

Joint Letter to Ukraine's Minister of Interior Affairs and Prosecutor General

Concerning Radical Groups

June 14, 2018

Minister of Interior Arsen Avakov
Ministry of Internal Affairs
Academician Bogomolets St., 10
Kyiv, 01601, Ukraine

Prosecutor General Yuriy Lutsenko
3/15 Riznytska St.
Kyiv, 01011, Ukraine

Dear Minister Avakov and Mr. Lutsenko,

We are writing on behalf of Amnesty International, Front Line Defenders, Human Rights Watch and Freedom House to ask that Ukrainian authorities urgently take steps to strongly condemn and effectively address attacks and intimidation by radical groups that are promoting hatred and discrimination. While Ukrainian authorities have responded in a few instances to such attacks, the authorities have so far failed in recent months to respond to most incidents, which has created an atmosphere of near total impunity that cannot but embolden these groups to commit more attacks. It is no surprise that the number of violent attacks and threats by such groups is growing, as the inadequate response from the authorities sends a message that such acts are tolerated. We urge you to take effective action to prevent and stop acts that promote hatred and discrimination and hold those responsible to account.

Hiding under a veneer of patriotism and what they describe as “traditional values”, members of these groups have been vocal about their contempt for and intent to harm women’s rights activists, ethnic minorities, lesbian, gay, bisexual, transgender, and intersex (LGBTI) people, and others who hold views that differ from their own. These acts are restricting the peaceful exercise of their human rights and is further shrinking the space for civil society for groups that they believe do not have a right to public representation or participation in civic life.

Violent attacks by groups that promote hatred and discrimination

In recent months, our four organizations have noted a significant increase in physical attacks, threats, and intimidation against LGBTI activists, women’s rights activists, and other human rights defenders and journalists. In most cases, those responsible for the attacks have enjoyed impunity for their actions and have not been prosecuted. The National Police of Ukraine has particularly not responded consistently with adequate measures to the relevant threats and attacks. In at least two incidents, described below, national police officers, who were present when assailants threatened or attacked activists, failed to intervene and showed no intention to deal with such crimes.

Since the beginning of 2018, members of radical groups such as C14, Right Sector, *Traditsii i Poryadok*, *Karpatska Sich* and others have carried out at least two dozen violent attacks, threats, or instances of intimidation in Kyiv, Vinnitsa, Uzhgorod, Lviv, Chernivtsi, Ivano-Frankivsk and other Ukrainian cities. The law enforcement authorities have rarely launched investigations into the threats and attacks committed by these groups. In the cases where investigations were launched, there is no indication that effective investigative measures were undertaken, and perpetrators were identified, despite attackers publicly claiming, in some cases, responsibility for the attacks on social media.

On March 8, International Women's Day, members of radical groups attacked the participants of the Women's March in Kyiv, physically assaulting them and using pepper spray. The police officers present at the scene merely observed the attacks and took no steps to stop them or detain them. Police filed administrative offense charges against one of the marchers who was attacked, but to the best of our knowledge filed no charges against the assailants. Women's rights activists were also violently attacked in Lviv and Uzhgorod during their respective peaceful rallies on the same day.

On April 20, about five members of C14, a radical group that promotes hatred and discrimination, acting in their capacity as municipal patrols of the Holoseevsky City District, attacked a Roma settlement in Kyiv. A widely circulated video shows how the masked attackers chased women and small children with rocks and pepper spray after burning down their tents. Two criminal investigations have been launched, but we are not aware of any results.

On May 10, about 30 members of other groups that use violence and advocate hatred disrupted an event organized in Kyiv by Amnesty International, at which it was planned to discuss human rights violations against LGBTI people in Russia and Ukraine. The attackers blocked the entrance to the venue and shouted death threats at the organizers and participants. Police officers from the Pechersky District Unit present at the scene refused to interfere and made homophobic comments against Amnesty International's staff. It was only after the organizers contacted the police emergency hotline and following the arrival of members of Kyiv City Patrol Police at the scene, that participants were evacuated, but the event had to be cancelled that day. Amnesty International has since filed complaints with the police regarding the police officers' failure to protect the event's participants and organizers from intimidation and discrimination. At time of writing, we have no information about whether an investigation has been launched yet.

On May 19, about 50 members of other groups, including some whom witnesses identified as involved in the violence on March 8 and May 10 in Kyiv, disrupted the Festival of Equality in Chernivtsi. Despite numerous prior meetings and reassurances from the local police, they did not effectively protect the event and allowed clearly identifiable people from these groups into the indoor event venue, putting participants' safety and well-being at risk. The police then led the event's organizers and participants outside on the pretext that there was a bomb threat, where assailants attacked them by throwing heavy objects, including hammers, at them. At time of writing, we have no information about whether an investigation into this incident has been launched.

We are deeply concerned by the inaction of the Ukrainian authorities in responding to the attacks and intimidation described above. The near-total impunity enjoyed by members of groups that promote hatred and discrimination through violent means creates the impression that these attacks are tolerated by the Ukrainian authorities.

“Policing” activities by groups promoting hatred and discrimination

We are also concerned about media reports which indicate that some municipal administrations have recruited individuals from groups that promote hatred and discrimination to conduct “policing activities”, such as patrolling the streets and performing “policing” functions during peaceful demonstrations or pickets. While citizen assistance of law enforcement authorities may be compatible with Ukrainian and international human rights law, such volunteers have no greater power or exemptions than citizens of the general population. They do not have the authority to use force in any circumstance and they may not exercise the powers of restraint, detention, or confiscation, including for example of flags or banners used at a rally.

If any official status is to be granted to volunteer officers and they are to be allowed to use any special powers ordinarily reserved for trained law enforcement, such as the power to use force or detain individuals, these volunteers must be bound by the same standards and mechanisms as regular law enforcement officials. As such they should be fully trained in the law and standards

applicable and must be clearly identifiable to third parties so that if they abuse their power they can be held accountable.

We call on the Ministry of Interior, the National Police of Ukraine, the Prosecutor General's Office of Ukraine, and Ukraine's political leaders to meet their obligations to guarantee the rights to freedom of peaceful assembly and expression, and the right to safety and security to all people in Ukraine. The perpetrators of these violent attacks should be held to account through independent and impartial investigations. The Ukrainian police must be clearly instructed on how to effectively prevent or stop members of groups that promote hatred and discrimination from using violence and intimidation against ethnic groups, LGBTI people, human rights defenders, and other groups and individuals targeted.

We urge you to swiftly respond to these recent instances of violence and intimidation with unambiguous public condemnation, and conducting prompt, thorough, impartial, and independent investigations to hold those responsible to account. This would be an important first step to preventing these acts from happening again in the future.

We also call on the Ukrainian law enforcement agencies to take effective steps to prevent the unlawful use of force or acts of intimidation by members of groups that promote hatred and discrimination and investigate any complaints about their actions, in order to bring anyone found responsible to justice. We also urge Ukrainian law enforcement agencies to take immediate action to address and prevent discrimination and intolerance within its ranks by taking appropriate action towards officers who use discriminatory or derogatory language towards people they are supposed to protect.

Ukrainian leaders and law enforcement officials should develop an effective set of measures that goes beyond response to crimes and includes regular monitoring and engagement to identify and address problems before they deteriorate into further human rights violations.

Sincerely,

Hugh Williamson
Director, Europe and Central Asia Division
Human Rights Watch

Marie Struthers
Director, Eastern Europe and Central Asia Regional Office
Amnesty International

Andrew Anderson
Director
Front Line Defenders

Marc Behrendt
Director, Europe and Eurasia Programs
Freedom House