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**DIGEST No 8(61) BY UKRAINIAN HELSINKI HUMAN RIGHTS UNION,
USAID HUMAN RIGHTS IN ACTION PROGRAM**

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USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES

HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY

Transitional justice scenario for Ukraine: A compilation of publications to expand subject-matter knowledge or to reflect on this complex issue (*links are in Ukrainian*)

- Ukraine's Ministry of Justice organized a series of online meetings with the civil society representatives in order to discuss ways of improvement of the country's National Human Rights Strategy¹.

The USAID Human Rights in Action Program reminded everyone that since the transitional justice model is actively discussed nowadays as one the priority ways to tackle the conflict-generated challenges, we should find ways to mention it/ or incorporate its fundamentals in the National Human Rights Strategy as well.

- An [analytical brief](#), co-authored by UHHRU for the Ukraine Reform Conference 2020 to be held in Vilnius, deals with human rights issues and reintegration of the temporarily occupied territories of Ukraine.
- The "Telebachennya Toronto" looks at the very essence of transitional justice – their [story](#) is largely dedicated to amnesty, an issue politicians are often reluctant to discuss.

Перехідне правосуддя має бути частиною Нацстратегії у сфері прав людини



УКРАЇНЬКА ГЕЛЬСІНЬСЬКА СПІЛКА З ПРАВ ЛЮДИНИ



- The lessons Ukraine can learn from the vetting of judges and prosecutors after reunification of the West and East Germany were the subject of [online discussion](#) with German partners, who talked about country's experience relating to checks of the personal and professional qualifications of judges and prosecutors from the German Democratic Republic in 1990. [We](#)

¹ According to the civil society, the National Human Rights Strategy has a disappointing number of 28% as overall completion progress – [link in Ukrainian](#).



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[believe](#) that Ukraine should already be working on new legal approaches to vetting those individuals who currently work in the illegal occupying “administrations” and violate human rights and/or those who contributing to make the occupation happen.

Persons without a Russian citizenship can no longer own land in Crimea – is there a way to fight this arbitrary decision of the occupying power? (links are in Ukrainian)

[As reported earlier](#), according to the decree of RF’s President, foreigners, stateless persons and foreign legal entities are not allowed to own land plots near the coastline in Crimea which is almost the entire peninsula. This also refers to Crimea’s residents unless they are the Russian passport holders. Now we’d like to propose to your attention [the article](#) prepared by the “Day” media outlet which holds remarks of our Crimea-focused lawyer and intends to explain why this decree is unlawful, who is in danger of being deprived of their property and what can be done to fight it?

Relaxed admission to Ukrainian universities for youth from temporarily occupied territories picks up in pace (links are in Ukrainian)

- In light of the fact that Ukraine’s Education Ministry provided enrolees from Crimea and Donbas with possibility to enter one of the 109 HEIs throughout Ukraine under the simplified procedure, there is a growing demand for clarifications regarding nuances of the refreshed 2020 admission procedure. Hence, the USAID Human Rights in Action Program and the Mission of the President in Crimea co-prepared [more tips](#) to dispel non-acquaintance of young people from temporarily occupied territories who wish to be enrolled, but lack appropriate information.



- USAID Program also [welcomes](#) Ministry’s decision and other involved public officials’ efforts to introduce a Quota-2 Admission Procedure for youth from NGCA of eastern Ukraine as already



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done for the Crimean residents. As well as to provide youth residing in TOT with opportunity to enter Ukrainian HEIs in 2020 without passing external independent testing due to restrictions on freedom of movement linked to the COVID-19. Ukraine's President has already submitted amendments to the law on higher education to be considered by the parliament to simplify admission procedure².

Other related activities by UHHRU in brief:

- The colonization of Crimea and change of its demographic composition have become a complicated and multifaceted problem which involves a wide range of issues related to human rights and sociology. Whatever the violations of fundamental human rights taking place in the temporarily occupied peninsula, it almost universally comes down to attempts meant to change its demographic structure. These processes are difficult to measure accurately, largely due to the lack of access to the peninsula, but human rights defenders are still able to procure some useful [information](#).



It should be stressed that thanks to such work several submissions on Crimea's colonization were sent earlier to the International Criminal Court (ICC) jointly by the UHHRU, Regional Center for Human Rights and Crimea Prosecutor's Office, as well as the subject of peninsula's colonization appeared in the UNGA [resolution No74/168](#) (2019) and the annual report of the ICC Prosecutor.

We also would like to remind about the relevant thematic issues of "Crimea Beyond Rules" analytical law digest, namely "[Transfer by the RF of parts of its own civilian population into the occupied territory of Ukraine](#)" of 2015 and "[Forcible Expulsion of the Civilian Population from the Occupied Territory by Russia](#)" of 2018. *The full list of digests in English and Russian can be viewed [here](#).*

- Whoever the Kremlin's detainees are – the victims of political persecution in Crimea or hostages of illegal armed groups in Donbas – human rights activists are doing their best to help them, in

² Already adopted by the Verkhovna Rada and signed by the President as of early July 2020 – [link in Ukrainian](#).



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particular by keeping their stories prominent in the information space, preventing them from being forgotten. In this regard, we would like to share an [updated infographic](#) about political detainees (94 persons so far), as well as a [new column](#) with already familiar [#MustBeLiberated](#) hashtag dedicated to the stories of civilian hostages of the self-proclaimed “L/DPR” (*for more related posts please follow [our Facebook page](#)*).

- UHHRU as part of human rights coalition made a submission to the UN Human Rights Committee concerning the temporarily occupied Crimea. The document named “Information for compiling the List of Issues for the review of 8th report of the RF on the implementation of the International Covenant on Civil and Political Rights (in the context of the Covenant’s application in Crimea)” can be found [from this link](#) accompanied by a brief explanation, in Ukrainian, what questions, as we believe, the Committee should inquire the RF as an invader-state while hosting its next 129th session.

STRATEGIC LITIGATIONS

Within this direction USAID Human Rights in Action Program supports strategic legal cases domestically and internationally to protect public interests³, as well as assures their broad media coverage among professional community and public. Total number of conflict-related UHHRU Strategic Litigation Centre’s (SLC) cases within the Program equals 165.

Other related activities by UHHRU in brief:

- **Application to the European Court of Human Rights (ECtHR)**
 - ✓ An applicant, illegally detained by the representatives of the so-called “DPR”, is being held at the Makiyivka penal colony located in the non-government-controlled areas and is being denied treatment for his chronic illnesses. This could result in further deterioration of his health. Following our complaint, the European Court of Human Rights (ECtHR) ordered the Ukrainian and Russian governments to take urgent measures in order to provide the applicant with medical care and release him, after which to immediately inform the Court of the measures taken.
 - ✓ During the shelling of Kramatorsk, one of the shells hit the applicant’s apartment, completely destroying his property. The apartment has been declared unfit for human habitation. Hence, an application was lodged with the ECtHR against Ukraine and Russia concerning violations of the right to peaceful possession of property, the right to respect for private life and home and the right to a fair trial, as well as the lack of effective remedies for these violations.
 - ✓ Supplements to the earlier lodged application were submitted in the case of a former political detainee of the self-proclaimed “DPR” concerning violations of a number of the European Convention on Human Rights articles, including those dealing with forced labour, deprivation

³ 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).



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of procedural safeguards, unlawful conviction and confiscation of property, as well as interference with family life and failure to provide effective legal remedies.

- **Cooperation with the ICC Prosecutor's Office**

UHHRU and partners expanded their previous submission to the Office of the Prosecutor of the International Criminal Court with new evidence of Russian national Igor Girkin's involvement into committing war crimes and crimes against humanity in eastern Ukraine.

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 [Toretsk](#), [Mariupol](#), Kramatorsk, [Pokrovsk](#) of Donetsk oblast, [Stanytsa Luhanska](#), [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 people's awareness on how to protect their rights and further informational activities adhering to Program's objectives (*links are in Ukrainian*)

- The Stanytsa Luhanska LAC [reminds](#) that the Tax Code of Ukraine allows IDPs to get some of the money they spend on rent back through tax deductions, while the [Sumy LAC](#) in the same manner reminds that IDPs can apply for a housing subsidy.
- Ukraine's Cabinet of Ministers has amended the resolution on quarantine. The amendments, among other things, provide for a different procedure for crossing checkpoints at the administrative border with Crimea/ line of contact in Donbas, as well as cancel trial external independent testing for the youth from the temporarily occupied territories. Latest news on the matter concerned can be followed on Sumy LAC's [Facebook page](#). As well, [other relevant information](#) can be found in the *Monitoring, Analytical Activity and Advocacy* section above.

Clarifications are good and all, but unfortunately, things don't always go the way it is described in regulations. A particularly nuanced issue right now is the crossing of the administrative border by entrants and students from the temporarily occupied territories – an almost quintessential [case](#) can be read on the page of our Dnipro LAC which, along with other legal aid centres of UHHRU/USAID Program, provide free legal aid to those in need.

Latest infographics to illustrate legal aid network's performance

The Program continues regular reporting on the LACs' legal aid delivery in conflict-affected regions. We are glad to present information covering [May 2020](#) with thematic, regional and gender disaggregation.



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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)⁴, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

Program continues co-hosting a series of webinars for legal practitioners (*links are in Ukrainian*)

These webinars are organized in partnership with the Mission of Ukraine’s President in Crimea and devoted to application of transitional justice, international humanitarian and international human rights law amidst the armed conflict and occupation:

Серія вебінарів про
Перехідне правосуддя
Міжнародне гуманітарне право
Міжнародне кримінальне право
Міжнародне право прав людини

05.06 13.00
ВЕБІНАР
"Кримінальна відповідальність за воєнні злочини"
ОКСАНА СЕНАТОРОВА, членка робочої групи з реінтеграції тимчасово окупованих територій у складі Комісії з правової реформи

ВЕБІНАР
"ПЕРЕХІДНЕ ПРАВОСУДДЯ ТА ПЕРЕСЛІДУВАННЯ МІЖНАРОДНИХ ЗЛОЧИНІВ У МІЖНАРОДНОМУ КРИМІНАЛЬНОМУ СУДІ"
12 ЧЕРВНЯ 14:00
Гаяне Нуріджян, магістр та доктор права, старший викладач на кафедрі міжнародного та європейського права Факультету юридичних наук у НаУКМА

ВЕБІНАР
«РОЛЬ МІЖНАРОДНОЇ СПІЛЬНОТИ У ПОСТКОНФЛІКТНОМУ ПРАВОСУДДІ ТА ГУМАНІТАРНОМУ ВІДНОВЛЕННІ. УРОКИ СІРІЇ»
01 ЛИПНЯ 18:00
УЕЙН ДЖОРДАШ, керуючий партнер, міжнародна правозахисна група Global Rights Compliance
ІБРАГІМ ОЛАБІ, засновник Програми правового розвитку Сирії
МАРІЯ ТОМАК, модераторка

- Another webinar titled “[Criminal responsibility for war crimes](#)” took place. The guest speaker was Oksana Senatorova, member of the Working Group on Reintegration of Temporarily Occupied Territories under the Presidential Legal Reform Commission.
- The [next one](#) was delivered by Gayane Nuridjanyan from the National University of “Kyiv-Mohyla Academy”, and was devoted to transitional justice and prosecution of international crimes at the ICC.

⁴ Launched in 2007, the 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 and principles of peaceful conflict resolution. The Program currently counts more than 3,500 alumni from all regions of Ukraine.



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- Later, the Program co-hosted the [final webinar](#) titled “The role of the international community in the post-conflict justice and humanitarian recovery. Syrian lessons” jointly with Global Rights Compliance LLP. Based on example of the Syrian conflict, it touched upon the issue of humanitarian dimension and justice in terms of priority steps to be taken by the country suffering from the armed conflict.

Launching a series of webinars for educators titled “How to teach certain issues of Russia’s armed aggression in eastern Ukraine”

The USAID Human Rights in Action Program organized an [online event for educators](#) from secondary schools and postgraduate pedagogy institutes, as well as for representatives of district and city education departments (*link in Ukrainian*).

16 червня з 12:00 до 13:30

Вебінар
«Актуальні теми
новітньої історії України: як
викладати окремі питання
щодо збройної агресії РФ на
Сході України?»

Для викладачів і методистів Інститутів
післядипломної педагогічної освіти та
методичних кабінетів відділів освіти,
вчителів історії та суспільних дисциплін

The event was attended by educators from Dnipropetrovsk, Khmelnytskyi, Mykolayiv and Ternopil Oblasts, as well as from Severodonetsk, Mariupol, Kramatorsk, Chernivtsi and other places. The webinar’s goal was to help the participants with teaching the complex and sensitive subject of Russia’s armed aggression against Ukraine. In particular, the discussion covered the psychological and pedagogical aspects and risks of teaching these issues, the legal norms governing human rights protection amidst an armed conflict, as well as the content, structure and application of the subject-matter textbook “Story of a city: how to teach certain issues of Russia’s armed aggression in eastern Ukraine” prepared within USAID Program.



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MAIN EVENTS IN HUMAN RIGHTS AREA

Ukraine's leadership addresses the international community to commemorate genocide against the Crimean Tatar people and condemn Kremlin's actions to fuel its new hybrid form

A corresponding decree has been recently [adopted](#) by the Verkhovna Rada of Ukraine. The UN, PACE, OSCE and plenty of other foreign organizations, governments will be asked to condemn the genocide of the Crimean indigenous people who are the Crimean Tatars (*link is in Ukrainian*).

For the first time, IDPs representing certain districts of the Donetsk and Luhansk regions are involved in the work of the Trilateral Contact Group as part of the Ukrainian delegation

President's website [holds more information](#) on the matter concerned.

Kremlin's FSB detained a group of Crimeans and try to fabricate charges

According to a lawyer, six men are accused of "designing a terroristic act" and "being attributed to the Ukrainian radical formations" – [link is in Russian](#).

Head of the Interdepartmental Commission on IHL application and implementation in Ukraine is appointed

This will help the Commission to boost its efforts aimed at ensuring the fulfilment by Ukraine of its international commitments in the field of international humanitarian law. Now the Commission is [run by](#) Oleksiy Reznikov, Deputy Prime Minister of Ukraine and Minister for Reintegration of the Temporarily Occupied Territories (*link in Ukrainian*).

Verkhovna Rada's new bill No. 3713 is to establish an out-of-court procedure for recording births and deaths that occurred in the temporarily occupied Crimea

"Introducing an administrative procedure for registering birth certificates is a highly anticipated step on the part of Ukraine's government which shows that it has not forgotten its citizens living under occupation and which is intended to combat Russia's "colonial policy" in Crimea. Moscow today is trying to change the peninsula's demographic composition and the national identity of its population through compulsory naturalization (passportization). [...] Which is why we must do our best to ensure that every citizen of Ukraine has access to Ukrainian documents and retains ties to the state, as well as receives all necessary support in the future...", [comments](#) the Office of the President's Envoy on Crimea (Kyiv).

UHHRU lawyers and analysts [played their part](#) in the bill's development within the framework of the USAID Human Rights in Action Program.



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HUMAN RIGHTS
UNION**

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USAID is the world's premier international development agency and a catalytic actor driving development results. USAID's work demonstrates American generosity, and promotes a path to recipient self-reliance and resilience, and advances U.S. national security and economic prosperity. USAID has partnered with Ukraine since 1992, providing more than \$3 billion in assistance. USAID's current strategic priorities include strengthening democracy and good governance, promoting economic development and energy security, improving health care systems, and mitigating the effects of the conflict in the east. For additional information about USAID in Ukraine, please call USAID's Development Outreach and Communications Office at: +38 (044) 521-57-53. You may also visit our website: <http://www.usaid.gov/ukraine> or our Facebook page at <https://www.facebook.com/USAIDUkraine>.

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