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**DIGEST No 3(66) BY UKRAINIAN HELSINKI HUMAN RIGHTS UNION,  
USAID HUMAN RIGHTS IN ACTION PROGRAM**

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**CONTENTS**

USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES .....	2
HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY .....	2
STRATEGIC LITIGATIONS .....	5
FREE LEGAL AID.....	5
HUMAN RIGHTS EDUCATION AND AWARENESS RAISING .....	8
MAIN EVENTS IN HUMAN RIGHTS AREA.....	9



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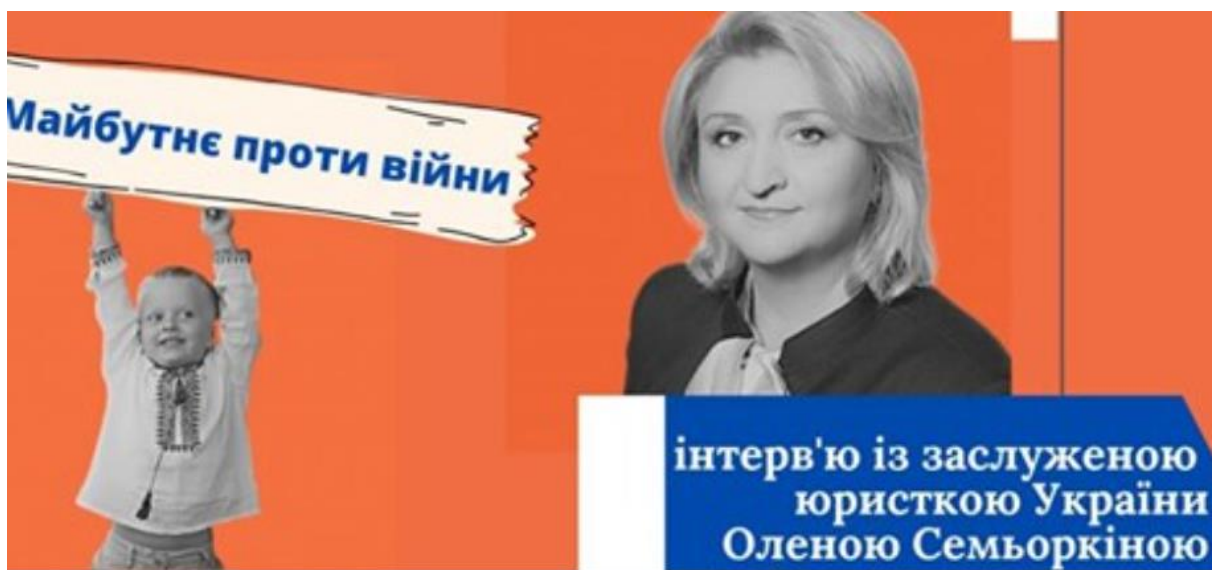


## USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES

### HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY

#### News on the implementation of transitional justice in Ukraine *(links are in Ukrainian)*

- USAID Human Rights in Action Program, which is being implemented by the Ukrainian Helsinki Human Rights Union, launched a series of expert interviews to explain various aspects of transitional justice: [the first episode](#) introduces readers with the transitional justice fundamentals and how its pillars are supposed to work in conjunction with each other.



[The second one](#) speaks about education of youth from temporarily occupied territories of Ukraine, because the government makes positive changes happen along with ones met with extremely nuanced feelings.

- [A publication](#) on collaborationism, amnesty and other connected terms, which as we feel need more explanation in light of transitional justice implementation.
- Back in November jointly with other organizations, UHHRU/ USAID Program co-hosted a thematic e-meeting on dialogues' role in the conflict resolution; some recommendations, mostly aiming MPs, have also been mentioned – [this release holds more details](#).
- A virtual museum of Crimea's and Donbas' occupation [is to be created](#) in order to preserve conflict-linked facts and historical memory – launched by a number of Ukraine's state agencies, the initiative has domestic non-government actors as its partners, including UHHRU<sup>1</sup>.
- A new [infographic memo](#) on the conflict-related causalities displayed on UHHRU/ USAID Program's [Memorial Map resource](#) is out now – the total number of identified victims is 12,521, of which 241 died in 2020<sup>2</sup>.

<sup>1</sup> [Additional link](#), in Ukrainian.

<sup>2</sup> It has been released by USAID-supported Documentation Center of UHHRU, which runs the Memorial Map portraying profiles of deceased military and civilians from both warring sides that is regarded as a part of the commemorative process.



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- Here is a [publication](#) detailing results of a recently held online discussion on how the transitional justice model for Ukraine should look like through the prism of the right to the truth.

**In one sentence: Activities under USAID Program's and its experts' participation aimed at overcoming consequences of the armed conflict and occupation (*links are in Ukrainian*)**

- UHHRU/USAID Program partook in the annual discussion “National Human Rights Strategy. Results and next steps”, where the Justice Ministry presented the renewed Strategy and its Action Plan, spotlighted government’s priorities for the next 3-year period – link [one](#) and [two](#).
- USAID Program jointly with Truth Hounds and Vostok-SOS NGOs undertook a fact-finding visit to allegedly one of the most vulnerable localities of Luhansk and Donetsk Oblasts (as well as entry-exit checkpoints) to monitor human rights adherence there – some of the visit’s outcomes [can now be heard following this link](#).
- USAID Program [co-hosted a thematic discussion](#) in partnership with MIHR to speak about mechanisms for the POWs’, civilian hostages’ and political detainees’ liberation<sup>3</sup> and long-term impact of the prisoner swap of 2019<sup>4</sup>.



**Ongoing efforts to introduce sanctions against human rights violators**

- USAID Human Rights in Action Program [took part](#) in a parliamentary committees’ hearings on Ukraine’s sanction policy (*link in Ukrainian*). In fact, it is not being the first hearings on sanctions, and one was [held back](#) in 2018 following the Program’s initiative. Despite almost no progress has been made since that time, we consider that the mechanism of parliamentary control still

<sup>3</sup> [New infographics](#) on political prisoners, released by the human rights defenders, suggests that at least 103 individuals are held detained in the temporarily occupied Crimea and Russia (including 76 Crimean Tatars), and at least [214 POWs/hostages are deprived of their liberty](#) in the non-government controlled areas of Donbas (*links are in Ukrainian*).

<sup>4</sup> Human rights defenders considers that this mutual release of hostages occurred in result of a politically-motivated decision, outside the framework of the law, and is being a controversial due to the personalities of certain released persons.



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should be used to oversee and stimulate the process of legislative amendments to Ukraine's sanctions policy.

- The point of the [latest roundtable event](#), co-hosted both by the state and non-state actors, was reloading and modernizing Ukraine's sanctions policy, including its domestic legislation basis. To echo this idea, partnering Media Initiative for Human Rights (MIHR) [unleashed an expert opinion](#) to give a better flavor of the current state of affairs in this sphere. In particular, it goes about the importance of synchronizing sanctions imposed by Ukraine with those imposed by the western allies, including the USA (*links are in Ukrainian*).

**Під санкціями США. А в Україні?**

Як відомо, у зв'язку з агресивною політикою Російської Федерації, в тому числі, щодо України, США з 2014 року послідовно накладають на РФ нові й нові санкції у рамках кількох санкційних режимів. На переважну більшість осіб, які фігурують у списках США, накладені також українські санкції. Або ж проти них розслідуються чи розслідувалися кримінальні провадження українськими правоохоронними органами. Однак, це стосується не всіх. Ми ідентифікували осіб, переважно громадян Російської Федерації, які з невідомих нам причин в українських санкційних списках не фігурують, хоча, за логікою речей, мали би. Станом на зараз жодної інформації у відкритих джерелах про висунення обвинувачень проти цих осіб з боку України в рамках кримінальних проваджень, що розслідуються у зв'язку з агресією РФ, – також немає.

**Andrey BULYUTIN/ Андрей БУЛЮТИН**  
Директор із розвитку міжнародного бізнесу «Концерну Калашнікова». Санкції США були накладені саме у зв'язку із з агресією РФ проти України

**Sven Anders OLSSON/ Свен Андерс ОЛССОН**  
Шведський юрист, представник соратника Путіна Геннадія Тимченка у різних компаніях. Санкції США були накладені саме у зв'язку із агресією РФ проти України

**Victor BOYARKIN/ Виктор БОЯРКИН**  
Колішній співробітник ГРУ, який підпорядковується безпосередньо рос. мільярдеру Олега Дерипаси та веде ділові переговори за його дорученням. Санкції США були накладені саме у зв'язку із агресією РФ проти України

**Mikhail POTERKIN/ Михаил ПОТЕПКИН**  
Регіональний директор «М Інвест» і Merco Gold у Судані. Раніше працював в «Агенстві інтернет-исследований», за вивіскою котрої працювала російська фабрика трюнів. Санкції США були накладені саме у зв'язку з агресією РФ проти України

**Vladimir NEMTSEV/ Владимир НЕМЦЕВ**  
«Председатель Законодательного собрания Севастополя» (з вересня 2019). Член «самооборони Севастополя». Мас медаль «За повернення Криму».

**Ivan OKOROKOV/ Иван ОКРОКОВ**  
Директор дирекції з морських перевезень ПАТ «Совфрахт», яка в липні 2017 року провела поставку турбін SIEMENS до окупованого Криму.

**Andrei MANDEL/ Андрей МАНДЕЛЬ**  
Керівник та меноритарний співласник компанії «М Інвест», яка належить або контролюється рос. бізнесменом Вагеном Пригожиным. «М Інвест» служить прикриттям для фінансування «ФК Вагнера». Санкції США були накладені в тому числі у зв'язку з агресією РФ проти України

1. Імена та прізвища латинською подані як вони фігурують в американських санкційних списках, а також російською (або українською - у випадку з особами, щодо котрих є точна інформація про українське громадянство).

**Igor LAVRENKO/ Игорь ЛАВРЕНКОВ**  
Директор компанії, що діють в інтересах Вагена Пригожина, розташованих у Таїланді та Гонконгу. Санкції США були накладені саме у зв'язку з агресією РФ проти України

**Denis RYAZOV/ Денис РЯЗУНОВ**  
Офіцер запасу ВДВ. Гендиректор, шеф-інструктор центру бойової підготовки МДБСГ «ВОЛК» (Росія), організації має філію в окупованому Криму). Санкції США були накладені саме у зв'язку з агресією РФ проти України

**Mikhail RAZVOZHAEV/ Михаил РАЗВОЖАЕВ**  
У вересні 2020 призначений «губернатором Севастополя». У 2014-2019 – заст. міністра РФ у справах Північного Кавказу. У грудні 2020 - затверджений головою виконкому заснованого Путіним «Общероссийского народного фронта» (ОНФ). Санкції США були накладені саме у зв'язку з агресією РФ проти України

**Sergei DANILENKO/ Сергей ДАНИЛЕНКО**  
«Голова Севастопольської міської виборчої комісії».

**Ekaterina PYRKOVA/ Екатерина ПЫРКОВА**  
«Секретар Севастопольської міської виборчої комісії»

**Viktor MEDVEDCHUK/ Виктор МЕДВЕДЧУК**  
(санкції введено у зв'язку із порушенням територіальної цілісності України та обранням українського народу)

**Karen STEPANYAN/ Карен СТЕПАНЯН**  
Перший заступник директора дирекції з морських перевезень ПАТ «Совфрахт», яка в липні 2017 року провела поставку турбін SIEMENS до окупованого Криму.

**Alexander GANOV/ Александр ГАНОВ**  
Директор АО ТК «Гранд сервис экспрес», запускув потяг через «кримський міст».

**Ilya LOGINOV/ Илья ЛОГИНОВ**  
Заступник генерального директора ПАТ «Совфрахт». У липні 2017 року компанія провела поставку турбін SIEMENS до окупованого Криму. Також «Совфрахт» причетний до забезпечення паливом рос. авіації в Сирії.

**Andrii DERKACH/ Андрій ДЕРКАЧ**  
(санкції введено у зв'язку із втручанням у президентські вибори 2020 у США)

При підготовці цієї інфографіки були використані, в тому числі, матеріали аналітичної роботи, проведеної Представництвом Президента України в АР Крим.

- Additionally, UHHRU and MIHR [presented our submission](#) to the U.S. Government jointly with Free Russia Foundation in order to add to the sanctions lists 16 individuals involved in persecution of Crimean Tatar human rights defenders Kuku, Mustafayev and human rights



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lawyer Kurbedinov. It goes about human rights abusers representing occupational Russia's law enforcement and security agencies, as well as the "judiciary" in Crimea; we deem that these individuals were either knowingly complicit in or personally took part in the ongoing human rights abuses. Furthermore, they failed to take necessary measures to halt the abuses or to investigate them in a genuine effort to hold perpetrators accountable.<sup>5</sup>

## STRATEGIC LITIGATIONS

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Within this direction USAID Human Rights in Action Program supports strategic legal cases domestically and internationally to protect public interests<sup>6</sup>, 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.

### **Program scores victories in Euromaidan cases: European Court of Human Rights rules tens of thousands of euros in compensations must be paid to our clients** (*links are in Ukrainian*)

The strategic litigation cases [Shmorgunov and others v. Ukraine](#) and [Kadura and Smaglyi v. Ukraine](#) route from Program's early stage (2014-2017). They touch upon multiple instances of human rights violations (ill-treatment, torture, unjustified detention accompanied by inadequate medical assistance, lack of effective and independent investigation, disproportionate interference with the right to peaceful assembly, including unjustified dispersal of demonstrators, by the law-enforcement authorities and other non-state agents orchestrated by them (the so-called "titushki"), etc.) occurred during the series of mass protests in Ukraine in the period from November 2013 to February 2014 and commonly referred to as "Euromaidan" and/or "Maidan. Here is also [a more generalized publication](#) that touches upon a wider range of the Euromaidan cases taken care of by UHHRU and their significance.



Європейський суд з прав людини, м. Страсбург, Франція

## FREE LEGAL AID

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[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

<sup>5</sup> [Additional publication to read.](#)

<sup>6</sup> 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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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*)

- Crimea-oriented LAC provided a hint, which Crimean residents can add to their arsenal when protecting their financial rights in communications with any Ukrainian bank – [here is the link](#) that contains a letter from Ukraine's National Bank the language of which, put simply, says discrimination should be eradicated from bank-client relations. Such a document appeared for everyone's attention thanks to our LAC's efforts as earlier we asked for clarifications on what are domestic bank system's successes in executing [amended decree No 31 dd. 17 March 2020](#) (which returned the "residents" status to Crimeans) and other human rights-adherence matters.
- UHHRU/ USAID Program continues its tireless efforts to help resist Kremlin's invasion – this time our lawyer delivered a bunch of [legal advices](#) on how to protect property rights in the temporarily occupied peninsula. To remind, in March 2020, Kremlin delivered its IHL/IHRL-breaching [decision](#) to alienate land plots that rightfully belonged to Ukrainian nationals or other non-Russians there. According to it, foreigners, stateless persons and foreign legal entities are not allowed to own land plots near the coast line. This also refers to Crimea's residents unless they are the Russian passport holders. In practice, this means legitimate pre-occupation landlords were forced to sell it, obtain the Russian citizenship or switch ownership in favor of a Russian legal entity.
- [Pokrovsk LAC explains](#) to IDPs how to they can get their monthly benefits.
- A post from the Stanytsa Luhanska legal aid center: [How to confirm](#) one's work experience with the documents issued in the temporarily occupied territory?



### Legal assistance to those affected by the armed conflict and occupation (*links are in Ukrainian*)

- *Toretsk LAC helps a woman to fight police's alleged negligence, misuse of authority while conducting proceedings*  
After being vindicated of all charges in a forgery case, woman from a conflict-affected community of Toretsk applied to the police to seek for her reputation to be revived and prove it was kind of a fabricated case against her from the very beginning. Instead, over time the police officers simply hushed and closed the case in breach of the official procedure, [our lawyer believes](#).
- *Lawyers protected the right of common-law wives of deceased persons to represent interests of their common children*  
Anna, a common-law wife of a deceased military, applied to our Dnipro-based LAC, as she got a refusal from a social protection department on the issue of representation of her daughter's interest. Thanks to our legal help, the problem was resolved, and Anna [defended her right](#) to a law-guaranteed social benefit.

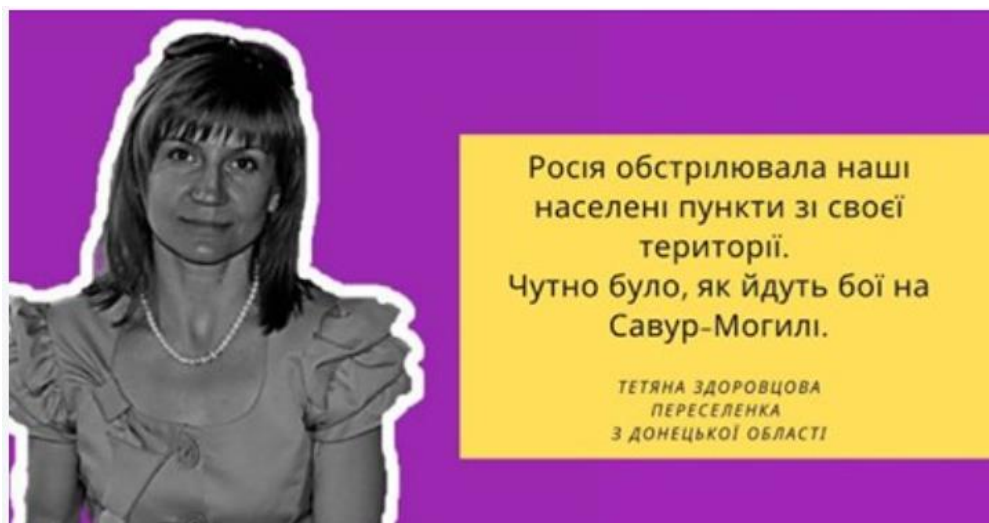


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- *It is important for IDPs to prove in court the link between their displacement and Russia's aggression, as this is the only way for them to obtain compensation from the aggressor state*

Our Dnipro-based LAC [helps an IDP family](#) from the occupied Amrosievka of Donetsk Oblast, who was forced to leave their hometown in 2014 due to insecurity. Affected people want to bring the RF to justice for depriving them of the right to peaceful possession of property. Thanks to lawyers' persistence, the fact of the family's forced relocation from temporarily occupied territory due to the armed aggression was confirmed in court (however, only after a Supreme Court's ruling). The next step is to lodge an application with the European Court of Human Rights (ECtHR) as there is no national-level mechanism to compensate for inability to use the property remained in the temporarily occupied territories of Ukraine.



- *Court judged that funds provided to citizens by the state as a subsidy are not refundable*  
A pensioner lady was struggling from legal unawareness – therein lies the problem for her as social protection authorities used this fact to manipulate with subsidies – [until our lawyer from Toretsk came into play](#) to help her navigate legal issues and stand for her rights.
- *Employment in a neighboring country should be considered when calculating pension in Ukraine*  
A senior man from Kramatorsk was seeking recalculation of his pension owing to his work experience abroad (e.g. in Russia), but has got Pension Fund's unlawful refusal. [Thanks to legal intervention of our lawyer](#), the plaintiff's employment record in the RF in 2004-2006 and 2010-2018 has been taken into account and his pension recalculated.

### **Latest infographics to illustrate performance of USAID-sponsored legal aid network of UHHRU**

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

## 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)<sup>7</sup>, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

### Promoting international humanitarian law among Ukrainian educators and other concerned actors (*links are in Ukrainian*)

USAID Human Rights in Action Program conducted another [webinar](#) with the purpose to make the educators familiarized with peculiarities of IHL teaching at the educational institutions along with the risks that may arise. This was done on the basis of USAID-sponsored manual “[Studying international humanitarian law at educational institutions](#)”. Among discussed issues were legal norms regulating human rights protection in the armed conflicts, qualification of armed conflicts, responsibility for war crimes, along with practical advice on methodical approaches, forms and methods of work with such a sensitive topic.

We encourage educators who feel the need to master this topic to contact us – perhaps one of the following webinars will be organized specifically for the team of your educational institution.

### Launching International Law Talks initiative

USAID Program co-hosted [the first webinar](#) (*link in Ukrainian*), devoted to the European Court of Human Rights as a mechanism for human rights protection to counteract armed aggression. This in frames of a new International Law Talks initiative in cooperation with MIHR and Presidential Permanent Mission on Crimea. The initiative is aimed at expanding high-end and at the same time understandable analytics in domestic public space on topical issues of international law in the Ukrainian context aggravated by the armed conflict and temporarily occupation.



This time our invited speakers were Ukraine’s Government Agent Before ECtHR Ivan Lishchina and famous international expert Marko Milanovic, Professor of Public International Law at the University of Nottingham School of Law.

<sup>7</sup> 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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## MAIN EVENTS IN HUMAN RIGHTS AREA

### A few important news about Ukraine's quest for justice in ECtHR

- *The Grand Chamber of the European Court of Human Rights announced that case Ukraine v. Russia (re Eastern Ukraine) no. 8019/16 changes direction*

The lawsuit concerns violations of human rights by the RF in the temporarily uncontrolled parts of Donetsk and Luhansk Oblasts, where the Russia's occupation administrations of the so-called "DPR" and "LPR", as well as units of the RF Armed Forces operate. The main objective of the Government of Ukraine is to prove the fact of effective control of the RF over a part of the territory of Ukraine and protect violated human rights in the non-government controlled areas of Donbas. However, according to [a recent update](#) (*link in Ukrainian*), ECtHR has ruled to merge this interstate complaint with two other cases, specifically with the case on downing of the MH17 flight (interstate complaint lodged by the Netherlands v. Russia no. 28525/20) and case on unlawful removal of Ukrainian children from state-run care homes to the RF at early stages of the armed conflict (Ukraine v. Russia no. 43800/14.)

- *An interstate application Ukraine v. Russia (re Crimea) found admissible by ECtHR*

The Grand Chamber of ECtHR [delivered a decision](#) in an inter-state case lodged by Ukraine against the RF in 2014. The case originated in two applications (nos. [20958/14](#) and [38334/18](#)) concerning alleged violations of human rights guaranteed under the European Convention of Human Rights committed by the RF in the temporarily occupied peninsula. In general, it was stated that the rule of exhaustion of domestic remedies is not applicable here, and the case was viewed as admissible, therefore warranting the Court's examination on the merits. What is important is the proven fact that the Russian Federation has seized control over Crimea since 27 February 2014, starting to exercise extraterritorial jurisdiction with responsibility for committed human rights violations.

*UHHRU/ USAID Program issued an explanatory publication outlining outcomes of this decision potentially positive for Ukraine and what follow-ups should be expected – [link in Ukrainian](#).*

### Recent resolutions of UN General Assembly regarding Russia's unlawful actions

- *The 75th session of UNGA adopted the resolution "Problem of the militarization of Crimea, Ukraine, as well as parts of the Black Sea and the Sea of Azov"*

The transformation of Crimea into a huge military base is considered a direct threat to security and stability in the region (including in regard to the nuclear weapon). Also, the document calls for the RF to stop providing combat training of Crimean children aimed at their further military service in the Russia's Armed Forces. Ukraine has now in its legal arsenal a new strong argument to advance the de-occupation of Crimea, [according to Ukraine's Foreign Ministry](#).<sup>8</sup>

In the wake of adoption, the Permanent Mission of Ukraine to the UN has issued bullets touching upon document's [key elements](#), as well as bullets on those [new parts](#) in document's language meant to strengthen Ukraine's position at the international arena (*links are in Ukrainian*). Those interested can also opt to see [this link](#) to have a better idea of resolution's messages.

<sup>8</sup> One may also want to see this publication (in Ukrainian): [Militarization of educational sphere in occupied Crimea: To begin with, at least 12 individuals are to blame](#).



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- *UNGA urges Russia to immediately end systemic human rights violations, free all illegally detained Ukrainians and grant unconditional access to Crimea for human rights monitors*

The UN General Assembly adopted an updated resolution “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine.” This year, its provisions have been significantly strengthened. The new elements reflect numerous facts of gross human rights violations on the temporarily occupied peninsula. The resolution clearly defines the illegitimacy of the bodies and officials of the RF in Crimea in the context of strengthening the international policy of non-recognition of the attempted annexation of Crimea. It has been stated for the first time at the UN level, that such officials should be considered only as “occupation authorities of the RF”, [underlines Ukraine’s Foreign Ministry](#) (additional [link](#), in Ukrainian.)

### **EU approves its “Magnitsky Act” to target human rights abuses**

Under a new system similar to the US Magnitsky Act, the EU now has more powers to punish individuals involved in human rights violations. The new rules will make it easier to ban them from entering the bloc, [Deutsche Welle reports](#). Sanctions could be applied against acts like genocide, crimes against humanity, extrajudicial killings, and arbitrary arrests. Other violations could be punished if they are deemed to be “widespread, systematic or are otherwise of serious concern,” the EU said in a statement. More underlying issues and details can be read from [here](#).

### **ICC’s preliminary examination in Ukraine’s situation is concluded and would progress to the investigative stage**

The Prosecutor of the International Criminal Court [made a statement](#) that the preliminary examination is concluded and statutory criteria for opening investigations into the situation in Ukraine are met. As of now, three broad clusters of victimization within the Court’s jurisdiction covers crimes committed (a) in the context of hostilities’ conduct, (b) during detentions, (c) in Crimea. These findings [were spelled out](#) (link is in Ukrainian) in more detail in the [ICC’s annual Report on Preliminary Examination Activities 2020](#).

*[To remind](#), UHHRU jointly with ally state and non-state actors submitted to ICC eight communications relating to Crimea and eastern Ukraine (link is in Ukrainian). This is with the aim of narrowing the impunity gap for gross human rights violations, war crimes and crimes against humanity, providing victims with access to justice, and holding human rights violators liable.*

### **RF’s court delivers guilty verdicts in the Hizb ut-Tahrir trial**

Court in Rostov-On-Don [sentenced](#) three members of the Belohirsk group attributed to the Hizb ut-Tahrir case – Crimean Tatars Enver Omerov, Ayder Dzapparov, Riza Omerov. They were sentenced to 13 to 18 years in a maximum-security colony.

*UHHRU strongly [condemns](#) these and other fabricated cases, stands unanimous with [the Ministry of Foreign Affairs of Ukraine](#), as well as our international allies (including but not limited to the UK) in assessing the given product of Kremlin’s rotten justice.*



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