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USAID HUMAN RIGHTS IN ACTION PROGRAM**

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USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES

HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY

In search of a mechanism for securing the release of Ukrainian hostages of Kremlin and ensuring observance of their rights

We would like to report several events held by the United States Agency for International Development (USAID) Human Rights in Action Program (being implemented by the Ukrainian Helsinki Human Rights Union, UHHRU) that all together make up a subject-matter advocacy campaign:

✓ Launching a series of awareness-raising publications¹

A key message is that every detainee #MustBeLiberated, and the series is mostly aimed at stirring up the negotiations process towards people's release from imprisonment.



A MAP OF PERSONS DETAINED IN RESULT OF CONFLICT

Russia and the pro-Russian side:

1. **Temporarily occupied territories of Donetsk and Luhansk oblasts – 118**

- o de facto prisoners of war (combatants) – 18
- o hostages (civilians) – 100

Ukraine considers that both the military and civilians are hostages, however, they were not assigned a special status. Their detention is not legal even according to the Russian law, because the Russian Federation did not officially recognize the so-called "DPR" and "LPR".

2. **Occupied Crimea – 34**

- o citizens of Ukraine detained on political grounds

People are captured by the occupation authorities of Crimea, they are sentenced by occupational "courts" or Russian courts – after that they are forcibly moved to the territory of the Russian Federation. Mostly, they serve sentences in Russia. From the Russia's point of view, judgements of the occupation Crimean "courts" are legitimate. Ukraine does not recognize these court verdicts even if Russian courts consider the appeal.

3. **Russia – 61**

- o citizens of Ukraine captured at the territory of the Russian Federation – 8
- o prisoners of war (Ukrainian sailors) – 24
- o citizens of Ukraine captured in the occupied Crimea and forcibly moved to the territory of the Russian Federation for the purpose of serving a sentence or holding a trial – 29

Ukraine:

- o citizen of Ukraine*
- o citizens of the Russian Federation – 21**

Both combatants and those suspected of and convicted of treason, espionage, and the like.

* the number is unknown

** those who are willing to be transferred to Russia and signed the relevant document



We would like to familiarize readers with worldwide experience of exchanging and liberating hostages, political prisoners and POWs, and the opening publication in this series is devoted to important role of a negotiator – [link in Ukrainian](#).

The second one is devoted to an important role of a political pressure factor in the liberation process – [link in Ukrainian²](#)

¹ This outreach campaign is launched jointly with ally Media initiative for Human Rights NGO and Euromaidan Press public initiative.



✓ Roundtable on “protected persons” status was held

USAID Program [co-hosted](#) a roundtable “Forgotten alive persons. Legislative regulation of the protection of hostages, prisoners and political detainees” (*link is in Ukrainian*)³. It is important that public authorities shared NGO’s stance as regard adoption of the qualitative law, which will assure necessary degree of protection to Kremlin’s hostages, while the existing bills 8337 and 8205 contain shortcomings. We will continue advocating towards voting the bill 8205 with introduction mandatory amendments proposed by the civil society⁴.



✓ Speaking in London, the UK to advocate towards detainees’ protection

Program’s expert [visited](#) (*link in Ukrainian*) a documentary movie screening devoted to the Ukrainians political detainees (whose number equals 70). She managed to present Program’s materials on detained Ukrainians and discuss with partners the possible ways of securing their release. The event was [organized](#) by the Embassy of Ukraine to the UK and allies.

✓ Ukraine should promote the format of negotiations to address the humanitarian situation in Crimea

USAID Program expert [took part](#) in the international Black Sea Security Forum in Odesa, organized by Ukraine’s Ministry of Foreign Affairs (*link in Ukrainian*). In our opinion, such discussions should take into account the human rights factor, which is being one of dimensions of security.

² An accompanying [post on Facebook](#).

³ Jointly with the Media Initiative for Human Rights NGO, Legal Hundred NGO, Association of Relatives of Kremlin’s Political Prisoners, Blakytnyi Ptakh NGO, and Ukraine’s Ministry of Information Policy.

⁴ See also new interviews with Program experts [here](#) and [here](#) (in Ukrainian) from which you can learn more about the legislative protection of Kremlin’s detainees.



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Control over implementation of the Law of Ukraine No. 2505-VIII “On the legal status of missing persons” (*links are in Ukrainian*)

Program’s representatives joined [sitting](#) of the Verkhovna Rada’s Human Rights Committee, agenda of which among other included discussion on how the GOU implements [the said law](#)⁵. To conclude, the governmental lawmakers are now busy with the adoption of a Regulation on the commission on missing persons’ affairs, as its adoption unlocks the next level of law’s execution – creation of a nation-wide register of missing persons.

Program’s efforts aimed at defending the people whose health has suffered because of the conflict (*links are in Ukrainian*)

- ✓ Our expert finished a tour across eastern conflict-challenged towns to present Program’s analytical account “Rehabilitation of the victims of the conflict”. It included the cities of [Mariupol](#), [Pokrovsk](#), [Toretsk](#), and a closing session in [Sumy](#)⁶. The aim was not just to once again remind the society of the need to provide rehabilitation to people with the conflict-caused health problems, but also to talk about necessity to elaborate the recommendations for the regional and local authorities on how to ensure an appropriate degree of protection for the suffered people.

We would like to propose to your attention a latest subject-matter [publication](#)⁷, which once again summarizes the overall rehabilitation services system in Ukraine and how it satisfies people’s needs.

- ✓ During presentation of an [Alternative Report](#) on the Implementation by Ukraine of the UN Convention on the Right of the Child in 2011-2018⁸, our expert delivered remarks about protection of the rights of children, who suffered from the armed conflict and provision of the rehabilitation services in that respect.

Program’s fact-finding visit to Donetsk Oblast (*link are in Ukrainian*)

The visit was aimed at monitoring of human rights compliance situation in Mariupol, Berdyanske, Sopyne, Lebedynske, and Granitne (which are located in close proximity to the contact line). Outcomes are available on [our website](#)⁹. We can conclude that the documenting-focused NGOs do not pay enough attention to the southern areas of Donetsk Oblast. The territory between the villages Shyrokyne and Novotroyitske along the contact line requires a more thorough study in regards to violations of international humanitarian law and human rights in general.

To reiterate, proper documentation of human rights violations committed in connection with the armed conflict and occupation is an integral part of the [transitional justice model](#), which the Program supports and which, once implemented, could be Ukraine’s only option for transitioning from ongoing conflict to post-conflict recovery.

⁵ The Committee also [released a public address](#) (*link in Ukrainian*) calling the GOU urgently speed up the process. Just reminding that this piece of legislation (co-authored by a cohort of MPs, international organizations and domestic human rights groups, including UHHRU/Program) is Ukraine’s first step in creation of the national search mechanism, which allows to properly regulate the legal status of the missing persons and the process of their search as well as to ensure due legal protection of such persons and their relatives in line with IHL, international human rights law and recommendations of the Council of Europe and International Committee of the Red Cross.

⁶ Local TV news [release](#) about this.

⁷ An accompanying [post of Facebook](#).

⁸ Prepared by the Coalition “Rights of Child in Ukraine” and Ukrainian Child Rights Network.

⁹ An accompanying [post on Facebook](#).



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Strengthening ties with USAID RADA Program

USAID Human Rights in Action's delegation [met](#) (*link is in Ukrainian*)¹⁰ with representatives of the USAID RADA Program: Responsible Accountable Democratic Assembly to consider cooperation issues, including sharing expertise. Such a collaboration may be beneficial in terms of crafting draft legislation as well as promoting already elaborated legislative papers to protect rights of victims of conflict and occupation.

Promoting the issue of compensation for conflict-damaged/destroyed properties in Ukraine

As a part of lasting Program-supported multilayered work, our lawyer talked about domestic legislation relating to the mechanism of compensation for the damaged property at a [roundtable](#) "Destroyed property of civilians: still topical for Ukraine on the 5th year of the conflict" (*link in Ukrainian*). As a result, it was agreed on necessity to create a work group under the Ombudsperson's Secretariat, which will work towards defining mechanisms for assessing the damage caused and assisting conflict victims.

Other related activities by UHHRU in brief:

- **UHHRU joined peaceful street action to remind about Kremlin's crimes in Crimea**

On March 9, there was held a [solidarity action](#) (*link is in Ukrainian*) by Crimea-focused NGOs tilted, marking the birth anniversary of the famous Ukrainian poet Taras Shevchenko. Starting from 2014, this day symbolizes a non-violent resistance of Crimeans (displaced from and remaining in peninsula) to occupation.

- **Situation with observing the advocates' rights in the context of the armed conflict in Ukraine**

UHHRU continues furthering the findings of analytical report "Advocates under occupation: situation with observing the advocates' rights in the context of the armed conflict in Ukraine":

- ✓ Jointly with report's co-author Regional Center of Human Rights and under participation of experts from the National Bar Association, state-funded system of free legal aid, partnering advocates from occupied Crimea, a roundtable was [hosted](#) to discuss recommendations stemming from the named analytical account (*link is in Ukrainian*).
- ✓ Besides, in concert with allies, we have prepared a multi-language [video clip](#) to voice out some of the most speaking human rights defenders' stories as well as some statistics on the matter concerned.

- **Statement against mass searches in the houses of Crimean Tatar activists in occupied Crimea**

Crimean occupational authorities [launched](#) another wave of searches in the homes of the Crimean Solidarity Movement' members and civic activists, which resulted in arrests of 23 persons. A relevant public statement of human rights NGOs is placed on our website – in [English](#) and in [Ukrainian](#). Also, a relevant FB posting can be found here in [English](#) and here in [Ukrainian](#).

¹⁰ An accompanying [post on Facebook](#).



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STRATEGIC LITIGATIONS

Within this direction the USAID Human Rights in Action Program supports strategic legal cases domestically and internationally to protect public interests¹¹, as well as assures their broad media coverage among the professional community and the public. Total number of UHHRU Strategic Litigation Centre's (SLC) cases within the Program equals 236.

Important judgement allowing to carry medicine while entering or leaving GOU-uncontrolled territories

First instance court in Kyiv [ruled](#) (*link is in Ukrainian*) that from now on goods and medicines can be freely transported to and from the GOU-uncontrolled territories of Donetsk and Lugansk Oblasts. The matter is that previously IDPs were experiencing serious limitations in that respect, imposed by Ukraine's Cabinet of Ministers Resolution No 99 and IDPs Ministry Order No 39. Our lawyers believe that both documents are of discriminatory nature, so some time ago the Chuguiv Human Rights Group (a UHHRU member organization) decided to launch a corresponding litigation which now resulted in a success with USAID Program's support.

Landmark judgement by ECtHR concerning life-sentenced inmates

The European Court of Human Rights has [issued](#) a crucial judgement (in a *Petukhov v. Ukraine* case, No 2)¹², slamming Ukraine's treatment of people sentenced to life imprisonment and ordering the GOU to reform a system that gives life prisoners no hope to release. Although the Court's ruling is not about potentially release, but about establishing mechanisms of release for life prisoners and the possibility of a review of their sentences.

UHHRU's release in Ukrainian is given [here](#), footage of a corresponding media event – [here](#).

Other related activities by UHHRU in brief

- **UHHRU representative joined roundtable to discuss the necessity to ratify the Rome Statute of the ICC**

Event was [hosted](#) by International Law Committee of the Presidential Administration of Ukraine jointly with Ukrainian International Law Association NGO (*link is in Ukrainian*). Our strategic litigation lawyer delivered remarks on examination of the situation in Ukraine by the Prosecutor of the International Criminal Court (ICC).

- **UHHRU's 7th submission to the ICC Office of the Prosecutor**

Also co-authored by International Partnership for Human Rights, Global Diligence LLP and Truth Hounds, the [submission](#) contains numerous evidence of Kremlin's war crimes and crimes against humanity committed against civilians in eastern Ukraine (including mass murders, extrajudicial executions, and torture).

¹¹ Strategic litigations are one of the most powerful tools of human rights protection; conducted in the interests of a citizen or a group of citizens to achieve systemic changes in the legal field for the benefit of society and used for the purpose of creating the case-law (precedents).

¹² Supported by the USAID Human Rights in Action Program in its previous 2014-2017 cycle.



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FREE LEGAL AID

[UHHRU network](#) of legal aid centers (LACs) keeps on delivering free legal aid (including outreach legal consultations in the remote areas), holding information and awareness raising events in the sphere of human rights as well as documenting war crimes and conflict-related human rights abuse. USAID supports activities of the UHHRU's legal aid centers in Sloviansk, [Toretsk](#), [Mariupol](#), Kramatorsk, [Pokrovsk](#), [Sumy](#) and Dnipro providing legal aid to conflict-affected population, as well as a [Kyiv-based Specialized LAC](#) targeting both Crimean and Donbas residents and IDPs and a Specialized Crimea-oriented LAC in Kherson.

Events to raise awareness of citizens regarding protection of their rights *(links are in Ukrainian)*

- **Sumy LAC developed an algorithm on IDPs' actions to unblock their pensions**

Unlawfully suspended pension payments of IDPs as well as to the residents of GOU-uncontrolled territories is a common practice in Ukraine. Since UHHRU/Program lawyers are experienced in retrieving such payments, we propose the cutting-edge [recommendations](#) for everyone's perusal, in Ukrainian.

- **Dnipro lawyer was spreading messages on Program-supported transitional justice model for Ukraine amid discussion with students**

To be specific, a subject-matter [seminar](#) welcomed the law students from the University of Customs and Finance.

- **Right to be granted a PWD status due to injury**

The Kramatorsk LAC authored an [article](#) on this topic.

- **Crossing a contact line in Donbas by one of parents with a small child**

The Mariupol-based LAC [has put tips](#) for parents on its web page, since, as it turns out, a lot of people are confused about this subject.

Assistance to victims of the conflict and occupation *(links are in Ukrainian)*

- **Helping register births and deaths that occurred in the temporarily occupied territory**

- ✓ A resident of Horlivka turned to the Kramatorsk LAC for help in connection with her mother's death. The woman wanted to get financial aid for the funeral as well as the remainder of her mother's pension, but it proved impossible with the paperwork she had on her hands. Program lawyers filed a lawsuit and subsequently [won](#) the case.

- ✓ Mariupol LAC was approached by IDPs who needed to get a birth certificate for a child and a death certificate for their father. However, when preparing court applications, the lawyers encountered difficulties since the so-called public authorities in "Donetsk People's Republic" does not provide a copy of birth or death certificates, while Ukrainian courts require the original (or a copy) of the said documents. In light of this, the lawyers advised the applicants to contact the hospitals in the temporarily occupied territories and to obtain copies of the certificates there; after that a proper application along with additional evidence was submitted to the court, which decided to satisfy the requests in full.



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- ✓ Pokrovsk lawyers [helped](#) a woman, and explained a step-by-step procedure on how a person can receive a Ukraine-standard death certificate if his/her relative has met death in the occupied territory of Ukraine.

- **Helping an IDP from Luhansk to protect her voting right**

Our Kyiv-based lawyer [scored victory](#) in court, helped a woman to change her voting place and thus enabled her participation in the coming presidential elections 2019. Previously, the woman was unlawfully denied to be registered as a voter by one of Kyiv's departments of the State Register of Voters of Ukraine.

- **UHHRU to file a lawsuit to cancel a discriminatory resolution No 746 by the National Energetic Commission**

[Here](#) are updates on the situation around hundreds of IDPS from Pavlohrad of Dnipropetrovsk Oblast, who reside in a modular village for IDPs and face a burden of suddenly-raised utilities tariffs. Our lawyers believe this happens in breach of legislation, and local officials have to approach these people with more care and respect.



HUMAN RIGHTS EDUCATION AND AWARENESS RAISING

UHHRU keeps on organizing human rights training events as well as formulating a comprehensive national human rights education policy. This activity is implemented under Ukraine-wide Educational Program "[We Understand Human Rights](#)" (WUHR)¹³, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

¹³ Launched since 2007, WUHR Program envisages development of informal human rights education, contributing to cultivating a human rights culture, strengthening respect for the rule of law in Ukraine, promoting intercultural understanding



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Advancing the skills of Ukrainian legal practitioners in a “game” format

Within piloting its training course on IHL the Program hosted¹⁴ a [moot court sitting](#) for a mixed group of judges, lawyers and the Crimean prosecutors (*link is in Ukrainian*). 24 participants were simulating a trial hearing touching upon crimes resulting from Crimea’s occupation, and all in all announced a decision that is in harmony not only with domestic legislation but also considers international law of armed conflict. Based on requests of the public, representing all the parties to the trial, the experts developed fable and all appendixes necessary for application of the Articles 110, 111, and 438 of the Code on Criminal Proceedings of Ukraine; prepared description of the moot court format and methodology; and in practice analyzed the key challenges which lawyers face in course of IHL norms application within domestic legal proceedings.



Later, using moot court’s feedback and experience it is planned to develop a methodological guidance on application of IHL regulations in domestic legal proceedings that will be distributed among the prosecutors, judges, and advocates for further use in their day-to-day work.

Within analytical work related to certification by Ukraine of educational documents issued for school graduates residing in the occupied territory of Crimea and NGCA of Donbas

USAID Program continues cooperation with Ukraine’s Ministry on Temporarily Occupied Territories and IDPs to prepare analytics touching upon quantitative and qualitative indicators of certification.

Besides, we would like to share the latest interview of Program’s expert, which explains the problematic situation around educational services for the youth from the occupied territories of Ukraine (in particular, the certification issue mentioned above) – [link in Russian](#).

Program held side events on transitional justice during Human Rights Documentary Film Festival “Docudays UA” (*links are in Ukrainian*)

One of them was a master-class “Paint your own vision of truth” – a glimpse of what was happening that day is available from [this link](#). The event employed a creative approach to explain to the visitors what a right to know the truth means in the era of information wars and post-conflict truth, which is especially relevant to today’s Ukraine.

and principles of peaceful resolution of conflicts. The Program currently counts more than 3,500 alumni from all regions of Ukraine.

¹⁴ Jointly with the USAID Nove Pravosuddya Justice Sector Reform Program.



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Although the conflict is not over yet, Ukrainians should already be thinking of the future – about what is going to happen to those who took up arms, whether will they be brought to justice, how are we going to reconcile with those who made mistakes, and an issue of specific importance – what to choose, national remembrance or historical truth? All this was discussed during one of our [events](#) conducted in “a coffee with human rights defenders” format.

MAIN EVENTS IN HUMAN RIGHTS AREA

Ukrainian Archbishop detained in Kremlin-occupied Crimea, later released

Archbishop Klyment of Simferopol and Crimea, who heads the Crimean Diocese of the Orthodox Church of Ukraine in Russia-occupied Crimea, was detained on Sunday morning, 3 March, and held in custody until late evening, facing two separate charges of breath-taking cynicism – [details are available here](#) (another [publication](#) in Russian).

It is worth of mentioning that Archbishop Klyment has been tirelessly defending those, who face persecution since Russia’s invasion, so such episode looks like continuation of repressions linked to his efforts to help victims detained in Russia and Crimea.

This also can be considered as a part of the so-called “religious occupation”, i.e. oppression of the Ukrainian Orthodox Church of the Kyiv Patriarchate in Crimea by the occupational authorities. Just reminding that a relevant UHHRU-co-authored issue of Crimea Beyond Rules analytical law digest is placed [here](#), in Russian.

MEPs call for EU Magnitsky Act to impose sanctions on human rights abusers

In a [resolution](#) adopted on March 14, the European Parliament calls for a new sanctions regime to be established at EU level to impose asset freezes and visa bans on individuals involved in grave human rights violations. The list should include state and non-state actors who have contributed, physically, financially or through acts of systemic corruption, to such abuse and crimes, worldwide.

UN OHCHR spells out that Russia is holding 24 Ukrainian POWs

In its first quarterly report since Russia’s attack on three Ukrainian naval ships near Crimea, the Office of the UN High Commissioner for Human Rights [stated](#) that international humanitarian law should be applied and that 24 Ukrainians seized on 25 November 2018 are prisoners of war. This is the first time that such an international body has spelled this out, demolishing Russia’s attempts to deny that the 24 men are POWs, and highlighting Russia’s continuing violations in trying to foist criminal charges upon the men.

Large-scale crack down on human rights activists and other individuals in occupied Crimea

On 27 March, representatives of the Russian Federal Security Service (FSB) raided houses of Crimean Tatars located in the city of Simferopol, Bilohirsky and Krasnohvardiysky rayons. Totally,



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27 houses were searched, 20 Crimean Tatars were apprehended and taken to the FSB office in Simferopol. Also, three out of the four Crimean Tatar activists, who were absent at home during searches, were detained on March 28 in the territory of the RF. Location of the fourth person still remains unknown. All detained persons were placed under arrest until 15 May 2019 by the decision of the occupational court. The charges are based on the Crimean Tatars' alleged participation in the Hizb ut-Tahrir religious organization, recognized as a terrorist one by the Russia but legitimate in Ukraine.

It should be mentioned that three more persons, who came to support detained people, are accused of committing administrative offence.

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