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28 October 2010

Re: Call upon Ukraine to stop harassment and repressions of human rights defenders, journalists and academics

We, the undersigned organisations, are deeply concerned about the increased repressions of human rights defenders, journalists and academics in Ukraine and call upon the Ukrainian authorities to respect their international human rights obligations.

On 8 September 2010, Ruslan Zabily, Ukrainian historian Head of the National Memorial Museum of Victims of the Occupation Regimes Tyurma na Lonskoho in Lviv, was arrested by six Security Service officers and taken to the Service's premises. The officers did not introduce themselves to Mr. Zabily and he was not informed of the reasons of his detention nor the charges against him. While detained, he was not granted access to his lawyer. His personal computer containing historical material and academic research was confiscated, the information declared constituting a state secret and criminal investigation initiated.

On 14 September 2010, Dementiy Bily, Ukrainian journalist and Head of the Kherson Regional Branch of the Committee of Voters of Ukraine (member of the Ukrainian Helsinki Human Rights Union), was assaulted and beaten up by 2 unidentified persons. The assault happened during the presentation of the report of the City Mayor Volodymyr Saldo, where Mr. Bily was not allowed to enter the hall by security guards. The presentation was a closed event. After being admitted access, Mr. Bily was shown out from the hall as he called to allow voters, opposition deputies and other journalists to take part in the presentation. The Prosecutor's Office has initiated a criminal investigation of the assault. However, the Prosecutor is refusing to launch an investigation under Article 171 of the Criminal Code, namely obstructing journalists in the course of their legitimate professional activities.

On 14 October 2010, Oleksiy Verentsov, Ukrainian lawyer and human rights defender – leader of local human rights NGO “Vartovi zakonu” (Guards of the Law) and his colleague Ihor Tanyachkevych, were arrested after organising a peaceful demonstration in front of the Regional Prosecutor Office in Lviv, calling for proper investigation of criminal cases. He was charged with

violations of the rules of organising demonstrations (Article 185 and 185-1 of the Code of Ukraine on Administrative Offences), namely disregard of lawful instructions of a police officer to cease the demonstration in absence of a permit whereas under Article 39 of the Ukrainian Constitution a permit is not required for peaceful demonstrations. During the court hearing of his case in Halytsky District Court in Lviv, Oleksiy Verentsov's and Ihor Tanychkevych's lawyer was not granted access to the courtroom and the witnesses were not interrogated.

At 11pm of 15 October 2010, the police raided the office of Vinnitsa Human Rights Group without a court order, which is required under Article 8 of the European Convention. Financial reports, confidential information about the clients and refugee cases and written confidential communication between the Vinnitsa Human Rights Group and the European Court on Human Rights regarding the cases *Kulik v. Ukraine*, *Zabolotni v. Ukraine*, and *Aleksei Makarov v. Ukraine* were among the documents and materials that were confiscated during the raid.

The above-mentioned cases are the most recent illustrations of recurring and ongoing threats, intimidation, harassment and violence against human rights defenders, journalists, and academics in Ukraine.

Concerned about the situation, we call upon the Ukrainian authorities:

- to conform with all provisions of the European Convention on Human Rights (ECHR) and the International Covenant of Civil and Political Rights (ICCPR) to which Ukraine is a State party, especially to respect and ensure the right to peaceful assembly (Article 11 ECHR and Article 21 ICCPR), the right to freedom of expression (Article 10 ECHR and Article 19 ICCPR), and right to fair trial (Article 6 ECHR and Article 14 ICCPR).
- to comply with all the provisions of the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (also called the Declaration on Human Rights Defenders).
- to take all necessary measures to prevent harassment, threats and violence against human rights defenders, journalists and academics
- to conduct an immediate, thorough and objective investigation of the abovementioned cases and bring those responsible for the attacks to justice.
- to gather civil society organisations, international governmental organisations represented in Ukraine, and other stakeholders to discuss and adopt concrete policies to fulfil Ukraine's international commitments, especially those recommendations made at the Human Rights Council's Universal Periodic Review in May 2008, and other international obligations, especially the recommendations made by United Nations treaty bodies.

Sincerely,

Ukrainian Helsinki Human Rights Union

Belarusian Human Rights House in exile in Vilnius, Lithuania

Russian Research Center for Human Rights (on behalf of the following NGOs):

- Human Rights Network Group
- Independent Psychiatric Association of Russia
- Moscow Centre for Prison Reform
- Moscow Helsinki Group
- Mother's Right Foundation
- Non-violence International

- Right of the Child
- Right to Live and have Civil Dignity
- Social Partnership Foundation
- Union of the Committees of Soldiers' Mothers of Russia

Youth Human Rights Movement (Russia)

Human Rights House Baku (on behalf of the following NGOs):

- Women's Association for Rational Development (WARD)
- Association for the Protection of Women's Rights in Azerbaijan after D. Aliyeva
- Legal Education Society
- Media Rights Institute
- Society for Humanitarian Research

Human Rights House Tbilisi (on behalf of the following NGOs):

- The Human Rights Center (HRIDC)
- Article 42 of the Constitution
- The Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT)
- Union 'Saphari' – Family Without Violence
- The Caucasian Center for Human Rights and Conflict Studies (CAUCASIA)

The Helsinki Association (Armenia)

Shakhhatun-Political Prisoners' Wives (Armenia)

Human Rights House Sarajevo (on behalf of the following NGOs):

- Association of Female Citizens "Renaissance"
- Foundation CURE
- Helsinki Committee for Human Rights in Bosnia and Herzegovina
- Regional Co-ordinator for Youth Groups
- Serb Civic Council - Movement for Equality - The Council of the Sarajevo Canton
- Woman and Society Centre

Human Rights House Zagreb (on behalf of):

- B.a.B.e.
- Centre for Peace Studies
- Civic Committee for Human Rights
- Documenta – dealing with the past
- UPIM - Equal Opportunities
- Svitanje - mental health

Open Word House (on behalf of the following NGOs):

- PEN International
- Writers in Prison Committee
- Article 19

Helsinki Foundation for Human Rights (Poland)

The Norwegian Human Rights House (on behalf of the following NGOs):

- Human Rights House Foundation
- Norwegian Helsinki Committee

- Health and Human Rights Info
- FIAN

Copies have been sent to:

- Directorate General of Human Rights and Legal Affairs of the Council of Europe, Strasbourg
- Office of the Commissioner for Human Rights of the Council of Europe, Strasbourg
- UN Special Rapporteur on the Situation of Human Rights Defenders, Geneva
- UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Geneva
- UN Special Rapporteur on the Independence of Judges and Lawyers, Geneva
- The Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe, Warsaw
- State representations in Ukraine

About the Human Rights House Network (www.humanrightshouse.org)

The Human Rights House Network is a forum of cooperation between established and emerging Human Rights Houses, uniting 70 NGOs in 15 countries in Western Balkans, Eastern Europe and South Caucasus, East and Horn of Africa, and Western Europe. HRHN's aim is to protect, strengthen and support human rights defenders and their organizations.