

January-March 2021

Study of Security of Civil Society

Representatives in Ukraine

Асоціація
УМДПЛ
UMDPL
Association



EMBASSY OF THE UNITED STATES
KYIV, UKRAINE

The present January-March 2021 Report covers the cases of persecution of activists, human rights defenders and journalists, as well as the progress with regard to the investigation of such cases by law enforcement bodies.

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Association UMDPL, 2021

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INTRODUCTION

The Association of Ukrainian Human Rights Monitors on Law Enforcement (UMDPL) continues to monitor the cases of pressure on public activists, human rights defenders and independent journalists.

Recall that, over the previous reporting period (July-December 2020), our Organization had documented 52 incidents related to the pressure of various type. This time, over January-March 2021, we have recorded 32 incidents.

Kyiv remains the city where most of the incidents of pressure on civil society representatives occur.

As regards the types of pressure, the majority of the incidents recorded is related to impeding journalistic activities – there have been nine such cases, and assaults on public activists – six cases.

Over the study period, we have recorded four cases of property damage, all of which were the cases of burning or damaging cars. For instance, the car, owned by the head of the town of Kotsiubynske opposing the destruction of the Bilychanskyi Forest, burnt; a car window was smashed in the car owned by a journalist from Rivne region covering acute issues, such as the distribution of budget funds and land plots; a couple of activists in Kharkiv region fighting against the illegal sand extraction at a local quarry

had a grenade thrown in the yard of their house, causing two cars of the family to burn down; in Kyiv, the car of Volodymyr Yehorov, a journalist and a former editor-in-chief with the TVi Channel, was set on fire, although being parked at a guarded parking lot.

Throughout this period, we have been further recording threats against LGBT activists. In particular, an LGBTQ organization in Mykolaiv received an e-mail letter with threats. Responding to our inquiry, the police reported that on January 26, 2021, the investigation section of the Central Police Department of the Headquarters of the National Police of Ukraine in Mykolaiv region instituted criminal proceedings under Part 1 of Article 129 of the Criminal Code of Ukraine – “the threat of murder”. It is not the first time the Public Organization LIGA has become a target of threats. The case is being investigated by one single inspector of the investigation section, which, in our opinion, is an insufficient number of investigators for an effective and prompt investigation.

Speaking of the overall effectiveness of investigations into attacks on civil society representatives, we consider them to be ineffective and utterly sluggish. Law enforcers have often been reluctant to register incidents as crimes. In the cases involving police officers, the investigations either have been lingering or were not initiated at all.



Fields of activities:

- 18 – Journalists
- 2 – Environmental activists
- 3 – Human rights defenders
- 9 – Other activities

Subjects of pressure:

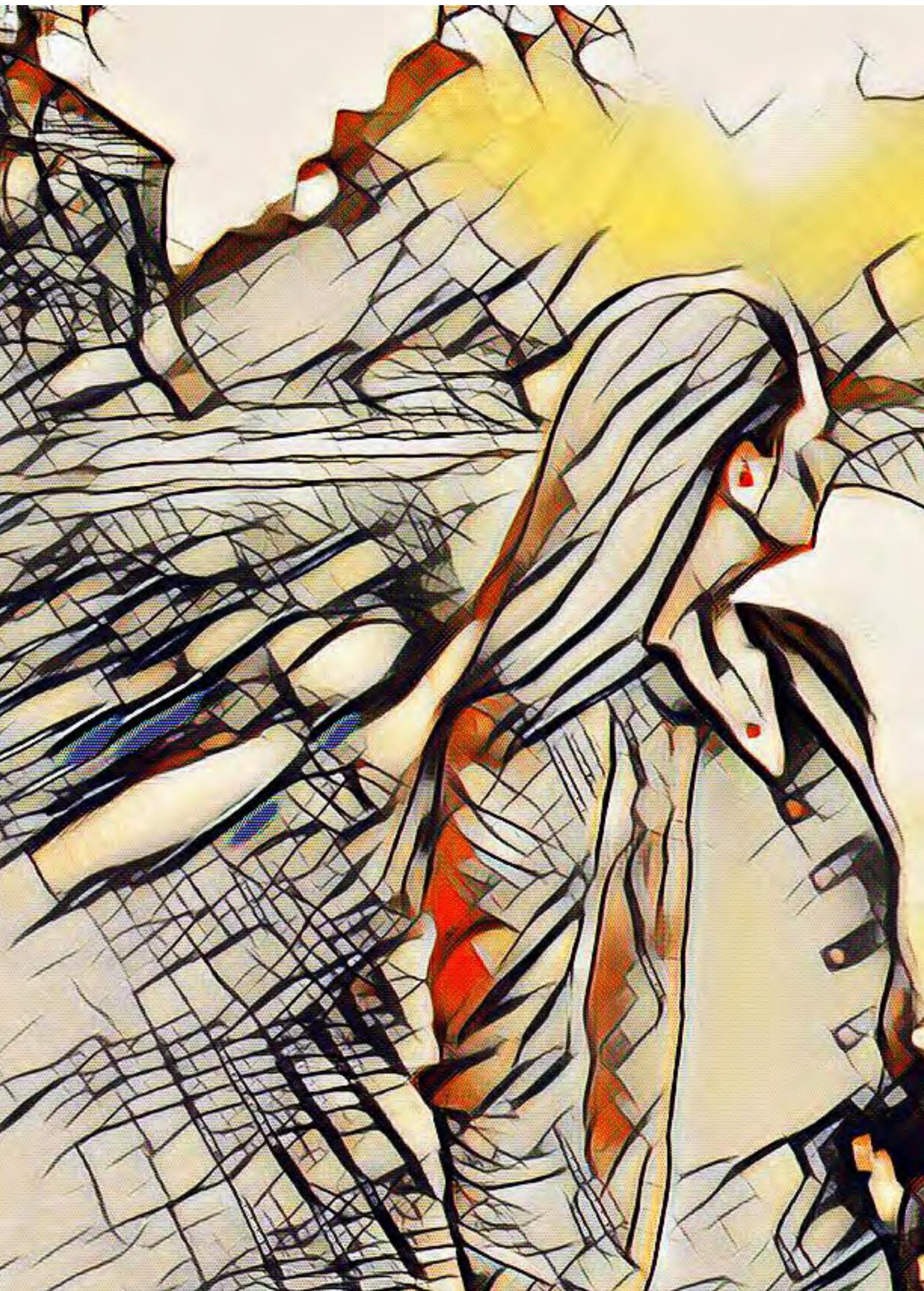
- 52 The police
- 7 Other subjects

The total statistics:

32 incidents

Types of pressure:

- 13 – Impeding the activities (journalistic)
- 6 – Assault
- 5 – Pressure by means of legal instruments
- 4 – Property damage
- 3 – Restriction of the freedom of peaceful assemblies
- 3 – Other types





Part One.
Effectiveness of investigations



As the studied cases show, the actions of the law enforcement bodies with regard to the investigations of attacks on public activists have been ineffective and utterly sluggish.

This applies both to the police and the State Bureau of Investigations. In the cases involving police officers, the investigations either have been lingering or were not initiated at all.

Occasionally, once victims resorted to the services of a lawyer, they usually managed to make the police register the crime reports in the Unified Register of Pre-Trial Investigations (URPTI).

As a matter of fact, any information related to an investigation, after the crime report has been registered in the URPTI, can be obtained only from the victims and only if they are actively seeking this information.

1. Crime prevention.

When responding to the received inquiries, the law enforcement bodies either do not provide information on crime prevention or confine themselves to vague generalities.

For instance, an inquiry was sent to the Headquarters of the National Police of Ukraine in Poltava region with regard to the attack on public activist and journalist Vadym Kyrpychenko of February 10. The law enforcers provided the response No. 44/4-zi of 18.03.2021, citing Part 1 of Article 8 of the Law of Ukraine “On National Police” that the police act exclusively on the basis, within the powers and in the manner determined by the Constitution and laws of Ukraine. The response by the police went further quoting the provisions of the Criminal Procedure Code of Ukraine and ducking the question:

“Police Department No. 1 of Lubny District Police Department of the Headquarters of the National Police of Ukraine has provided the appropriate measures to respond to the offence committed against V.Ye. Kyrpychenko, as determined by the Criminal Procedure Code of Ukraine and in accordance with the list of preventive measures stipulated in the Law of Ukraine “On National Police”.

The police perceive the notion of ‘preventive measures’ in the context of the Law of Ukraine “On National Police”, but the aforementioned list of preventive measures available to the police is obviously insufficient to prevent attacks on public activists and cannot be used effectively to prevent crimes.

ГОЛОВНЕ УПРАВЛІННЯ
НАЦІОНАЛЬНОЇ ПОЛІЦІЇ
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18.03.2021 № 44/4-3С

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Про результати розгляду звернення

Відділом дізнання Головного управління Національної поліції в Полтавській області, в межах компетенції, розглянуто Ваше звернення від 25.02.2021 №25/02-4, подане до Головного управління Національної поліції в Київській області, щодо отримання інформації з приводу нанесення тілесних ушкоджень Кирпиченку В.С.

Повідомляємо, що за викладеними обставинами сектором дізнання відділення поліції № 1 Лубенського РВП ГУНП в Полтавській області 10.02.2021 розпочате досудове розслідування у кримінальному провадженні № 1202117558000032 за ознаками кримінального правопорушення, передбаченого ч. 1 ст. 125 (умисне легке тілесне ушкодження) КК України.

Наразі у кримінальному провадженні досудове розслідування триває, проводяться необхідні слідчі дії, у тому числі із залученням потерпілого Кирпиченка В.С.

З метою забезпечення повного та неупередженого досудового розслідування начальником СД відділення поліції № 1 Лубенського РВП ГУНП створено групу дізнавачів, у складі 4 працівників даного підрозділу.

Стан досудового розслідування вказаного кримінального провадження перебуває на контролі відділу дізнання ГУНП в Полтавській області.

Згідно ч. 1 ст. 8 ЗУ «Про Національну поліцію» поліція діє виключно на підставі, у межах повноважень та у спосіб, що визначені Конституцією та законами України.

Статтею 2 КПК України передбачено, що одним із завдань кримінального провадження є забезпечення швидкого, повного та неупередженого розслідування і судового розгляду з тим, щоб кожний, хто вчинив кримінальне правопорушення, був притягнутий до відповідальності в міру своєї вини, жоден невинуватий не був обвинувачений або засуджений, жодна особа не була піддана необґрунтованому процесуальному примусу і щоб до кожного учасника кримінального провадження була застосована належна права процедура.

2

Відділенням поліції № 1 Лубенського РВП ГУНП, вжито відповідні заходи реагування, на правопорушення вчинене відносно Кирпиченка В.С., визначені Кримінальним процесуальним кодексом України та згідно визначеного ЗУ «Про Національну поліцію» переліку превентивних заходів.

2. Identification and implementation of measures to prevent recurrence of attacks on activists and human rights defenders.

Improper investigation and lack of adequate resources for the necessary investigative actions cause crimes against public activists to periodically reoccur.

There is an illustrative case of the LGBT Association LIGA from Mykolaiv, which received a letter with threats on January 15. The letter reads that members of the Organization would be persecuted, their property would be destroyed, and they would be physically injured.

It is not the first time the Organization receives letters with threats, but the originators of threats have never been found.

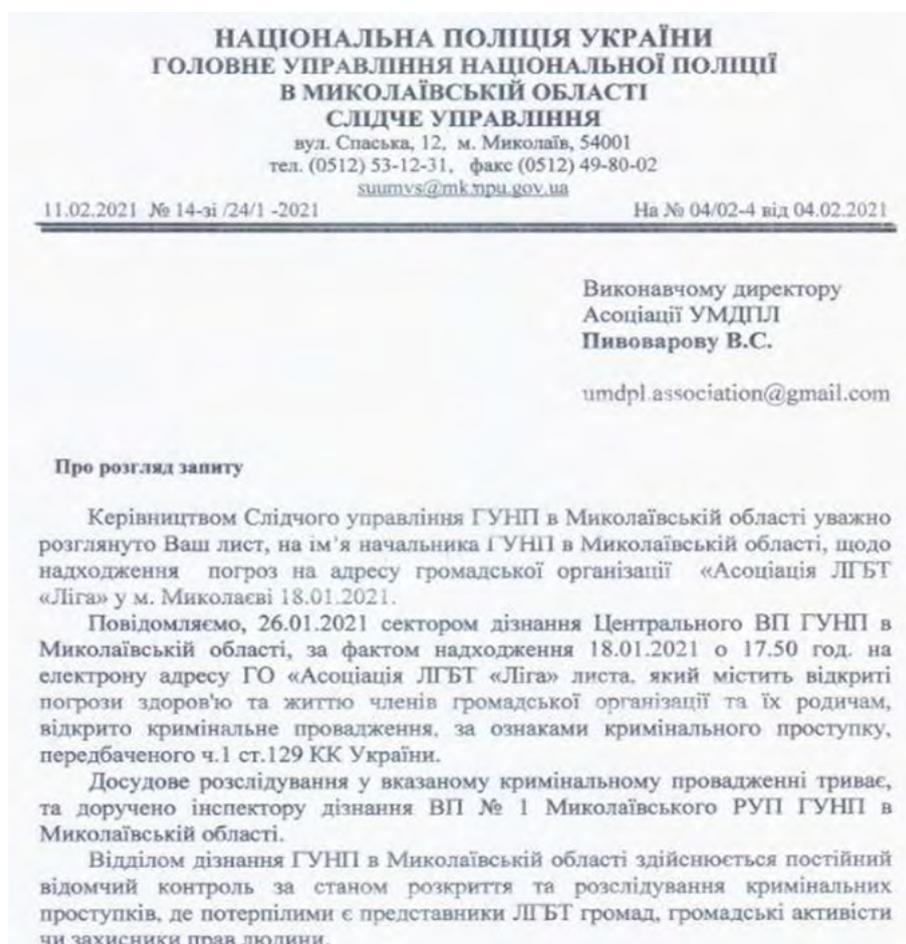
According to the response by the Headquarters of the National Police of Ukraine in Mykolaiv region No. 14-zi/24-1-2021 of 14.02.2021, the pre-trial investigation in the criminal proceedings is being carried out by an inspector of the investigation section of the Police Station No. 1 of the Mykolaiv District Police Department of the Headquarters of the National Police of Ukraine in Mykolaiv region. There is no information provided with regard to

the prevention of possible attacks. The only thing that the response noted was the following: "The investigation section of the Headquarters of the National Police of Ukraine in Mykolaiv regions exercises constant departmental control over solving and investigation of criminal offences where victims are members of the LGBT community, public activists or human rights defenders".

There are reasonable doubts that one single inspector of the investigation section would be able to effectively investigate this crime.

3. Availability of a clear system of mechanisms and procedures for attacks on activists and human rights defenders to be reported.

The system for reporting attacks on public activists and human rights defenders remains imperfect, although there is a positive trend that prosecution authorities are becoming increasingly interested in establishing such a system. Primary attention should be paid to those cases where proper investigation and communication with victims and complainants are lacking.



4. Adherence to the procedure for registration of criminal offences upon a report by a victim and granting the victim the respective official status.

In the vast majority of cases, the reports of attacks on activists are being properly registered. However, conflict situations sometimes need to be reported to several state institutions for the incidents to be, at least, registered in the Unified Register of Pre-Trial Investigations (URPTI).

On January 19, a peaceful rally was expected to take place in the Podilskyi district of Kyiv. The organizers of the rally informed the authorities about it in advance and, according to them, even agreed with the police on the route. Instead, right before the rally began, the participants were detained and taken to the Podilskyi Police Department of the Headquarters of the National Police of Ukraine in the city of Kyiv. Thus, the police actually prevented the rally.

Such police misconduct was reported to the National Police of Ukraine and the Ukrainian Parliament Commissioner for Human Rights. However, no criminal proceedings were instituted, and the police confined themselves to an official investigation, the outcomes of which were reported in the response by the police No. 1306/125/05/26-2021 of 04.03.2021: "The official investigation has not established the facts of violation of the current legislation of Ukraine by police officers who had been engaged in maintaining public order in the central part of Kyiv on January 19, 2021, therefore no written order to apply disciplinary sanctions to the police officers has been issued".

Only after the organizers filed a complaint with the State Bureau of Investigations about the aforementioned misconduct, the information about the incident was entered into the URPTI.



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Про результати розгляду запиту

Шановний пане Пивоваров!

Повідомляємо, що Головним управлінням розглянуто Ваш запит про отримання публічної інформації щодо подій, які мали місце 19.01.2021 у центральній частині міста Києва.

На підставі наказу Головного управління дисциплінарною комісією ГУНП у м. Києві проводилось службове розслідування за фактом можливих прорахунків, допущених окремими поліцейськими 19.01.2021 під час забезпечення охорони публічного порядку у центральній частині м. Києва, у ході якого було з'ясовано інформацію про поліцейських, які 19.01.2021 приймали участь у заходах.

За результатами проведеного службового розслідування фактів недотримання вимог чинного законодавства України поліцейськими, які 19.01.2021 приймали участь у забезпеченні публічного порядку у центральній частині м. Києва, не встановлено, тому письмовий наказ про застосування до поліцейських дисциплінарних стягнень не видавався.

З повагою
заступник начальника


Віктор НЕЧИТАЙЛО

5. Provision, if necessary, of a victim with a lawyer.

In the cases, covered by the Report, the provision of legal aid to victims was limited to handing over a memo with the rights stipulated in Article 56 of the Criminal Procedure Code of Ukraine. Meanwhile, the police in their responses did not even mention that certain categories of victims are entitled to receiving free secondary legal aid. In particular, they have the right to: representation of their interests in courts, before other state bodies, local self-governing bodies and other persons; drawing up of procedural documents.

One should also note that in the case mentioned in point 4, regarding the detentions at Kontraktova Square, according to the victims, they were denied free secondary legal aid services, which is a gross violation of the Law of Ukraine “On Free Civil Legal Aid”.

6. Dealing with risks. Prevention of the influence on the part of public authorities and local governments related to possible corrupt connections with businesses, operating in a specific territory, relevant to the case, and the activities of which, accordingly, cause/have caused pressure/attack on activists.

In the studied cases, dealing with risks was carried out at a fairly low level.

For instance, unknown youngsters attacked the participants of the Women’s March of March 8 in Kyiv right after the event. The police failed to ensure public order in a proper way and, at first, refused to initiate criminal proceedings. Only after the victims had resorted to the services of a lawyer, the police opened a criminal investigation into the attack on the participants of the march.

7. Urgency and efficiency of provision of medical care, if necessary.

In the cases, covered by the Report, the police did not provide urgent care to the victims.

8. Examining by the law enforcement bodies of relevant facts concerning the investigation of attacks on activists and human rights defenders.

Law enforcers, in their responses to the inquiries, did not provide information on examining the relevant facts. As a rule, they referred to the provisions of the Criminal Procedure Code of Ukraine, stipulating that information on the progress of pre-trial investigation may be provided only to parties in criminal proceedings.

According to Article 222 of the Criminal Procedure Code of Ukraine, any information of pre-trial investigation may be disclosed only with the written permission of an investigator or public prosecutor, and in the scope they deem possible.

However, there is no prohibition of public disclosure regarding the progress of pre-trial investigation in the Criminal Procedure Code of Ukraine. Moreover, as regards high-profile crimes, representatives of the police and the Ministry of Internal Affairs make such public reports. For example, in the case of Halyna Tereshchuk, a correspondent with Radio Liberty from Lviv, whose car had been set on fire, the Minister of Internal Affairs of Ukraine Arsen Avakov personally and publicly reported on the progress of the investigation. It is worth noting as well that responses to the inquiries are mostly provided by investigative departments. Thus, the investigator in each particular case is able to determine the scope of information that can be provided. So, it can be concluded that the above wording is used mainly to conceal the real state of an investigation.

9. Independence and impartiality of investigation.

Independence of officers engaged in the investigative activities and of decision-makers from persons involved in the facts under investigation.

The requirement of independence and impartiality of the investigation is not duly adhered to when an offence is committed by law enforcement officers.

As it was already mentioned regarding the case of detention of protesters at Kontraktova Square, in fact, the police refused to register the crime report in the URPTI. Moreover, the police did not provide any information on bringing to responsibility of any kind of officers who ordered not to allow the participants of the rally in support

of Serhii Sternenko, which took place in Kyiv on February 23, to pass to the Office of the President of Ukraine, thus causing the escalation of clashes, injuries and unfounded detentions of people.

10. Completeness and thoroughness of investigation

Investigations must include all reasonable steps to ensure that evidence relevant to the case is collected.

The thoroughness and completeness of investigations are not duly ensured. For example, the State Bureau of Investigations, since the time it received the crime report in January 2021, has neither contacted the victim who had been illegally detained by police in Kyiv, nor summoned for questioning him as a victim, nor reported any procedural measures. In the cases involving property damage by arson, crime reports are mostly registered in the URPTI, but none of the studied cases has been submitted to the court so far.

11. Collection of evidence and conduct of the investigation shall be carried out in accordance with the procedural rules.

There is an illustrative case of the attempt to bring Roman Maselko, a board member of the DEJURE Foundation, to administrative responsibility.

Five police officers came to the office of DEJURE Foundation on February 26, at 11 a.m., to hold a 'conversation' with Roman Maselko. The police officers were sure of his presence at the office because they had tracked the location of his phone. This was reported by employees of the Foundation, who heard the law enforcers saying that they had 'run down' Roman's phone. However, being asked how they found out Roman's whereabouts, the police officers answered that it had been just 'operational luck' that helped them. In administrative offence cases, the tracking of mobile devices is illegal.

12. Urgency of investigation.

The urgency of investigation is not duly ensured, although it is required by Article 214 of the Criminal Procedure Code of Ukraine. It took the participants of the Women's March 10 days and the services of a lawyer for the police to initiate criminal proceedings on the fact of attack

on them. Moreover, the victims, by themselves, managed to identify the attackers on the photos and social networks.

13. Competence of investigators and enabling of the investigation process.

The investigation process remains underresourced. The crime affecting the LGBT Association LIGA from Mykolaiv is being investigated by one single inspector of the investigation section. The situation is slightly better in Lutsk, where the police are investigating the assault on journalist Liudmyla Yavorska, who, on January 4, came to the Pidhaitsi village council to get comments from the council members about repairs on a street of the village and was attacked by an unknown person in the village council building.

The police stated that counteracting to obstruction to professional activities of journalists was a priority for the Headquarters of the National Police of Ukraine in Volyn region and its units, therefore, the progress of pre-trial investigation in the aforementioned criminal proceedings, as well as the prevention of recurrence of such offences, were constantly monitored by the leadership of the Headquarters of the National Police of Ukraine in Volyn region. The response also noted that the pre-trial investigation was underway, and the appropriate investigative (search) measures aimed at establishing all the circumstances of the incident were being taken by a group of five investigators

14. Involvement of a victim and public control.

Victims are generally not being informed of the progress of an investigation. A victim may review the case file only after having submitted an appropriate request to the investigator. The general public can exercise appropriate control over an investigation only by means of constant public pressure and communication with the leadership of prosecution authorities.

ГОЛОВНЕ УПРАВЛІННЯ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ
У ВОЛИНСЬКІЙ ОБЛАСТІ

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11.02.2021 № 1442/02/15-21

на № 04/02-6 від 04.02.2021

Виконавчому директору
Асоціації українських моніторів
дотримання прав людини в
діяльності правоохоронних органів
Пивоварову В.С.

Шановний пане директоре !

На Ваш запит на отримання публічної інформації повідомляємо, що звернення Яворської Л.В. щодо вчинення відносно неї неправомірних дій 04.01.2021 зареєстровано в ІТС ПІНП Луцького РВП Луцького ВП ГУНП у Волинській області за номером 95.

05.01.2021 сектором дізнання зазначеного підрозділу за фактом можливого перешкоджання законній професійній діяльності журналістів розпочато кримінальне провадження №12021035130000004 за ознаками кримінального правопорушення, передбаченого ч.2 ст.171 КК України.

На даний час досудове розслідування триває, групою дізнавачів в складі п'яти працівників проводяться слідчі (розшукові) дії, спрямовані на встановлення всіх обставин зазначеної події.

Протидія перешкоджанню професійній діяльності журналістів є одним з пріоритетних напрямків діяльності підрозділів Головного управління Національної поліції у Волинській області, а тому стан досудового розслідування зазначеного кримінального провадження, а також запобігання повторним правопорушенням, знаходиться на постійному контролі керівництва ГУНП у Волинській.

Про стан досудового розслідування, а також проведені в кримінальному провадженні слідчі (розшукові) дії, Яворська Л.В., яка визнана в зазначеному кримінальному провадженні потерпілою, може ознайомитись, заявивши відповідне клопотання.

З повагою
заступник начальника

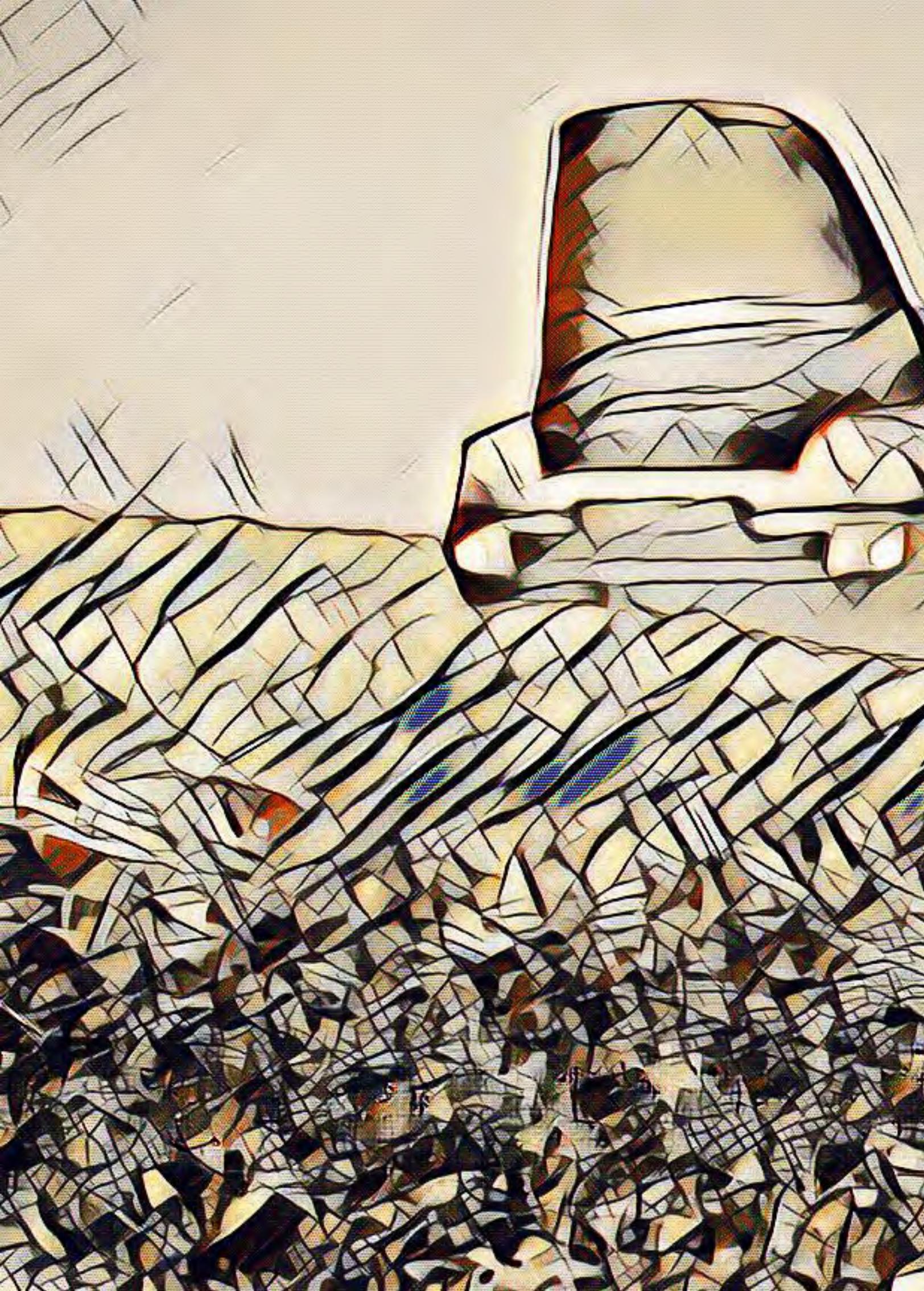


Олександр НЕРУХ

15. Accounting of criminal offences where activists are victims.

There is still no proper accounting of criminal offences where public activists and human rights defenders are victims. None of the cases, covered by the Report, was classified as a breach of Article 350 "Threats or violence against a state official or a citizen who performs his/her public duty" of the Criminal Code of Ukraine. Part One of the above Article stipulates criminal

liability for "threats of murder, grave bodily injury or destruction or impairment of property by a generally dangerous method, made in respect of an official or his/her close relatives or a citizen who performs his/her public duty, where these acts are committed to preclude the activities of the official or the citizen who performs his/her public duty, or to change their nature in the interests of the persons who makes such threats"



Part Two.
Description of incidents



Incident 1. City Mayor put pressure on editor-in-chief of newspaper “Chornomorskyi Maiak”

On January 13, the “Izbirkom” portal published a [report](#) that Bohdan Panas, the editor-in-chief of newspaper “Chornomorskyi Maiak” from Odesa region, had allegedly faced pressure. According to Bohdan, right after Vasyl Hulciaiev had been elected the Mayor of the city of Chornomorsk, the editorial office began receiving requests from the mayor’s office to publish positive materials about the Mayor’s activities and to put them, specifically, on the front page of the newspaper. Thereafter, according to Bohdan Panas, he was called on the Mayor’s ‘carpet’, and soon an inspection visited the editorial office, which followed by a notification from the city council that it intended to terminate the premises lease agreement with the newspaper.

The editor-in-chief of “Chornomorskyi Maiak” claims that the municipality has not handed over the inspection report. Bohdan Panas believes that the Mayor’s actions violate the rights of the newspaper’s staff and intends to file a lawsuit.

Incident 2. Defamation campaign launched against human rights defender Roman Lykhachov from Chyhyiv

Roman Lykhachov, a lawyer and a public activist from Kharkiv region, [stated](#), on January 15, that a new wave of defamation campaign had been launched against him. Some Instagram and Telegram pages posted a video accusing Roman of having links to a drug dealer, namely, that he had been providing legal services to drug dealers. The video features an alleged conversation between Mr Lykhachov and a person involved in a criminal case. Roman Lykhachov, in turn, denies any such relations and claims that the video reel was edited from two different conversations.

Roman puts the campaign against him down to the fact that the consideration of whether to continue the investigation of threats to the activist and whether to continue the provision of state protection to him is scheduled for February. The activist does not mention specific names of the alleged contractors.

Incident 3. LGBTQ organization in Mykolaiv received an e-mail letter with threats

The Organization LIGA [reported](#) on its Facebook page, on January 15, that it had received a letter with threats. The letter was sent by an unknown user under the nickname ‘Pido Smert’. It begins with the words “Run, pigs” and ends with the words that can be considered a threat, mentioning a ‘safari’ for LGBT people launched in the city. The letter also contains a link to a collection of videos showing the beatings of LGBT people.

The LIGA Association, particularly, noted that they had filed a complaint with the police, but, in general, they did not have high hopes for an effective investigation, because, as the post reads further, in Mykolaiv region, since 2006, there has not been a single person punished for hate crimes against the LGBTQ community.

Біжить свині.

Ви ганьбите націю, ганьбите країну, ганьбите наше місто. Не за те полягла Небесна Сотня. Не за те кожен день гинуть на фронті наші брати.

Тепер ви вирішили осквернити нашу віру. Зганьбили нашу рідну церкву, яка тільки струсила з себе багаторічне ярмо Московського патріархату. Вашому богохульству не буде прощення.

Повідомлення про мінування - всього лише попередження.

Ми отримали благословення від наших духовних наставників і тепер нас нічого не стримує.

Ми будемо відловлювати вас по одному. На вечірніх вулицях, у дворах і в під'їздах. Ми будемо палити ваші будинки, різати Ваших рідних і близьких. Відтепер ви завжди будете озиратися.

Ми оголошуємо Сафарі.

Case. Rallies commemorating Anastasia Baburova and Stanislav Markelov

Incident 4. Police detained participants of peaceful assembly against radical right-wing violence in Kyiv

On January 19, at 9 a.m., the rally “No to the impunity of the far-rightists” [took place](#) at Kontraktova Square in Kyiv. The participants accompanied by the police headed to the Sahaidachny monument and spread the banners. They were immediately approached by law enforcement officers with a request to cease the rally, and some of the participants were detained right away for having violated the ‘quarantine restrictions’. A total of 13 people were detained.

The organizers of the rally – the organization “Social Movement” – [stated](#), on its pages in social networks, that such attitude on the part of the police to people willing to hold a peaceful assembly was inadmissible. They also stressed that restrictions on the constitutional rights of citizens were unlawful and that the selectivity of such restrictions in the country was inadmissible.



Incident 5. Police barred holding of peaceful assembly “Anti-Fascist Action” at planned location

The day before the planned action, on January 19, the public group “Chervoni” (“The Red”) [announced](#) on its Facebook page holding of a peaceful assembly entitled “Anti-Fascist Action” at Mykhailivska Square in Kyiv, scheduled for noon.

As a participant of the rally [reported](#), the police prevented the rally by not allowing the participants to take the funicular from Poshtova Square to Mykhailivska Square.

As Volodymyr Chemerys, a representative of the “Chervoni” group [told](#) ZMINA: *“The police did not let us pass. We decided not to cancel the action, but to hold it in a different format – with fewer people, as the dialogue police had overtly warned us that, on Mykhailivska Square, the police would detain the participants for*

violation of Article 44-3 of the Code of Ukraine on Administrative Offences “Violation of the Rules on Quarantine of People”. I tried to explain to them that it was against the Constitution, although they already knew that well. But they answered that they had an instruction, referring to the Resolution of the Cabinet of Ministers and order of the Ministry of Internal Affairs to do so”.

Incident 6. Police instituted criminal proceedings against director of the Institute of Mass Information for her comments on selling press cards

On January 21, 2021, the “Detector Media” [reported](#) that the National Police had instituted criminal proceedings against Oksana Romaniuk, a member of the “Media Movement” and the executive director of the Institute of Mass Information (IMI), on a claim filed by Serhii Kot, the head of the organization “Journalists Against Corruption”. On December 31, 2020, Serhii Kot filed the complaint about the [comments](#) by Mrs Romaniuk published by “Detector Media” about the trade in press cards issued by the NGO “Journalists Against Corruption”. He accuses the media expert of intended misreport of a criminal offence (Article 383-1 of the Criminal Code of Ukraine).

At the same time, the website of the NGO “Journalists Against Corruption” still [has](#) the message offering to issue press card to anyone for the payment of membership fees. The Organization’s website says that having a journalist’s press card would be useful for a number of people including ‘lawyers’, ‘entrepreneurs’, ‘members of local councils’ and ‘auto enthusiasts who like travelling’.

As a response to the incident, the “Media Movement” [calls on](#) the National Police to immediately investigate the actions of the NGO “Journalists Against Corruption” and to refrain from persecuting activists for comments in mass media.

Incident 7. Journalist covering elections faced bullying in social networks

As the website of the Institute of Mass Information [reported](#) on January 22, Tetiana Shukhanova, the editor-in-chief of the “Newspaper of Kamianets “Kliuch” (the city of Kamianets-Podilskyi in Khmelnytskyi region), complained about bullying on social networks

to the police. This was reported by the IMI representative in Khmelnytskyi region. As the journalist informed, she has often been facing the problem of this kind before elections, since she covers the activities of the local ruling party. This time the aggressive posts affected not only herself but also her family. *“The most recent post was published several days ago. It features not only me as a journalist but all my family. The Telegram channel concerned published three such posts in total. There have already been negative comments on the page of the newspaper “Kliuch” on Facebook.”*

According to the journalist, on January 21, she filed a complaint about bullying on social networks with the Kamianets-Podilskyi District Police Department of the Headquarters of the National Police of Ukraine in Khmelnytskyi region. Due to the incident, she also had to shut down the newspaper since she “cared about the safety of her family and the people cooperating with the newspaper”.

Incident 8. Servicewoman from Chernihiv region, who has publicly reported harassment at workplace, faces pressure from commanders

The case of pressure on servicewoman Olha Derkach was [reported](#) on January 26 by human rights defender Olha Reshetylova who monitors the situation. The human rights defender provided a detailed [description](#) of the incident. Olha Derkach is a lieutenant colonel from Chernihiv who has been working at the regional military registration and enlistment office for 12 years. The woman has 25 years of service and once served eight months at the ‘Anti-terrorist operation’ zone. She began noticing harassment by her superiors in 2016. Colonel Oleksandr Kryvoruchko, the chief enlistment officer, who started working at the military registration and enlistment office almost at the same time as Derkach, had been taking liberties with the servicewoman, such as obscene hints, discussing Derkach’s appearance and even touching her. After Olha’s complaints proved vain, she decided to resort to the police and the media.

Olha Reshetylova further [recounted](#) that *“after the story of Lieutenant Colonel Derkach became public, some other women from the military registration and enlistment office also decided to report harassment committed by Colonel Kryvoruchko. However, not all the*

victims testified. Not everyone is ready to put the family life, career and reputation at risk to report such things publicly.”

Following her public statements, Olha Derkach faced pressure on the part of the commanders, forcing her to exchange into another military unit, and, on February 8, as Olha Reshetylova [reported](#), Oleksandr Kryvoruchko filed a lawsuit against the woman.

Incident 9. Former town head of Kotsiubynske, opposing destruction of Bilychanskyi Forest, had her car burnt

On the night of January 27, the car of Olha Matiushyna, a public activist and a former head of the town of Kotsiubynske, who advocates the preservation of the Bilychanskyi Forest and the accession of Kotsiubynske town to Kyiv, burnt down. She [reported](#) this on her Facebook page. Olha Matiushyna regards the incident as revenge for her previous public activities and as an attempt to suppress the activism of other people in Kotsiubynske by such demonstrative ‘punishment’ of someone well-known in the town and the region.

The very same day, the police [instituted](#) criminal proceedings, and, on February 16, the police [stated](#) that they had identified the alleged perpetrator and served the notice of charges with the arson.



Incident 10. Journalist had car window smashed in Rivne region

On February 2, journalist and blogger Olha Ferar [reported](#) on her Facebook page that unknown perpetrators smashed the side window in her car that night. *“Nothing was stolen. The car was not opened. They had obviously brought the stone with them because it was a paving stone. The police say the offenders threw it right in the yard, deliberately choosing this window.”*

Olha Ferar [puts](#) the incident down to her journalistic activity: she publishes her materials in periodical “Rivne Online” and actively posts on Facebook, in particular, with regard to the work of the Rivne Regional Council, social issues, including the allocation of budget funds, land plots, etc. Additionally, according to the journalist, she does not have any domestic or work conflicts, nor did she receive any threats from anyone in the past.

The police of Rivne region reported that they had initiated proceedings under Article 296 (“Hooliganism”) of the Criminal Code of Ukraine, and the investigative actions were underway.

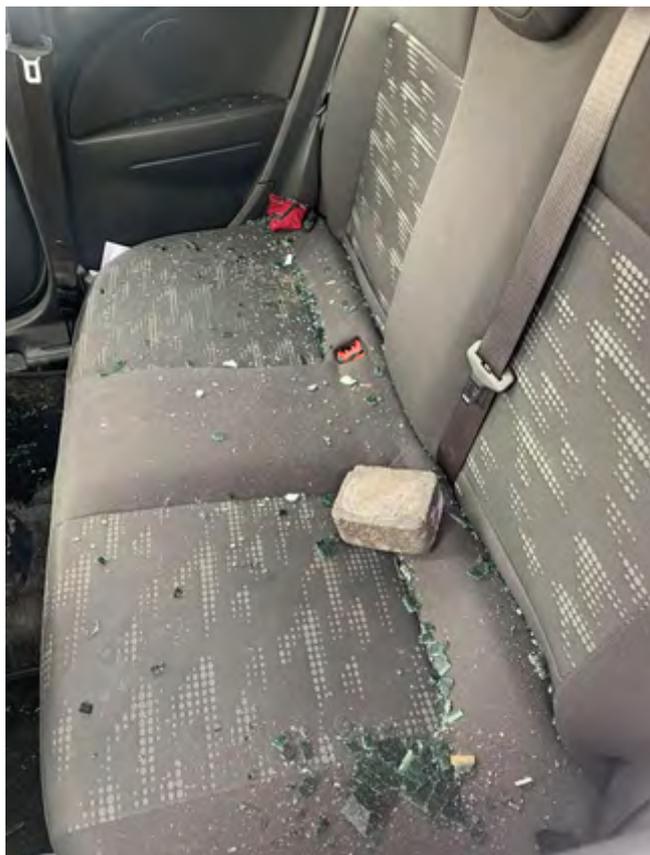


The case of Mykhailo Zubkov and Nataliia Shybaieva

Incident 11. Couple of activists in Kharkiv region fighting against illegal sand extraction at local quarry had grenade thrown in the yard of their house

As [reported](#) by Zmina, on the night of February 5, unknown perpetrators threw a grenade in the yard of the house where Nataliia Shybaieva and Mykhailo Zubkov live. This caused both of their cars to catch fire. The police found fragments of an RGD-5 grenade shell and a fuse at the scene. The investigation believes that the device exploded on the roof of the house. The law enforcers initiated proceedings under Part 2 of Article 194 “Intentional destruction or endangerment of property” of the Criminal Code of Ukraine.

The victim, Mykhailo Zubkov, associates the explosion with his and his wife’s participation in protests against the opening of another sand quarry near the village of Sorokivka.



Incident 12. Couple of activists in Kharkiv region fighting against illegal sand extraction at local quarry were attacked with knives

According to the Telegram channel “Our Olkhovka”, on March 16, in the village of Sorokivka in Kharkiv region, during a peaceful rally against illegal transportation of sand from a local quarry, the protesters were attacked by two unknown perpetrators who “ran at the people with knives and beat them up”.

The post writes, that while the protesters were blocking the road, three people in a KIA car wanted to pass and started a fight. As a result of the fight, a 39-year-old local man, participating in the protest against sand mining, got minor injuries. The report of the incident was registered in the Unified Register of the Police Station No. 1 of the Kharkiv District Police Department No. 2. The police consider whether to initiate criminal proceedings on this fact.

As the UHHRU’s [post](#) on this case reports, the protesters recognized the attackers, as they had come to a previous protest and threatened local residents. Back then, Vitalii Aldoshyn, the head of Kharkivnerudprom LLC, denied the involvement of his company’s employees in threatening to the activists. Nataliia Shybaieva and the victim, who was taken to hospital by ambulance, filed complaints with the police.



Incident 13. Journalist reported that his car was set on fire in Kyiv

On February 7, journalist Volodymyr Yehorov [reported](#) on his Facebook page that his car had been set on fire. He wrote: “*This night (at approximately 1 a.m.), my car, Citroen C5 Aircross, was set on fire. The car, of 2019 make, was bought from an official dealer (where it was serviced) with a mileage of 46 thousand km and on diesel fuel. It was parked in a guarded parking lot in Kyiv, on Pravdy Avenue. I learned about the incident from the guards of the parking lot at 1:20 a.m. when the car had already been on fire, and firefighters and police arrived. No one was injured, only some garages and my car were damaged. The car is completely destroyed.*”

According to him, the police found traces of an alleged perpetrator who could have set fire to the car. The police followed the traces from the car to the place where the suspect could have got to the parking lot. As of today, the journalist is waiting for the results of an expert assessment. He puts the incident down to his political and journalistic activities, as, in recent years, he has been actively engaged in both political and journalistic work.



Incident 14. Local activist and journalist was attacked in Pyriatyn

On February 10, Vadym Kyrpychenko, a public activist and journalist from the city of Pyriatyn in Poltava region, [reported](#) on his Facebook page that he had been attacked. According to him, at about 11 a.m., he got a phone call from an unknown phone number and was asked for a meeting. The activist was ready in one hour.

When he came to the appointed meeting, it turned out that the man who called him was Oleksandr Buhaiov, whom Vadym had previously accused of having ties with the OPFL (“Opposition Platform – For Life”) Party. Vadym recounts the course of events as follows: *“He tried to knock me down. I called the police. The man waited for the police to take the testimony and leave and returned with 2 unknowns wearing masks. They broke into offices at the Culture and Public Centre, where I rent an office, looking for me. Finally, they found me in one of the rooms. When I went out into the corridor, they started a fight. The three ‘titushkas’ [hired thugs] began beating me with their fists and feet. This continued until we got outside. Even there, in the eyes of passers-by, the titushkas did not stop, until someone called the police. Furthermore, just a few hours before the incident, the clique posted a photo in our Facebook community “APELSYN” saying “Hello Kyrpychenko”.*



Incident 15. Film crew was attacked while making report on illegal trade at market in Odesa

On February 10, journalist Yevhenii Lysyi [reported](#) on his Facebook page that he and the film crew had been assaulted. The film crew of “Normalno” was attacked by a group of people engaged in illegal trade in cigarettes at the “Pivnichnyi” market. Viktor Nadiuk, a member of the film crew, [described](#) the incident as follows: *“On February 10, Ihor Hvozdirov, Yevhen Lysyi, Denys Kornyshev and I were filming a story about the illegal trade in excisable tobacco products and found ourselves in an unpleasant situation with sellers at the Pivnichnyi market. A so-called businessman named Harik Hevorhovych Khachatryan, born in 1998, and his relatives attacked our film crew, obstructed filming, tried to smash the camera, blocked our car, and threatened with physical violence...”.* The journalists immediately called the police, filed a complaint and had the injuries verified.

The judicial trial of the attacker ended up with finding him [guilty](#) of breaching Part 2 of Article 171 of the Criminal Code of Ukraine (and punishing him with 2 years of conditional sentence).



Incident 16. Rally in support of Serhii Sternenko was barred from coming to Office of President

On February 23, at about 8 p.m., a rally gathered to show support to Serhii Sternenko. Previously, a court in Odesa delivered its verdict sentencing the activist to seven years in prison with confiscation of half of his property. He was accused of kidnapping Serhii Shcherbych, another activist from Odesa sympathizing with the pro-Russian “Rodina” party.

According to the [report](#) by OZON public monitoring group, the participants were not allowed to approach the building of the Office of the President of Ukraine, and this caused numerous clashes and conflict situations. The report notes that *“the participants of the rally, after a superficial examination, gathered at the gate to the Office of the President, in front of a National Guard cordon. They were chanting slogans (...) At 8:30 p.m., tensions between protesters, who did not receive any explanation and could not pass the gates, and the National Guard servicemen, ran high. The first [clashes](#) and [skirmishes](#) burst*



out. In the following 20 minutes, the first smoke flare, probably a stroboscope and a firecracker, were pointed at the police. The protesters started throwing snow at the National Guard cordon. There was no actual communication between the National Guard, the police and the protesters at the gates to the Office of the President. The police/National Guard were not explaining their actions, in a loudspeaker or in any other way, to the protesters, which contributed to the escalation of conflict situations.”

Incident 17. Police put pressure on lawyer and public activist Roman Maselko

On February 26, lawyer Roman Maselko [wrote](#) on his Facebook page that law enforcement officers had come to his office to serve a corruption offence report to him. He noted that the report was drawn based on a complaint by Judge Skochok, which was recognized as failing to meet the integrity criteria by the Public Integrity Council (of which Roman was a member). The judge considers the Conclusion by the Public Integrity Council to be biased. The lawyer noted that until February 26 when the police called on, he had not received any notifications or inquiries on the part of the police requesting an explanation of the situation. *“I knew nothing about this until today when 5 police officers came to the office of [DEJURE Foundation](#). They said they knew for sure that I was present at the office because they had ‘run down’ my phone and they wanted to hand over to me the offence report. We called over some journalists and I started looking through the report. While I was reading, they just got up and left. Thus, the protocol was not appropriately served.”*

It becomes clear from what Roman recounted that the police officers were sure of his presence at the office because they had got a fix on the location of his phone. This was reported by employees of the Foundation, who heard the law enforcers saying that they had ‘run down’ Roman’s phone. However, being asked how they found out Roman’s whereabouts, the police officers answered that it had been just ‘operational luck’ that helped them. One should remind that in administrative offence cases the tracking of mobile devices is illegal.

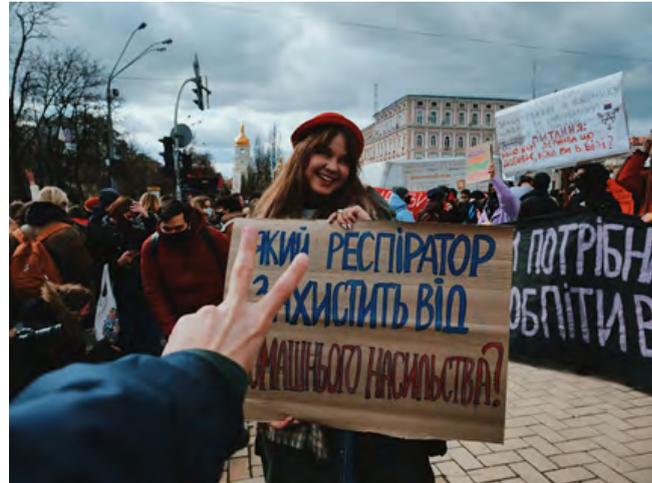
The Advocacy Advisory Panel, of which Roman Maselko is a member, [regards](#) such actions by the police as: illegal surveillance, demonstration of control over the movement, the

threat of illegal prosecution, pressure on Roman Maselko as a lawyer and a founder of Advocacy Advisory Panel and a public activist.

Incident 18. Participants of peaceful assembly following Women’s March 2021 were attacked in Kyiv

On March 10, activist Polina Vernyhor [reported](#) in a post on her Facebook page that she and other participants of the march had been attacked right after it. According to her, after the Women’s March, a group of youngsters assaulted them. The attackers were pushing them, shouting insults, grabbing them by the hands and trying to snatch the posters – and they managed to grab a participant’s poster. The same evening the girl filed a complaint with the Podilskyi Headquarters of the National Police of Ukraine in the city of Kyiv. As Polina notes, *“it took a long time for the complaint to be accepted. The police wanted to write down in the offence report that there was a conflict (however, a conflict takes place when both sides enter it. We did not enter into a conflict. It was an attack), thus making us wait for about 40 minutes at each stage of the process, although there had not been any other ‘visitors’ at the police station except for us. When the complaint was finally registered, the police told me to call the next day. They were supposed to tell the name of the officer conducting the proceedings and what specific article the proceedings related to. I called and was told that everyone was very busy at the moment, so they could not answer my questions, and that I should call the next day. But the next day it was the lawyer who called them.”*

Polina and her lawyer would file a complaint about the inaction of the law enforcement officers. On March 18, the police [initiated](#) criminal proceedings with the preliminary classification of the incident under Part 2 of Article 296 of the Criminal Code of Ukraine “Hooliganism committed by a group of persons”.



Incident 19. Website of the Odesa-based journalistic investigation organization was hacked with some materials replaced

On March 22, the unknown perpetrators hacked the website of the Center for Investigative Reporting and altered the content of materials about Odesa Mayor Gennadiy Trukhanov, Odesa resident Oleksandr Anher, whom the media claim to be a mafia boss, and the “Euroterminal” company associated with them. This was [reported](#) by the organization on its website.

The interference with the work of the website was preceded by a request from representatives of “Euroterminal” LLC to remove from the website a report related to the company. The investigation reported that the company, in violation of the law, charged the entry of trucks into the port of Odesa. The founder of the company is “Northington Holdings Ltd” from Cyprus. Its ultimate beneficiary is Pavlo Lisitsyn, who is associated with Oleksandr Anher, a notorious businessman from Odesa. The representatives of the Center for Investigative Reporting unquestionably link the cyber-attack on its website with the mentioned company.

Incident 20. Journalist faced Internet bullying and threats after report on work of Kyiv bars during lockdown

On March 25, Alina Sheremeta, a journalist working for Hromadske, stated that she had been facing persecution after the release of her [report](#) “INSPECTION of Kyiv establishments during the lockdown”, which was published on Hromadske’s YouTube channel on March 23. She [reported](#) this to representatives of the Institute of Mass Information. According to Alina, after the report

was made public, she began receiving threats on Facebook in both personal messages and comments:

“As early as on March 23 and 24, they started writing in personal messages and comments, and reposting to their public pages writing “Bring her to me, now!”. They also write on my page. But many people used to repost a girl’s post with the idea that people like me were not enough beaten at school and I need to have this refreshed in my memory. And that girl’s post had almost 200 comments, and they all were like that: I’m awful, how I dared to do so and so on. They used to tag me in the post, so I saw everything they were writing”.

The journalist admits fearing for her life and health and intends to file a complaint with the police.

Incident 21. Journalists were threatened while filming near “Krasnolymanska” mine in Donetsk region

On March 26, Vasyl Bidun, a journalist with Slidstvo.Info journalistic investigation project, faced threats while filming the story “Soldiers of the Billionaire: How Semenchenko’s Fighters Worked in the Interests of Kolomoyskyi”. One can see this in a part of the [report](#) published on the YouTube channel of Slidstvo.Info.

[According](#) to the IMI, the incident took place on the outskirts of “Krasnolymanska” mine in Donetsk region, where the journalist arrived with the intention to find out about the presence of the private security company “Doncorp Ukraine” LLC there. As Slidstvo.Info claims, the person in charge of the private security company is Semen Semenchenko, a former MP and the commander of the Donbas Battalion, and the company worked in the interests of Ihor Kolomoyskyi. The man who threatened the journalist introduced himself as Dmytro Kashynskyi, the chief security officer at the State Enterprise “Krasnolymanska” mine. Journalist Vasyl Bidun requested the chief of security to tell about “Doncorp Ukraine” on the record, but the latter refused, saying that he could not. When the journalist was leaving the territory of the mine, the chief of security caught up with him in a car and started threatening, shouting obscenities.

Case: individual incidents related to obstruction to journalistic activities in coverage of state authorities’ and local self-governing bodies’ performance

Incident 22. Journalist attacked at Pidhaitsi village council in Volyn region

According to a [report](#) by “Pershiy” website, in the village of Pidhaitsi, in Volyn region, on January 4, a man was trying to wrench the camera from the hands of journalist Liudmyla Yavorska, who came to the Pidhaitsi village council to get comments from the council members about repairs on a street of the village, as well as to register a request for information. According to the periodical, “an aggressive man attacked the journalist with his fists and tried to knock the camera out of her hands”. Lyudmyla Yavorska recorded on the [video](#) the scene where one can see the attacker closing the door on her and trying to knock the camera out of her hands.

As [reported](#) on the website of the National Police in Volyn region, the police initiated criminal proceedings on the fact of impeding the activities of journalist Liudmyla Yavorska at Pighaitsi village council.

Incident 23. Journalist in Khmelnytskyi region was admitted to City Council meeting only after involvement of police

Journalist Aliona Bereza was allowed to attend a meeting of the standing commission on urban planning, land matters and environmental protection, held on January 13, only after she had called the police and they arrived. This was [reported](#) by the Institute of Mass Information, which, by the way, is represented in the region by the journalist involved in the incident.

The guards justified the refusal to let her in with lockdown restrictions due to the COVID-19 pandemic. However, neither at the journalist’s request nor at the order of the patrol police, neither the guards nor any city council official presented any regulation that stipulates the restriction of journalists’ access to meetings of the standing commissions.

Incident 24. Guards refused to admit journalists to session of Zaporizhzhia City Council

As [reported](#) by the Institute of Mass Information, on January 20, the security guards of Zaporizhzhia City Council denied access for a journalist with 061.ua website Elmira Shahabudtdinova and the editor of “Nenachasi” (“In bad time”) Kateryna Maiboroda to the meeting of the City Council’s standing commissions. The guards justified the refusal with lockdown restrictions. The journalists called the police, but even after that, they were not allowed to attend the meeting. As a result, they wrote two complaints about obstructing professional journalism.

The meeting of the standing commission of January 20 addressed the issues of education, science, culture, sports, youth and tourism, and of communal property, resources, privatization, architecture and land matters. According to Kateryna Maiboroda, she wanted to attend the meeting of the commission considering a petition to establish a shelter for victims of domestic violence.

Incident 25. In Kamianets-Podilskyi, local councillor prevented journalists from filming

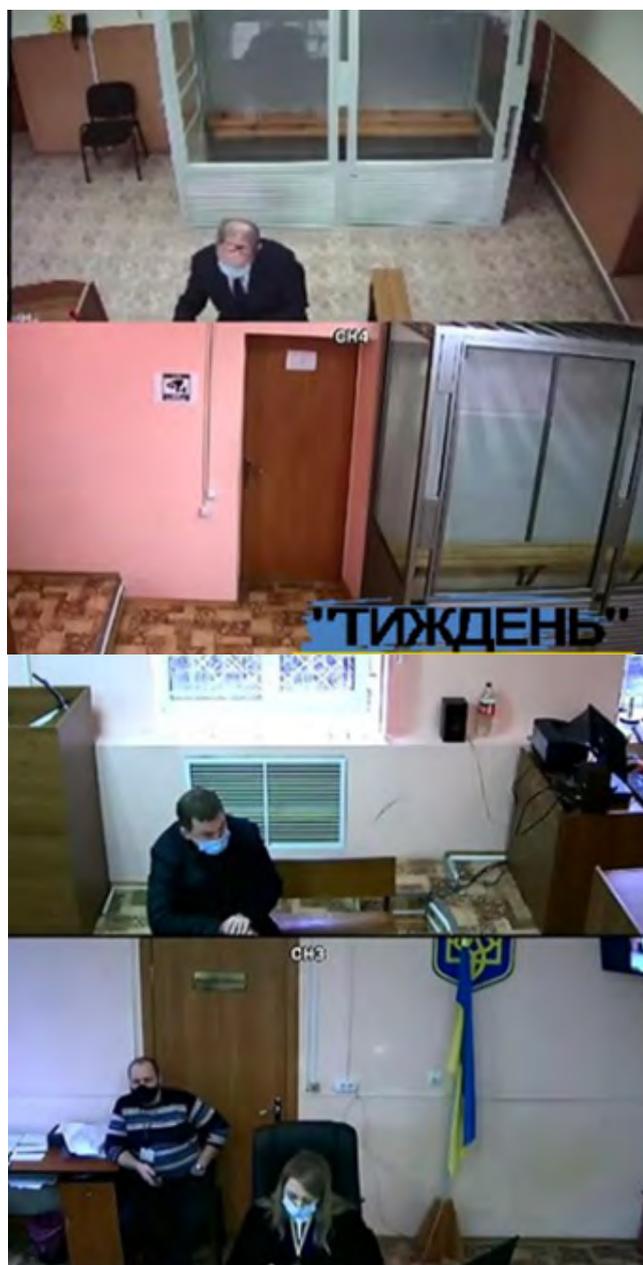
As [reported](#) by representatives of the Institute of Mass Information in Khmelnytskyi region, on January 21, Volodymyr Kondruk, a member of Kamianets-Podilskyi City Council hampered the TV crew with the Kamianets-Podilskyi TV and Radio Company “KP” to film a story in the territory where an old balneary site was situated. Journalist Inna Doroha recounts: “...this site has stirred a conflict. This is the territory of the former balneary site. The developer claims that he disposes of all the permits and operates within the current legislation, but some community leaders and some local councillors oppose it. This time, we were informed by third parties that some people were gathering in the territory of the former balneary. With this newsmaking event, we came to the construction site. The local councillor, assistants of the mayor, supporters of the All-Ukrainian Union “Svoboda” political force were at the scene. Police officers eyewitnessed the incident, as the cameraman was hit, but they did not intervene. That’s why we will apply to the district police department with a complaint.”

The Kamianets-Podilskyi TV and Radio Company is going to file a complaint with the police against impeding their film crew by the member of the City Council.

Incident 26. Journalists were not admitted to court hearing in Trostianets

As [reported](#) by representatives of the Institute of Mass Media in Sumy region, on January 26, at 9 a.m., journalists with newspaper “Tyzhden” from Trostianets were barred from attending a court hearing at the Trostianets District Court of Sumy region, where the city mayor was the defendant. Yurii Bova is charged with concluding with his wife Rita Bova, the owner of the newspaper “Kruhlyi Dvir”, agreements providing for the budgetary financing for publishing of the city council’s announcements in the newspaper.

The periodical “Tyzhden” from Trostianets was live-streaming the picketing at the court, but when editor Pavlo Zlenko and a cameraman tried to enter the premises to attend the court hearing, they were disallowed to do this. The court representatives mentioned the quarantine restrictions and suggested that the journalists watched the online broadcast of the hearing.



Incident 27. Journalist was physically injured while picketing Zaporizhzhia City Council for refusal to admit journalists to its sessions

As a correspondent with Ukrinform [reported](#), on January 27, Zaporizhzhia City Council held a session considering, in particular, the draft decision on “Ensuring the unimpeded right to enter the administrative building of the Executive Committee of Zaporizhzhia City Council” in compliance with anti-epidemic measures. Since journalists were not admitted to the session, they called the police and filed complaints about obstruction to their journalistic activities. Additionally, not being allowed to attend the City Council meeting, journalists started picketing the premises of the City Council.

As [reported](#) by representatives of the Institute of Mass Information in Zaporizhzhia, the picketing was accompanied by a kind of clashes, where Kateryna Maiboroda, the editor of periodical “Nenachasi” from Zaporizhzhia, was injured. According to the journalist, Serhii Shuldyk, the head of the City Council’s internal policy section, grabbed her by the hand, and Oleksandr Onyshchenko, a council member from “Volodymyr Buriak’s Party “Unity” Faction, pushed her away from the entrance to the City Council building, while she was trying to enter. This resulted in her left arm’s rubefaction and swelling.

Incident 28. Journalists were not admitted to court hearing in Lutsk

On February 4, TV channel “Avers” [reported](#) that its film crew had been barred from attending a court hearing at the Lutsk City District Court, which was hearing the cases of violation of the mask regime. According to the report, Judge Svitlana Krupinska objected to the TV crew’s filming of the court hearing. Furthermore, Nataliia Polishchuk, a journalist with “Avers”, was prevented from submitting an inquiry about such non-admission to the judge’s office. As the report noted, a court guard in the lobby did not allow this, saying: “You were told that you are not welcome here”.

According to representatives of the Institute of Mass Media, the press service of the Lutsk City District Court refused to comment on the non-admission of journalists, noting at the same time that the inquiry was not specific enough.

Incident 29. Film crew was attacked by village head in Zhytomyr region

On February 22, Petro Bilyi, the head of the Vilska Amalgamated Territorial Community (ATC), [attacked](#) the film crew with the social project “One for All” on the STB TV channel. The TV channel [reported](#) this on February 25. The project team [arrived](#) in the village of Novopil to film a report on child abuse in the Bilinski’s family. The journalists wanted to ask the head of the Vilska ATC why “he had not been reacting to violence against children”.

Serhii Kostyra, a member of the film crew, recounts: “As we were approaching his place of work, the village head behaved aggressively and demanded that the cameraman stopped filming. Once we entered the village council, the situation ran out of control. When our journalist posed the questions about the Bilinski’s family, Mr Bilyi harshly turned the camera over, then raised his hand to the cameraman, who was trying to calm him down. The thing that Petro Bilyi didn’t take into account is that our camera kept on filming all this time”.

Incident 30. Journalists were not admitted to session of Yarmolynetska ATC in Khmelnytskyi region

As the TV channel TV7+ from Khmelnytskyi [reported](#) in its story, on March 12, journalists were barred from attending a session of the Yarmolynetska ATC by an illegal vote of the session.

When the journalists arrived at the session, the head of the community Andrii Shutiak first tried to cancel/postpone the session, but instead put on the vote an offhand motion to switch the mode of the session to a closed one. Being asked why he decided to hold a closed session, the ATC’s head put this down to the fact that there had been no prior registration for media representatives. One should note that such actions are clearly illegal, as non-admission of journalists is a criminal offence under Article 171 of the Criminal Code of Ukraine, while the *“lack of accreditation cannot be considered a reason for non-admission of journalists”*.

The journalists note that “in total, the agenda included about 80 issues. They dealt with, among other things, the provision of social care, budget execution and allocation of communal equipment”. The journalists regard such refusal to admit them as an intention not to raise the land issues, which were also to be considered at the session, before the general public, since one can suspect the presence of a corruption element in this matter.

Incident 31. Journalist was not admitted to session of Mankivska ATC in Cherkasy region

As [reported](#) on the website of the Institute of Mass Information, on March 16, Valentyna Blyndar, a journalist with the newspaper of All-Ukrainian Union "Svoboda" was denied filming the session of the Mankivska Amalgamated Territorial Community in Cherkasy region.

"According to the journalist, Valerii Ivasiuk, the head of the town council, put the issue of her presence at the session and the permission to filming to the vote. The councillors voted in favour of her presence at the session but prohibited video recording. Coming to the session, the journalist intended to film, in particular, the considering of the issue on media coverage of the activities of the ATC's executive bodies for 2021-2025".

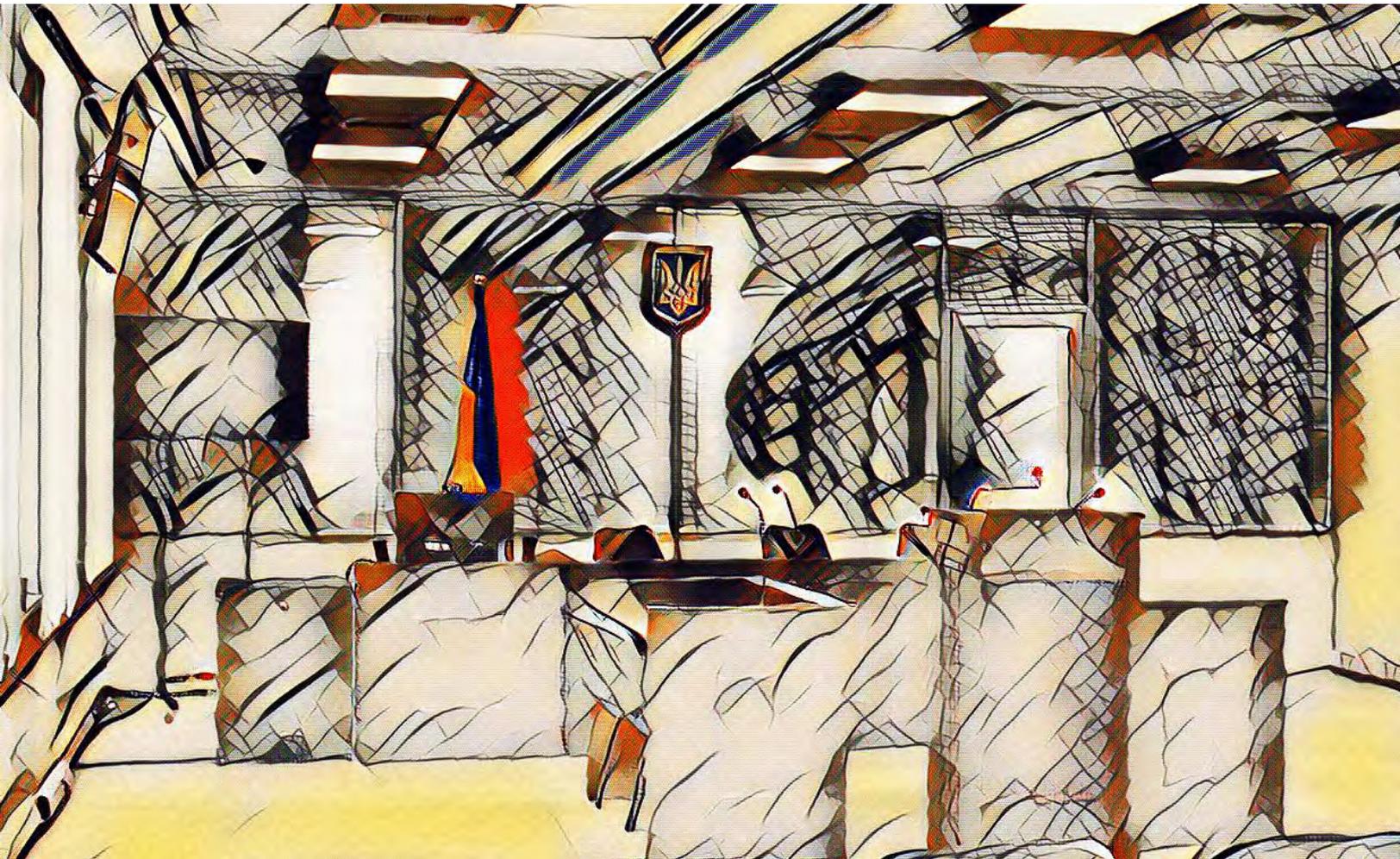
The journalist called the police and filed a complaint about impeding journalistic activities.



Incident 32. Journalist was not admitted to court hearing in Kyiv

On March 23, Alina Kondratenko, a journalist with the media project Watchers.Media, was not allowed to attend a hearing of the Pecherskyi District Court of Kyiv to choose a measure of restraint for veteran Vladyslav Granetskyi-Stafiichuk (Sord) for his actions at the rally near the President's Office. This was [reported](#) by IMI representatives.

"According to the journalist, the court guard did not let her in, noting, that she was not on the list of accredited journalists. Although, as Alina noted, she had filed in advance a petition with the court for the possibility of participating in the court hearing. Furthermore, the journalist happened to make a photo of the list, where, as she noticed, her name had been stroke off. The guards failed to respond to her question on who had excluded her name. As she added, the spokesperson of the court had also failed to come down to the journalists for an official comment. According to her, journalists with Radio Liberty and 5th Channel were also among those not admitted to the court hearing".



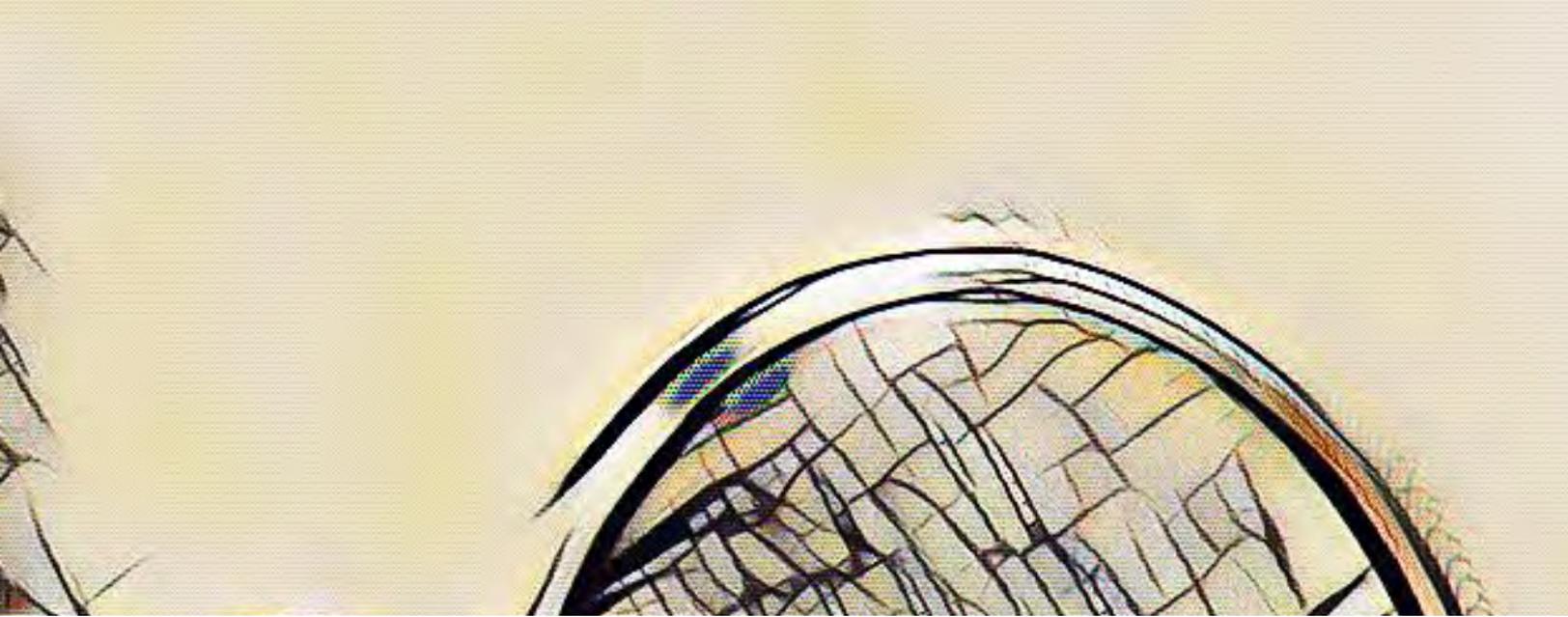
Recommendations for Increasing the Security of Civil Society Representatives:

To the Ministry of Internal Affairs and the National Police:

- ▶ To develop an effective system of ensuring the protection of human rights defenders who faced attacks or threats related to their public activities. The protection must meet the criteria of timeliness and proportionality, be multi-faceted and prioritized in the work of structural and territorial police units.
- ▶ To elaborate on and hold educational activities with regard to the safety of civil society representatives who are exposed to pressure, threats and attacks related to their public activities. Such awareness campaigns must comprise of Ukraine's international commitments in this area, the national and international experience, acute problems and ways of solving them, etc.
- ▶ To develop and implement measures to prevent, detect and respond quickly to cases of pressure, threats and attacks on civil society representatives, including the measures to counteract escalation and prevent recurrence of such cases.
- ▶ To elaborate on and hold educational activities with regard to issues of selectivity and discrimination applied by law enforcement officers to participants of peaceful assemblies.
- ▶ To introduce the practice of publicity in the course of investigation of attacks on civil society representatives. There should be established permanent communication platforms between the leadership of structural and territorial units of the National Police of Ukraine and civil society representatives.
- ▶ To elaborate on and hold educational activities with regard to issues of hate speech by officials of structural and territorial units of the Ministry of Internal Affairs and the National Police of Ukraine, inaction and toleration towards defamation campaigns, bullying, threats or intimidation of civil society representatives.

To the Cabinet of Ministers of Ukraine:

- ▶ Розробити належні стратегії, програми та механізми, що забезпечуватимуть захист і безпеку
To draw up appropriate strategies, programs and arrangements for ensuring the protection and security of civil society representatives who face threatening and attacks related to their public activities. Such mechanisms should encompass the provision of physical protection, temporary relocation and other necessary protective measures and support services.
- ▶ To ensure state support for measures aimed at physical and psychological protection of civil society representatives who are exposed to risks, the emergency assistance and other services to them that foster the avoidance or minimization of the possible negative impact of such risks. Among other things, provision should be made for special support programs for non-governmental organizations (NGOs) providing the relevant services.
- ▶ To map out programs aimed at countering hate speech in the society, including against those types that create a negative image and lead to stigmatization of civil society representatives and discredit their activities.



Annexes



Annex 1.

Methodology for monitoring of attacks on civil society representatives

The direct monitoring of attacks on activists remains crucial to identify new systemic problems and to provide support and publicity to activists affected by attacks.

We monitor the persecution of activists who are subject to pressure by means of legal instruments (criminal or administrative) and are subject to illegal actions.

Conventionally, we classify the pressure into three groups:

- ▶ *not related to the use of violence on the part of the public authorities*
- ▶ *by means of violence by the public authorities*
- ▶ *mixed (the violence by third parties and further inaction by the law enforcement bodies in the investigation of a case)*

Speaking of ‘pressure by means of legal instruments’ we mean cases where:

- a. *criminal and administrative measures are applied to a person committing lawful actions aimed at the protection of public interests and without connection with any offence;*
- b. *criminal and administrative measures are evidently disproportionate to the offence in which a person has been found guilty or is suspected;*
- c. *criminal and administrative measures are applied to a person on a selective basis, in comparison with other persons;*
- d. *criminal and administrative measures are the result of an evidently unfair impact on activists, which appears to be linked to actions aimed at the protection of public interests.*

Speaking of the ‘illegal actions’ we mean: cases of beatings, assaults, forcible disappearances, surveillance, threats, intimidation, damage to movable or immovable property, home invasion and other actions to cause physical or psychological harm.

We acknowledge that persecution can be perpetrated by both governmental and non-governmental actors, as well as by unidentified individuals. We take as a basis the [OSCE Guiding Principles](#), thus we define the term “human rights defender” as “any person promoting and striving for the realization of human rights regardless of profession, age or other status. Human rights defenders carry out their human rights activities individually or jointly, as part of an informal group or as a non-governmental organization (NGO), and act in a voluntary capacity or professionally. Lawyers, trade unionists, staff of national human rights institutions (NHRIs), journalists, medical professionals, public servants and students, among others, can be human rights defenders.” Persecution can affect activists as well as their close relatives, family members and acquaintances.

We reserve the right not to include in our monitoring reports the cases of persons, where there are reasonable grounds to believe that these persons have used violence against a person, or it is known from reliable sources that these persons have called for violence on the grounds of race, religion, ethnicity, sexual orientation etc. At the same time, we do not consider the unjustified persecution of such persons to be legal or lawful, and we do not endorse such actions in any way.

We monitor the cases of persecution by means of contacting the victims, collecting and analyzing all the relevant information. We collect primary information regarding the persecution and cross-check the information through the widest possible range of sources, such as testimonies of victims and witnesses of incidents, their lawyers and/or legal representatives, receive information from central and regional authorities, local communities, minorities and vulnerable groups.

Additionally, we [survey](#) each victim to systematize and summarize information on changes in the effectiveness, well-being and motivation of civic sector representatives in connection with persecution.

We also use secondary sources, such as media reports, data collected by third parties, and information from social networks in the collecting, processing and verification of information.

However, we strive to ensure that in most cases our monitoring is based on the initial reports of the immediate victims and (or) witnesses of the incidents, their relatives, lawyers and/or legal representatives. In the event where we have not managed to reach the victims and witnesses of an incident, we rely on information gathered through reliable connections from as wide range of sources as possible and assess them for credibility and reliability.

We are aware that the list of cases presented in the Monitoring Report is not exhaustive. **We analyze only the most critical cases, that allow us to draw a conclusion on the general situation with the security of human rights defenders in Ukraine.** In addition, the Report lists only those people and incidents for which we have been able to gather and analyze sufficient material for a reasonable conclusion about the illegal nature of persecution, not related to domestic violence.

In the development of this [methodology](#), we used the methodology of the Human Rights Centre “Memorial” and the [methodology](#) used for drawing up the Reports on the human rights situation in Ukraine by the Office of the United Nations High Commissioner for Human Rights.

Annex 2.

Methodology for determining the effectiveness of law enforcement bodies in investigating attacks on activists

Sources of the developed methodology:

The Constitution of Ukraine, namely the provisions of Article 27: “No one shall be arbitrarily deprived of life. Protection of human life shall be the duty of the State.

Everyone shall have the right to protect his life and health, and lives and health of other people against unlawful encroachments”;

Of Article 29: “Every person shall have the right to freedom and personal inviolability. No one shall be arrested or held in custody except under a substantiated court decision and on the grounds and in accordance with the procedure established by law...”

Of Article 34: “Everyone shall be guaranteed the right to freedom of thought and speech, and to free expression of his views and beliefs.

Everyone shall have the right to freely collect, store, use, and disseminate information by oral, written, or other means at his discretion...”

The Criminal Procedure Code of Ukraine, namely the following provisions:

Of Article 11 “Respect for human dignity”;

Of Article 12 “Right to liberty and personal inviolability”;

Of Article 25 “Publicity”;

Of Article 28 “Reasonable time”;

Of other articles related to criminal proceedings.

The **Decisions of the Constitutional Court of Ukraine** as regards the interpretation of the provisions of the Constitution of Ukraine and the Criminal Procedure Code of Ukraine

The Law of Ukraine “On Access to Public Information”, namely the following provisions:

Of Article 1 “Public information”;

Of Article 3 “Guarantees of ensuring the right of access to public information”;

Of Article 4 “Principles of ensuring access to public information”.

Judgments of the European Court of Human Rights in considering the violations of the Convention for the Protection of Human Rights and Fundamental Freedoms, namely:

Of Article 13 “Right to an effective remedy”;

Of Article 2 “Right to life”;

Of Article 3 “Prohibition of torture”.

Subject matter and the principles of the study:

The study of the effectiveness of actions taken by the law enforcement bodies in investigating the attacks on activists is carried out based on the cases that are documented and verified by the team of Project Strengthening the System for Protection of Activists. We determine the effectiveness of the actions taken by the law enforcement bodies by contacting victims, their lawyers and/or representatives, relatives and acquaintances, by submitting inquiries to government bodies, collecting and analyzing all the publicly available information. We also use secondary sources, such as media reports, data collected by third parties, and information from social networks, in the processing and verification of information.

The term ‘law enforcement bodies’ shall be construed as the state institutions entrusted with:

- ▶ *ensuring the prevention of attacks on activists and human rights defenders;*
- ▶ *organizing and conducting investigations into illegal actions against activists and human rights defenders;*
- ▶ *providing adequate protection to victims of offences.*

We are well aware that the list of information collected on the actions of the law enforcement bodies taken in the investigation of attacks on activists and human rights defenders may not be exhaustive. At the same time, upon receipt of additional information, we are ready to review our assessments in order to determine the effectiveness of the actions by the law enforcement bodies as accurately and as impartially as possible with regard to each specific case.

We also strive not only to assess the actions of law enforcement bodies in each verified case but

also prefer to summarize and identify trends (both positive and negative) for further communication with government officials.

The scope of the study:

1. Crime prevention.

Whether there had been taken sufficient measures to prevent the crime from being committed. Whether there had been a response to any prior types of pressures and/or threats. How the law enforcement bodies monitor and evaluate such cases.

2. Identification and implementation of measures to prevent recurrence of attacks on activists and human rights defenders.

3. Availability of a clear system of mechanisms and procedures for attacks on activists and human rights defenders to be reported.

- inclusiveness of such system;

- time of response to messages;

- the result of messages processing;

- the capability to record a case and conduct an investigation even in the absence of a formal complaint.

The failure to ensure the availability of such a system can by itself jeopardize a rapid and effective investigation.

4. Adherence to the procedure for registration of criminal offences upon a report by a victim and granting the victim the respective official status.

5. Provision, if necessary, of a victim with a lawyer.

6. Dealing with risks. Prevention of the influence on the part of public authorities and local governments related to possible corrupt connections with businesses operating in a specific territory, relevant to the case and which, accordingly, cause/have caused pressure/attack on activists.

7. Urgency and efficiency of, if necessary, provision of medical services.

8. Examining by the law enforcement bodies of relevant facts concerning the investigation of attacks on activists and human rights defenders.

9. Independence and impartiality of the investigation.

Independence of officers engaged in the investigative activities and of decision-makers from persons involved in the facts under investigation.

10. Completeness and thoroughness of the investigation.

Investigations shall include all the reasonable steps to ensure that evidence relevant to the case is collected.

A typical list of necessary investigative measures and evidence includes:

- ▶ *detailed and exhaustive testimony of the complainants-victims, obtained with due diligence;*
- ▶ *proper interrogation and, if necessary, identification through a confrontation of a person and other investigative (search) actions aimed at establishing the offenders;*
- ▶ *confidential and thorough medical physical and psychological examination by forensic experts of the complainants-victims. It should be carried out by an independent staff of appropriate qualifications, able to determine the causes of injuries and their relevance to the content of complaints;*
- ▶ *inspection of the crime scene to identify material evidence, including crime instruments, that could have been used for the attack, fingerprints, biological fluids and tissues.*

11. Collection of evidence and conduct of the investigation shall be carried out in accordance with the procedural rules.

Failure to comply with the procedural rules, resulting in further failure of the criminal proceedings, means that not all the reasonable steps have been taken to ensure the collection of evidence.

12. Urgency of investigation.

Investigations and possible legal proceedings must be conducted immediately and within a reasonable timeframe.

Urgency is the key to gaining public trust.

13. Competence of investigators and enabling of the investigation process.

Investigative bodies must be fully competent to establish the facts of a case.

Whether the investigative bodies are able to use the remedies provided by the [Law](#) in order to protect complainants-victims and other persons involved in the investigation from intimidation or other means of forcing them to remove themselves from the investigation.

Investigation systems must be provided with adequate financial and technical resources.

14. Involvement of the victim and public control.

The way in which complainants-victims or their representatives are involved in the investigation procedures. Whether victims are involved in specific investigative actions, when appropriate. Whether they are informed about the progress of the investigation and all the decisions made.

Whether the public is appropriately informed about the progress of the investigation in particularly serious cases.



Association of Ukrainian human rights monitors on Law Enforcement (Association UMDPL) – non-governmental human rights organization implementing systemic all-Ukrainian monitoring of human rights and fundamental freedoms on law enforcement agencies activity.

Activities (programms):

- Countering torture;
- Development of public control;
- Protection of human rights defenders and activists;
- Work with vulnerable groups;
- Law enforcement reform.

Association UMDPL has a long work experience in human rights monitoring, has its own pool of experts, who participate in work of consultative and advisory bodies and interdepartmental expert groups. Experts of the Association participate in development of numerous changes to normative acts regulating work of law enforcement bodies and act as coauthors of draft laws, textbooks, analytical and methodical, scientific publications and etc.

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