scandal around the members of the Commission about?***

Earlier this year already, the prosecutors nominated their representatives. Society had no questions regarding them – unlike the candidates suggested by the Parliament's Committee on Law Enforcement.

Previously, the candidates supported by the committee did not find the needed support in the Parliament.

On 17 September, from the third attempt, the MPs finally supported them with 239 votes, despite all the criticisms.

In particular,

- President **Volodymyr Zelenskyy's** Servant of the People party gave 172 votes,
- pro-Russian Opposition Platform for Life – 30,
- For the Future (associated with oligarch **Ihor Kolomoyskyi**) – 18,
- the group Dovira – 11,
- and independent candidates – 8.

**Petro Poroshenko's** European Solidarity, **Yuliya Tymoshenko's** Batkivshchyna, and **Voice** did not give a single voice.

The core of the scandal around the candidates voted in by the parliament concerns their inconsistencies with provisions of the Ukrainian legislation. In particular, the Law on the Prosecutor's Office says that the members of the commission which select the head of the SAPO have to have "significant experience of activities in the field of preventing and or combating corruption." Instead, the majority of the members elected from the Parliament don't have such experience at all. Neither do the members have an impeccable business reputation, high professional and moral qualities, and public credibility, as prescribed by the law.

Also, among the members supported by the Parliament, nobody corresponds to the requirements of being appointed as the head of the commission. According to the law, the commission should be headed by a person from the Parliament's quota.

Due to all of these inconsistencies with the Ukrainian legislation, Ukraine's western partners started warning Ukraine on the consequences of the support of the Parliament's candidates before and after the voting.

### ***What was the reaction of Ukraine's international partners?***

A transparent procedure corresponding to the necessary criteria for selection of the new head of SAPO was one of the conditions for providing a new **EUR 600 mn of EU macro-financial support**. As well, its violation can launch the **process of suspending and canceling the EU visa-free regime**.

And the reaction was swift. (See <https://bit.ly/2EIIGE0>)

Earlier this month, Ambassadors of the G7 published a statement underscoring the importance of merit-based selection processes for heads of anti-corruption institutions:

Also, **Gerry Rice**, the director of the IMF Communications Department, [informed](#) that the development of the IMF's programs on the financial support of Ukraine will depend on whether the anti-corruption bodies (the NABU, the SAPO, and the Anti-Corruption Court) will manage to preserve their independence.

### ***What did the Servant of the People, the party which gave most of the votes, say?***

**David Arakhmama**, the head of the Servant of the People faction, [told](#) journalists he is not going to react to Viola von Cramon-Taubadel's statement regarding the possible cancellation of Ukraine's visa-free regime with the EU and the EUR 1.5 bn tranche.

He said that the EU Association Agreement documents do not mention the SAPO, and that the MEP's words were rumors: "*[The Association Agreement] does not mention the SAPO; it mentions the independence of the anti-corruption structures. This we support and will follow,*" Arakhmama said.

Previously, **Dmytro Kuleba**, the Minister of Foreign Affairs of Ukraine [stated](#) that there are no threats to visa-free travel between Ukraine and the EU.

### ***What did the President's Office answer?***

Following the voting for the Commission members, the President's Office also [reacted](#), saying that it took the Parliament's decision, as well as societal criticism which followed it, into consideration. In a statement, it said that even a strict competition process does not automatically guarantee the independence of the future head of the institution.

*"Therefore, we urge all participants of the public debate on the activities of the anti-corruption infrastructure of the state to refrain from excessive emotions, as well as from speculative assessments of the work of specific individuals in administrative positions in anti-corruption bodies. The path on overcoming corruption is also a mandatory component for the European and Euro-Atlantic integration of our country."*

But actually, there are no legal instruments for the President's Office to influence the Parliament's decision.

### ***How can this influence the SAPO?***

The members of the commission which will select the SAPO head from the Parliament's quota can promote candidates loyal to some particular political forces.

The head of the SAPO can sabotage cases which means their chances to be considered properly in the court decrease.

SAPO's previous head, Nazar Kholodnytskyi, was noticed sabotaging cases himself.

Still, in general, the very existence and the work of the SAPO is evaluated positively by Ukrainian anti-corruption NGOs.

"Still, Kholodnytskyi himself is not the SAPO; prosecutors make up the SAPO. I think the majority of prosecutors are ethical," **Vadym Valko**, Automaidan NGO lawyer and Secretariat of the National Anti-Corruption Bureau's Public Control Council analyst says, pointing at the particular investigations into the most corrupt, including MPs, being directed to courts.

Therefore, even in the worst-case scenario, the SAPO will be able to independently work on the cases no matter who is the head for some time.

The competition for the position of the head of the SAPO should be completed by 30 November.

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## **Fight against corruption: a suspicious silence and inaction of the Prosecutor General**

***HRWF comment: Another bribe scandal in the parliament sheds light on the mechanisms of corruption interconnecting politics, business and judiciary, the cornerstone of the whole system.***

### **Prosecutor general blocks bribery charges against Zelensky**

**lawmaker** By Oleg Sukhov

Kyiv Post (15.09.2020) - <https://bit.ly/2H7xyLP> - The National Anti-Corruption Bureau of Ukraine (NABU) on Sept. 15 said it had drafted bribery charges against Oleksandr Yurchenko, a lawmaker from President Volodymyr Zelensky's Servant of the People party, and published evidence of the alleged bribery.

According to law, charges against Verkhovna Rada members must be approved by the prosecutor general. However, Prosecutor General Iryna Venediktova said on the same day that there were no grounds for authorizing the charges because she had not seen evidence of bribery in the case materials she had been given.

Venediktova and the Prosecutor General's Office did not respond to requests for comment.

Vitaly Shabunin, head of the Anti-Corruption Action Center's executive board, said on Facebook that the passage of a law formally abolishing Verkhovna Rada members' immunity from prosecution in 2019 was a meaningless ploy because a loyalist prosecutor general would always be able to block charges against lawmakers.

"Zelensky and Servant of the People deceived us when they shouted about the abolition of lawmakers' immunity," Shabunin said. "This is a lie. They made the situation worse than before. Now NABU can't even investigate a lawmaker without the prosecutor general's signature. Venediktova not only failed to authorize charges against Yurchenko, but even refused to open a criminal case against him."



Yurchenko said on Sept. 15 that he had left the Servant of the People faction. He did not respond to a request for comment.

"We believe this decision is appropriate and hope that Mr. Yurchenko will fully cooperate with NABU and the Prosecutor General's Office to determine all the objective circumstances," the President's Office said in a statement. "Zelensky does not tolerate any manifestation of corruption."

### ***NABU charges***

NABU said that one of its undercover agents had taken part in an operation that revealed the bribery.

As part of the operation, the NABU agent claimed to represent an investor who wanted to build a solid waste processing factory to produce biomass that can be used as an alternative fuel in Ukraine.

Yurchenko, a member of the Rada's energy committee, and his intermediary, Ivan Fishchenko, proposed that the agent give them a bribe to introduce an amendment that would apply the "green tariff" — a higher-than-average tariff for alternative energy bought by the state — to biomass, according to NABU. The bureau published video and audio footage of conversations between the agent, Yurchenko and Fishchenko in July-September 2020.

Fishchenko was officially charged as an accomplice to bribery and arrested. His bail was set at Hr 1.5 million (\$53,370). He denies the accusations of wrongdoing.

He told the NABU detective that he must give \$3,000 to him and \$10,000 to Yurchenko for submitting the amendment to the Rada, according to Whatsapp correspondence published by the bureau. Later the amendment was submitted.

NABU published video footage of the agent giving Fishchenko \$13,000.

Afterwards, the agent, Fishchenko and Yurchenko also discussed a further bribe for ensuring that the committee and the Rada vote for the amendments. They referred to the monetary sum as "buns" — a term that Fishchenko explained in the recordings.

"What should I tell investors: I need to bake a certain number of buns with a certain filling for Sept. 10?" the NABU agent asked.

"I think there will be a general banquet," Yurchenko said. "This will be approximately more than 200 kilograms (an apparent reference to \$200,000)."

Fishchenko also said that Yurchenko was interested in receiving 3% of the biomass factory's shares.

"I told you that I'm not interested in anything without this story," Yurchenko said. "I want a piece of this big pie."





Fishchenko also said that Andriy Gerus, head of the Rada's energy committee, had put Yurchenko in charge of the dealings that he discussed with the NABU agent.

Gerus denied this, telling the Kyiv Post that he had blocked Yurchenko's amendments.

"They were not supported by the committee," he said. "Hence, a logical conclusion: Allegations that I delegated some dealings to him are complete nonsense."

Fishchenko also said that members of the energy committee had been given bribes worth \$50,000 each for amendments involving wind energy. Yurchenko corrected him and said each committee member was supposed to be given an \$80,000 bribe.

Fishchenko said it was better to "corrupt 10" committee members out of 18. Yurchenko added that two more members should be bribed in case of a force majeure — for example, if commission members fail to attend the session.

### ***Previous scandal***

The Yurchenko case is not the first corruption scandal in Zelensky's administration.

In March, Geo Leros, then a lawmaker with the Servant of the People party, published videos that showed Zelensky's chief of staff Andriy Yermak's brother Denys discussing the sale of government jobs.

In April, Dmytro Shtanko and Serhii Shumsky, who claimed to be Denys Yermak's partners in the alleged scheme, said in an interview with the Bihus.Info investigative journalism project that both Yermak brothers had received payments from candidates for state jobs.

Previously, the Yermak brothers did not deny the authenticity of the videos, but Denys Yermak claimed they were taken out of context. Andriy Yermak also dismissed the accusations and lashed out at Leros, promising to sue him.

The Yermak brothers have not been charged for alleged corruption, and Andriy Yermak remains on the job.

Zelensky supported Yermak and called Leros a fraud. On Sept. 1, Leros, who faces a criminal case for allegedly revealing a "state secret", was expelled from Servant of the People, while Shtanko was arrested in July in a separate fraud case.

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## Deep concerns in Brussels about the fight against corruption in Ukraine



By Willy Fautré, *Human Rights Without Frontiers*

EU Political Report (08.09.2020) - <https://bit.ly/32fsKMJ> - Brussels observers of the fight against corruption in Ukraine have expressed deep concerns about the efficiency of policies put in place in the last five years, during an online dialogue organised by the Brussels Press Club on 2 September, writes Willy Fautré.

On 28 August 2020, the Constitutional Court declared a decree by President Petro Poroshenko in April 2015 appointing Artem Sytnyk as the director of the **National Anti-Corruption Bureau of Ukraine (NABU)** unconstitutional.

In May 2020, the Constitutional Court received a motion from 51 MPs challenging the constitutionality of the presidential appointment of Sytnyk as NABU director five years earlier. Some anti-corruption watchdogs consider Sytnyk to be the victim of a cabal organized behind the scenes by billionaire businessmen such as Igor Kolomoisky and Oleg Bakhmatyuk, along with Minister of Interior Arsen Avakov. NABU has investigated controversial activities of their companies as well as of Avakov's family.

This latest incident on the bumpy road of reform for the judiciary demonstrates that anti-corruption policies are still undermined by very powerful stakeholders in Ukraine. There are also too many anti-corruption institutions that can be manipulated by prosecutors, judges and MPs who are on the payroll of extremely rich businessmen.

### ***National Anti-Corruption Bureau of Ukraine (NABU)***

NABU was created in 2015. It currently has 653 employees, including 245 detectives, who are paid high salaries to mitigate the temptations of corruption.



NABU boasts of having opened 406 criminal proceedings and served 125 individuals with charges during the first half of 2020. However, only 33 cases have been sent to court and, in total, only five convictions have been handed down against six people.

One of the reproaches of Ukrainian human rights organizations is that since 2015, no prominent corrupt official has been convicted. In its issue published on 21 February 2020, Kyiv Post reported that as of 1 January 2020, only 32 guilty verdicts had been issued in five years and that of these only lower level bureaucrats had been sentenced and smaller schemes had been dismantled. Two emblematic cases, among many others, remain unresolved as of today.

The first case concerns the Privatbank owned by Igor Kolomoisky and Gennadiy Bogolyubov. It was subject to large scale coordinated fraud which resulted in losses amounting to at least USD 5.5 billion before nationalisation in 2016. As a last resort, Ukrainian tax-payers had to bail this bank out.

In the case of the Rotterdam+ scheme, the fraudulent overpricing of energy is estimated at over USD 710 million. The main beneficiary is said to be businessman Rinat Akhmetov, who controls 90% of the coal in Ukraine.

### ***The High Council of Justice***

One highly controversial institution is the High Council of Justice, which is tasked with determining the outcome of the new judicial reform bill that was submitted by President Volodymyr Zelensky to the Ukrainian Parliament on 22 June 2020. Many of its members have a toxic reputation and have been accused of corruption and ethics violations, which they deny.

One of the International Monetary Fund's (IMF) criteria for the payment of USD 5 billion for a reform program was that Ukraine must create a commission tasked with monitoring and firing tainted members of the High Council of Justice. This commission was to include foreign experts to provide impartiality. However, the new bill does not envisage the creation of such a commission and the firing of controversial members of the High Council of Justice would exclusively be decided by a majority of its own members without any involvement of foreign experts.

Furthermore, according to Ukraine's agreement with the IMF, Kyiv was obliged to create a High Commission of Qualification of Judges by 7 February. This would be the competent body for hiring and firing judges, and would also include foreign experts. These foreign experts should have been appointed by the High Council before mid-January, but they weren't.

Instead, in December 2019, the High Council of Justice swiftly published rules depriving international experts of any major role in decision making processes, which was in direct contradiction of the IMF deal.

Now, Zelensky's new bill stipulates that a selection panel comprised of three members of the Ukrainian Council of Judges and three foreign experts would choose new members of the High Commission of Qualification of Judges. It also states that the international experts may



be nominated by foreign organizations, but that the High Council of Justice will have the final say regarding the hiring of nominees. This opens the door to manipulation of this process and will likely prevent any real reform, according to some anti-corruption watchdogs.

In conclusion, the June draft law fails to respect the judicial reform criteria of the IMF memorandum which Ukraine must comply with by October 2020 to receive the next tranche of USD 5 billion. The bill even goes in the opposite direction as it strengthens the High Council, which is actively sabotaging the IMF's reform program.

It is thus unsurprising that 76% of the general public distrust the judiciary according to a Razumkov Centre poll published in February, as it is apparent that even the reform process is fraught with corruption.

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## **Average salary: 350 EUR – Average pension: 90 EUR**

***Prime Minister Shmyhal: average wage of UAH 15,000 (450 EUR), average pension of UAH 5,000 (150 EUR) is the goal we must pursue***



Ukrinform (05.09.2020) - <https://bit.ly/2RO2J0Z> - **Prime Minister of Ukraine Denys Shmyhal believes that an average wage of UAH 15,000 and an average pension of UAH 5,000 are sufficient for life.**

"UAH 15,000 is the average wage, and it would be good to have an average pension of at least 30% of it. Speaking specifically, the average wage of UAH 15,000, the average pension of UAH 5,000. This is the goal which we should pursue. Do not take this as a promise, take it as the parameters we are striving for," Shmyhal said on the air of Ukraine 24 TV Channel, asked what the average wage and the average pension should be in Ukraine to have enough for life.

The prime minister noted that today the average wage is UAH 11,000, and the average pension is UAH 3,000.

"Probably this is not enough, I would like Ukrainians to receive more decent wages and pensions," Shmyhal stressed.

**HRWF Comment**



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One can wonder if such a Prime Minister saying a pension of 150 EUR per month would be sufficient to live deserves his position. This amount is not even sufficient to pay the bills for heating, electricity, water and other utilities.

Currently, the average pension is around 90 EUR, much lower than what he says.

Poverty of Ukrainian citizens is the price they pay in their daily lives for the unsolved corruption problems in government, parliament, judiciary and business since the independence.