

## 5th anniversary of the tragedy in Odessa, the new language law, and the trial of journalists

Political and civil rights in Ukraine. April 15 - May 5, 2019

### FREEDOM OF ASSOCIATIONS AND PEACEFUL ASSEMBLIES



On **May 2 in Odessa** the **memory of the victims of the tragedy in the House of Trade Unions** - where 5 years ago 49 people were killed during provocations that caused riots and a fire - was commemorated. About 200 people were injured. The investigation has not concluded. The UN Monitoring Mission on Human Rights in Ukraine stated that they consider the investigation being carried out by Ukrainian law enforcers into the mass deaths that occurred during the riots in Odessa on May 2nd 2014 to be ineffective. The head of the UN mission, Fiona Fraser, reported that the police investigation into the riots was

selective and biased.

During commemorative events on Kulikovo Field on May 2nd 2019, about 40 so-called "pro-Ukraine" activists tried to provoke a conflict with people who came to commemorate the memory of people who were burned alive. In addition, one of the representatives of nationalist organisations defiantly published a photo of himself with a barbecue at the site of the tragedy. The conflict ended in mutual insults and did not escalate into a violent confrontation. The police were present at the incident. During mass events on Kulikovo Field, an underage girl wearing a T-shirt with communist symbols banned in Ukraine was detained.

In the evening, about 1,000 nationalists from right-wing organisations staged a torchlight procession on the streets of Odessa during the "March of Ukrainian Order". The marchers chanted: "Glory to the nation, death to enemies", "Ukraine above all", and "Glory to Ukraine - Glory to heroes".

In addition, on May 1st "Uspishna Varta" carried out monitoring of the **mass actions and meetings dated for Workers' Day**. A few rallies took place in Kiev, Krivoy Rog (Dnepropetrovsk region), Zaporozhye, and Kropivnitsky. In Kharkov participants of a rally, devoted to Workers' Day, organized a procession from Konstitutsii Square to Blagoveshchenskaya Square. At the same time representatives of the nationalist organization "Rassvet" came there with a poster saying "Funeral of Communism" and with ritual wreaths. During the event unknown persons poured Zelenka over the head of the "Labour of the Kharkov Region" organisation Pavel Tyshchenko.

### FREEDOM OF SPEECH AND OPINION

Draft law No. 5670-d "On ensuring the functioning of the Ukrainian language as the state language", adopted on April 25th at the second reading, poses significant risks to freedom of speech and opinion in Ukraine. The law stipulates that the Ukrainian language becomes obligatory for the sphere of education, culture, health care, legal proceedings, and the media sphere. In particular, it is proposed to make the Ukrainian language mandatory for all media, including printed and electronic media. Earlier, a number of Ukrainian media outlets (for example, the English-language newspaper "Kyiv Post") already stated that they may have to close down due to a significant increase in financial costs. After the entry into force of the law, attempts to introduce bilingualism or multilingualism in Ukraine will be equal to overthrowing the

constitutional system and will be punished by imprisonment for up to 10 years, which can lead to the emergence of new political prisoners in Ukraine (more about the law can be read [here](#)).

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**New cases of physical aggression and hate speech against journalists** performing their professional duties were recorded. Thus, on April 22nd in Kiev, during a rally near the walls of the Presidential Administration, supporters of the president Petro Poroshenko prevented journalists from the "NewsOne TV" and "1+1" channels from filming a program and insulted them. In addition, on April 27th in Dnepr unknown persons burned the car of the editor-in-chief of the "Zarya" newspaper Vladimir Pesotsky. As a result of the car being damaged criminal proceedings were initiated under Part 2 of Article 194 of the Criminal Code of Ukraine. The National Union of Journalists of Ukraine emphasised that this arson follows a series of acts of intimidation against journalists in the Dnepropetrovsk region. Arsons of journalistic property are not properly investigated, and correspondingly, impunity leads to new attacks and acts of intimidation.

On the night of May 3rd in Cherkassy the local journalist Vadim Komarov was cruelly beaten. In his publications he raised sensitive issues more than once, including about the embezzlement of budget funds, illegal constructions, and corruption in the Cherkassy City Council. In 2016 an attempt was made to shoot the journalist. The journalist is in intensive care in a serious condition.

## FREEDOM OF CONSCIENCE AND WORLDVIEW

**The compulsory process of renaming the Ukrainian Orthodox Church (UOC) was stopped by the district administrative court of Kiev.** As a reminder, according to the order of the Ministry of Culture, the Ukrainian Orthodox Church and a number of religious organizations had to make changes to their official names and make the corresponding changes to their charter for registration before April 26th 2019. The court decided that the implementation of this order before a decision on the merits on the case is made can lead to the unjustified interference of the state in the field of activity of the religious organization as a legal entity.

Representatives of the Ukrainian Orthodox Church also continue to [try to obtain](#) through the court an investigation into the **capture of temples and attacks on believers**. Thus, through the court the religious communities of the village of Nevir in the Lyubeshovsky district, the village of Serkhov in the Manevtsky district, and the village of Zubilnoye in the Lokachynsky district of the Volyn region succeeded to enter information into the Unified Register of Pre-trial Investigations concerning offences. The court obliged the police to investigate the capture of temples in these villages by local "activists" of the Orthodox Church of Ukraine (OCU).

At the same time, during April 15th **new cases of temples of the Ukrainian Orthodox Church being captured by "activists" of the OCU**, including with the assistance of the local government, were recorded on May 5th:

- On April 16th "activists" of the OCU [captured](#) the temple of Ukrainian Orthodox Church *in the village of Kurash in the Rovno region*. Earlier, in March, at a parish meeting, the religious community made the decision to remain in the Ukrainian Orthodox Church. However on March 24th local "activists" of the OCU also held a meeting, and in 4 days the Rovno administration annulled the community of the Ukrainian Orthodox Church and reissued all its documents to the OCU.
- On April 23 "activists" of the OCU made an attempt to capture the temple of Ukrainian Orthodox Church in the village of Malinsk of the Rovno region. The deputy of the Sarnensky regional state

administration managed to resolve the conflict situation by proving to the police that the right of possession of the temple belongs to the religious community of the Ukrainian Orthodox Church. On April 24th "activists" of the OCU repeatedly tried to cut off the locks on the temple's doors. The situation in the village remains unstable.

- On April 24th "activists" of the OCU, with the assistance of the head of the village, occupied the John the Apostle temple in the village of Stariye Koshary in the Volyn region.
- On May 2nd, in the *village of Povcha in the Dubensky district of the Rovno region*, supporters of the OCU, together with several deputies of the Village Council, came to the Svyato-Troitsky temple in order to break the seals that had closed off the church because of the interfaith conflict that happened a few weeks ago. Another dispute in the village of Povcha ended with negotiations: both communities decided to wait for the judgment that is supposed to take place on May 8th and will clarify who possesses the rural church after all.

### **2019 PRESIDENTIAL ELECTION - THE RIGHT TO ELECT AND BE ELECTED**

Following the results of observation during the day of voting on April 21st, "Uspishna Varta" did not record gross violations that could have had a significant effect on the results of the election. At the same time, according to the results of the second round of voting, "anomalous" polling stations - where the turnout considerably exceeds the regional and national average - are still present, and the percentage of support for the current president Petro Poroshenko reached 93%. Such stations abnormally distinguish themselves against the background of others that are in the same district and region. According to observers, such statistics can confirm controlled voting or the implementation of direct falsifications at a number of stations. "Anomalous" stations are located mainly in the Lvov region and the front-line zone of the Donetsk and Lugansk regions that are under the control of military civil authorities. The results of voting at such anomalous stations in general did not affect the overall results of the election, however the percentage of support for the current president Petro Poroshenko was overstated. The detailed report can be found [here](#).

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The difference in the number of votes in support of Petro Poroshenko at the "anomalous" stations of the Donetsk region between the first and second round of the election totalled more than 30,000. According to experts, it was for this number of votes that the results of the first round in favour of Petro Poroshenko at "anomalous" polling stations in the Donetsk region were rigged. More details can be read [here](#).

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The court, at the request of "Uspishna Varta", ordered the State Bureau of Investigation to investigate the incitement of hostility in the campaign materials of Petro Poroshenko's headquarters. This concerns campaign material in the form of the newspaper "April 21, VOTE", which was distributed in Kiev and other cities of Ukraine by volunteers/representatives of the headquarters of the presidential candidate. More details can be read [here](#).

## MONITORING HUMAN RIGHTS CASES

On April 15th and 25th hearings connected to the case of the editor-in-chief of "RIA Novosti Ukraine" **Kirill Vyshinsky** were held in the Podolsky district court of Kiev. In court 56 of the 79 pages of the indictment were read. Proceeding from the proclaimed charges, state treason for publishing 72 articles on the website of "RIA Novosti Ukraine", which allegedly had an "anti-Ukrainian orientation", is imputed to Vyshinsky. *"I have such an impression that the investigation established two facts. The first - that my name is Kirill Vyshinsky, and the second - I have emails. All the rest is not established,"* said Kirill Vyshinsky, [commenting](#) on the indictment. The court session appointed for May 2nd did not take place. The charges will continue to be read out on May 7th. As a reminder, Kirill Vyshinsky was detained by the SBU on May 15th 2018 on a charge of state treason (Article 111 of the Criminal Code of Ukraine) and has been in a pre-trial detention center without an alternative for nearly a year.

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In Zhytomyr court hearings on the case of the journalist **Vasily Muravitsky** continue. On April 22nd, despite the absence of the journalist's lawyer, the court held a hearing during which it planned to consider the motion of the prosecutor for changing the measure of restraint to a more strict one - detention. However, the state lawyer refused to be involved in this trial. Earlier the prosecutor repeatedly motioned for a more strict measure of restraint for Vasily Muravitsky, allegedly because the journalist could hide from the court or "will continue to commit crimes - to publish articles of an anti-Ukrainian character". At a hearing on April 23, already in the presence of the lawyer of Muravitsky, the court once again [rejected](#) the motion of the prosecutor. The following court hearing will take place on May 8th. Vasily Muravitsky spent 11 months in a pre-trial detention center and has been under house arrest for nearly a year.

On April 25th the prosecutor's office said that it intends to appeal against the not guilty verdict handed down by the Shevchenkivskyi district court of Zaporozhye to the journalist **Pavel Volkov**. As a reminder, on March 27th the court completely acquitted the journalist Pavel Volkov, who for over a year was kept in a pre-trial detention center on a charge of infringing on the territorial integrity of Ukraine. More details about Volkov's case can be read [here](#).

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On April 16th the term of the detention of the deputy **Nadezhda Savchenko** and the head of the center for the release of prisoners "Officer Corps" **Vladimir Ruban** [expired](#). The prosecutor's office did not manage to file a new motion for the election of a measure of restraint. After having spent a year in a pre-trial detention center they were released from custody. The date of the next court hearing was defined as May 7th.

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The SBU of the Lvov region completed the pre-judicial investigation into the case of the **journalist Elena Vishchur (Boyko)**. The Galitsky district court of Lvov started consideration of the case in essence.

The SBU accuses Boyko of publishing anti-Ukrainian materials and making appeals to change the territorial borders of Ukraine (Part 2 of Article 110 of the Criminal Code of Ukraine). Elena Vishchur, who was detained on January 17th 2019, pleads not guilty.

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On April 23rd and 24th hearings connected to the case of the Ukrainian politician **Aleksandr Efremov** were held in the Starobelsky district court of the Lugansk region. The judicial collegium made the decision to keep Efremov in custody for two months. As a reminder, the politician was detained on July 30th 2016 and has spent more than 2.5 years in custody in the Starobelsky pre-trial detention center of the Lugansk region.

Efremov is charged with committing state treason, infringing on territorial integrity, creating a terrorist organisation, and capturing state buildings.

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On April 25th the Shevchenkivskyi court of Kiev continued to hear the case of the General **Aleksandr Shchegolev**, who has been in custody since August 2015 (more than 3.5 years) in the case of dispersing protests on Maidan in February 2014. The court is at the stage of examining the evidence of the prosecution. The side of the defence has repeatedly questioned the admissibility of the evidence produced by the prosecution. The next court hearing concerning the case of Shchegolev is appointed for May 8th.

After spending two and a half years in a pre-trial detention center, the **drivers from Makeyevka Sergeyev and Gorban**, who were accused of financing terrorism for transporting pensioners from Donbass to Zaporozhye, were released from the courtroom. On April 24th the Kommunarskyi court of Zaporozhye released them without imposing a measure of restraint. In total, the articles they were incriminated under, among which there is "financing terrorism" (Part 2.3 of Article 258-5 of the Criminal Code of Ukraine) and "Creation of a criminal organization" (Part 1 of Article 255 of the Criminal Code of Ukraine), assumed up to 15 years of imprisonment. More details about this case can be read [here](#).

*Remember that you can contact the human rights defenders of "Uspishna Varta":*  
*by calling the toll free hotline number: 0 800 20 40 04*  
*by sending an email to: [info@uspishna-varta.com](mailto:info@uspishna-varta.com)*  
*by sending a message to the social network page: [facebook.com/UspishnaVarta](https://facebook.com/UspishnaVarta)*