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President Volodymyr Zelensky
Presidential Administration of Ukraine
11 Bankova Street
Kyiv, Ukraine 01220

Dear President Volodymyr Zelensky,

Please accept our congratulations on your election as President of Ukraine. We are three international human rights organizations with representative offices in Kyiv working to promote and advance respect for human rights and democracy in Ukraine and many other countries. Each of our organizations has engaged constructively with the Ukrainian government and with the previous presidential administration to promote respect for the human rights and dignity of all people in Ukraine. Our organizations have also worked extensively to expose abuses by Russian authorities and their proxies in Crimea and by Russian-backed armed groups in the east regions of Luhansk and Donetsk.

Over the past five years, we have seen some progress by the Ukrainian government on some key issues, but also stagnation and setbacks on others. We are writing at the beginning of your presidency to ask that, as you look forward, you ensure that justice, accountability, and human rights protections are central to your agenda, particularly in areas where progress has been lacking. Specifically, we call on you to end impunity for hate-based violence and violence against civil society activists and journalists; to enhance accountability of law enforcement and security service agencies through greater civilian oversight; and to uphold the rights of people in eastern Ukraine affected by the armed conflict, particularly older people. These are issues that our respective organizations have examined and documented, and which are summarized below.

Impunity for Criminal Violence against Activists

Ukraine boasts numerous activists who strive to end corruption, protect the environment, and uphold rights for all. This is a positive reflection of the strength of Ukraine's civil society. However, too often they face threats and physical violence that seem clearly aimed at silencing or retaliating against them for their work. Impunity for this violence emboldens perpetrators, which increases the likelihood that such attacks will continue. Our organizations found that there were more than 50 attacks on activists in Ukraine in 2018. In many of these cases, law enforcement failed to adequately investigate the attacks or bring prosecutions against suspected perpetrators.

Some activists have lost their lives: for example, the body of Mykola Bychko, an environmental activist from the Kharkiv region, was found in June 2018 hanging from a tree in an area where he regularly went to document the pollution of a reservoir. Even though the police conducted no effective investigation, did not do an assessment of the site where his body was found, and lost key evidence, such as part of the rope Bychko's body was found hanging from, his death was deemed a suicide. In fact the investigation into his death was quietly terminated in late December 2018—right before the new year. The circumstance of Bychko's death and the authorities' response raise concerns that this is an example of how attacks on civil society activists continue with impunity. In other high-profile cases, such as that of Kateryna Handzyuk who died from injuries sustained in an acid attack last year, a number of individuals have been identified as suspects and charged thanks to public outcry, but proceedings have been riddled with irregularities. These cases underscore the fact that Ukraine has a long way to go when it comes to ensuring that such crimes are investigated effectively and perpetrators held responsible.

Impunity for Hate-Motivated Violence

Our organizations have noted a significant increase in physical attacks, threats, and intimidation of representatives of minorities such as lesbian, gay, bisexual and transgender (LGBT) people, women's rights activists, and Roma people. The evidence indicates that these attacks are often carried out by far-right nationalist groups, and they are able to do so with near total impunity. A member of the group that attacked a Roma camp outside Kyiv more than a year ago was released from house arrest despite claiming responsibility for the attack on social media, and court cases have been continually delayed. On some occasions the police still fail to provide adequate protection for LGBT events or marches, and the police have selectively targeted this community for inappropriate security measures: police raided a gay club in Dnipro in April 2019, forcing all attendees to lay on the ground for hours while they conducted a search, and then opened an investigation into the club essentially claiming, falsely, that it was a brothel. As president, we urge that you send a clear message that all people in Ukraine are entitled to equal protection under the law, and that you will ensure that those who attack, seek to intimidate, or harass civil society activists, journalists, or minority groups will be thoroughly investigated and perpetrators held to account.

False Starts with Civilian Oversight into Law Enforcement

Reports by our organizations, as well as by Ukrainian human rights groups, the United Nations, the Organization for Security and Co-operation in Europe (OSCE), and others have extensively documented problems and abuses in the work of law enforcement and security agencies in Ukraine. The cases mentioned above in this letter further underscore the need for Ukrainian law enforcement to protect civil society activists and members of minority groups, and to hold those who commit crimes against them accountable. The country should establish a reform agenda for security and law-enforcement services which prioritizes their respect for human rights and accountability to society. One key step to achieve this would be by fostering greater civilian oversight through the parliament, civil society, and other independent actors over these agencies. This would lead to more accountability. There are already mechanisms in place that could help achieve this: a Law on National Security passed by the Verkhovna Rada in July 2018 calls for the creation of mechanisms for parliamentary oversight into law enforcement activity, and for a new law regulating the Security Service of Ukraine (SSU). However, the deadline for these steps has long passed, and neither has happened in accordance with existing law. The President, who appoints the head of the SSU, plays a key role in establishing the legitimacy of civilian oversight over it and other law enforcement agencies, and creating the conditions that ensure security services are transparent and subject to external scrutiny.

Infringements on Freedom of the Press

Media freedom is still under pressure in Ukraine. In 2018, the media watchdog, Institute of Mass Information, recorded more than 200 violations of freedom of the press in Ukraine, including 31 cases where a journalist was beaten or attacked. In 2019, this difficult situation for the press continues: journalists continue to fight court orders to hand over cellphone data to the authorities, and television channels have been sanctioned on claims that their pro-Russian tilt undermines Ukrainian sovereignty, which could mean revoking their broadcasting licenses. Physical attacks on journalists also continue: on May 4, the Cherkasy-based investigative journalist Vadim Komarov was assaulted in what the police have now qualified as an attempted murder. He remains in a coma while his attacker has still not been identified. So far in 2019, contrary to the extensive use of this practice in previous years, only one foreign journalist was prohibited from entering the country, and in a positive move, Ukraine's Security Service later revoked this decision.

During your presidency, we ask that you call for an end to the arbitrary use of court orders demanding private information from journalists, ensure that foreign journalists have unfettered access to the country, and that abuses against and attacks on journalists will not be tolerated.

Addressing the Plight of Those Affected by Conflict in Eastern Ukraine

According to the UN, 4.4 million Ukrainians are affected by the conflict with Russian-back armed groups in Donetsk and Luhansk regions. There is no doubt that Ukraine has the right to protect its sovereignty and the security of its people by creating a system of checkpoints along the line of contact with these armed groups. However, some of Ukraine's policies have been discriminatory and create unnecessary hardship for those living in parts of the east not under government control, in particular for older people.

Older people make up more than half of the one million people who cross the line of contact every month. Currently, Ukraine requires people to register as internally displaced people (IDPs) at an address in government-controlled areas in order to receive their pensions. This is a discriminatory rule that creates an unjustified barrier to access for older people to their pensions, to which they have legal entitlement. It has been ruled unconstitutional in decisions by the Ukrainian Supreme Court, but continues nonetheless. As part of this policy, pensioners must cross into government-held territory once every 60 days. Conditions at crossing points are arduous, posing unnecessary risks to health and safety: crossing points have limited sanitary and medical facilities, few mobility aids, and in some places no shelter from extreme heat or cold. Those crossing often face long waits. At one crossing point people have no choice but to walk 1.5 kilometers over a collapsed bridge, a particular challenge for some older people and those with mobility issues.

The Ukrainian government has obligations under international human rights law to ensure that people crossing the line of contact can do so as safely as is practical and without unnecessary barriers, and has obligations to counter discrimination. It is important that the government seek to ease the suffering of those who are effectively hostage to this conflict. Many government officials have instead made derogatory comments about those who still live in these areas, suggesting that they are collaborators who do not deserve the full rights of Ukrainian citizens. We hope that your office will strive to correct this mistake, end the discriminatory rule on pensions by de-linking them from IDP status, and send a strong message of inclusion.

Accountability for Conflict-Related Abuses

Our organizations have documented cases of illegal detentions, torture and ill-treatment that were carried out on both sides of the conflict in east Ukraine. Many were carried out by armed groups in areas not controlled by the government. Others were carried out in government-controlled areas. It is important that the Ukrainian government ensure accountability for those abuses that occurred in government-controlled areas. Unfortunately, there has been little action in response to allegations that Ukraine's Security Service held people in secret detention. For example, in May 2018 a lawyer for Kostyantyn Beskoravaynyi, who had been secretly detained for more than a year at a Ukrainian Security Service building in Kharkiv, [learnt that her client's status went from "victim" to "witness," and his court case then closed](#). It has since been re-opened, but this did not lead to any tangible progress in the investigation. It is vital that Ukraine make sure that past abuses like those perpetrated against Beskoravaynyi are thoroughly investigated and accounted for.

We sincerely hope that our recommendations surrounding these issues will help guide your policies in the coming months, and we are happy to provide further information on any of the above or other issues. We also hope that we can organize a meeting with you or members of your administration to talk about how to best protect the human rights of all Ukrainians.

Sincerely,

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Human Rights Watch

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