



# General Assembly

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## Human Rights Council

### Thirty-fourth session

27 February-24 March 2017

Agenda item 10

### Technical assistance and capacity-building

## Written statement\* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[06 March 2017]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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## **The human rights situation in Ukraine**

### **1. Impunity for violations in the context of the conflict in eastern Ukraine**

Since the beginning of the conflict in eastern Ukraine, both the Ukrainian and pro-Russian separatist forces have committed serious violations of international humanitarian law and gross violations of international human rights law, including shelling of civilian areas and other war crimes such as torture. Perpetrators of such violations from both sides have enjoyed impunity, with the exception of a handful of prosecutions by the Ukrainian authorities of paramilitaries from “volunteer battalions”.

On 3 June 2016, the Ukrainian parliament adopted changes to the Constitution, which postponed the ratification of the Rome Statute of the International Criminal Court for an “interim period” of three years.

The long-awaited State Investigation Bureau, intended to investigate violations by the Ukrainian military and law enforcement officials, was established, but so far has not started operating due to the appointment of its head being stalled by a prolonged and politicised selection process.

### **2. Torture and other ill-treatment**

Impunity for torture and other ill-treatment is a long-standing problem in Ukraine. Ukrainian authorities have failed to achieve progress in bringing law enforcement officials responsible for abuses during the EuroMaydan protests to justice. The current pace of investigations could lead to most perpetrators avoiding responsibility altogether, due to the expiration of the statutory limitation for the crime of abuse of authority (the charge most commonly brought against police officers), in 2018.

### **3. Unlawful detentions**

Both the Ukrainian authorities and separatist forces in eastern Ukraine engaged in unlawful detentions of individuals they suspected of sympathizing with the other side, often using them as currency for “prisoner exchanges”. Some remained in detention, often unacknowledged, for months and even years with no legal remedies or prospects for release.

Dozens of individuals in government-controlled territories were held secretly on SBU premises in Mariupol, Pokrovsk, Kramatorsk, Izyum and Kharkiv, and possibly elsewhere. Many were subjected to torture and other ill-treatment. Amnesty International and Human Rights Watch jointly researched these abuses, and identified 18 individuals held as secret prisoners by the SBU in Kharkiv as of July 2016. This information was shared with Ukrainian authorities, including the Chief Military Prosecutor who promised to investigate the allegations. All 18 were secretly released, without charges, by the end of 2016, but their unlawful detention was never officially acknowledged. No progress in the promised investigation has been reported.

In the self-proclaimed Donetsk and Luhansk “People’s Republics” (DNR and LNR), local “Ministries of State Security” used their powers under local “decrees” to detain individuals arbitrarily for up to 30 days, and repeatedly extended these detentions. The de-facto authorities have taken no action to address such abuses.

### **4. Media freedom**

In government-controlled areas, media outlets perceived as espousing pro-Russian or pro-separatist views, and those particularly critical of the authorities, face harassment, threats of closure, and even physical violence. For example, Interior Minister Arsen Avakov has repeatedly called for the closure of the TV channel Inter, accusing it of pro-Russian

coverage. On 4 September, around 15 masked men attempted to forcibly enter Inter's premises, and then threw Molotov cocktails at the building.

In separatist-controlled areas and in Russian-occupied Crimea, journalists with pro-Ukrainian views are unable to operate openly, while those reporting for Ukrainian media outlets are denied access. Crimean journalist Mykola Semena is being investigated under "extremism" charges for his online publication, and faces a potential 7 year-long imprisonment if convicted. He has been officially designated a "supporter of extremism", for which his bank account has been blocked.

#### 5. Killings of two journalists and a lawyer

Journalist Pavel Sheremet was killed by a car bomb in Kyiv, on 20 July 2016. No perpetrators have been identified. The investigation into the killing of another journalist, Oles Buzina, shot dead by two masked gunmen in 2015, has also failed to yield any results.

The lawyer Yuriy Grabovski went missing on 6 March and was found murdered on 25 March 2016. Before his disappearance, Grabovski complained of intimidation and harassment by Ukrainian authorities pressuring him withdraw from the case involving two alleged Russian servicemen captured in eastern Ukraine. Two suspects went on trial at the end of 2016, but the judge ruled that the hearing should be closed. Contrary to widely-held beliefs in the Ukrainian lawyers' community, the prosecution insists that Grabovski's killing was unrelated to his professional activity.

#### 6. The human rights situation in Crimea

In Crimea, the *de facto* and the Russian authorities have unleashed a campaign to eliminate all vestiges of pro-Ukrainian dissent, increasingly relying on Russian anti-extremism and anti-terrorism legislation. The Mejlis of the Crimean Tatar People, was arbitrarily banned as "extremist" in April 2016. This decision was upheld by the Supreme Court of the Russian Federation on 29 September 2016. Any association with the Mejlis is now outlawed as a criminal offence, and its former and current leaders have been forcibly exiled. Its deputy leader, Akhtem Chiyyoz, was arrested on 29 January 2015 and is currently standing trial under trumped-up charges of organizing "mass disturbances" in Simferopol back on 26 February 2014 (there were no mass disturbances in Simferopol on that day). He is only allowed to participate in his court hearings via a videolink, purportedly because of the "danger" he would pose if present in person. His lawyers have faced harassment from the Russian authorities, which included the 10 day-long arbitrary "administrative detention" of lawyer Emil Kurbedinov. Two other Crimean Tatars, Ali Asanov and Mustafa Degermendzhi, have spent months in pre-trial detention for "participation" in the same purported "mass disturbances".

Freedom of expression, assembly and association, already heavily restricted, are continuously reduced. Some of the independent media that were forced to relocate to mainland Ukraine in previous years have now had their websites blocked in Crimea. On 7 March 2016, the mayor of Crimean capital Simferopol banned all public assemblies except those organized by the authorities themselves.

None of the enforced disappearances that followed the Russian occupation in 2014 have been effectively investigated. Ervin Ibragimov, member of the World Congress of Crimean Tatars, was forcibly disappeared near his home in Bakhchisaray on 24 May 2016. Video footage from a nearby security camera shows uniformed men forcing Ibragimov into a minivan and driving him away. No tangible progress has been made in the investigation.

Increasingly, Russian authorities are using allegations of possession of "extremist literature" and of membership of the Islamist organization Hizb ut-Tahrir as a pretext for house searches and arrests of ethnic Crimean Tatars. At least 19 men have been arrested as alleged members of Hizb ut-Tahrir, four of whom have already stood trial in a military court in Russia, in violation of international humanitarian law, and sentenced to between five and seven years in prison. During their trial, nearly all prosecution witnesses tried to retract their earlier statements claiming these had been forcibly extracted under threat of criminal prosecution by the Russian security service members.

In light of the above concerns, Amnesty International calls on the UN Human Rights Council to urge the Ukrainian authorities to:

- End impunity for serious violations of international humanitarian law and gross violations of international human rights law and ratify the Rome Statute without delay;
- Take immediate steps to end all enforced disappearances and unlawful and arbitrary detentions, and bring those responsible for such crimes to justice through fair trials;
- Conduct immediate, effective and impartial investigations into the allegations of unacknowledged detention of individuals by the SBU;
- Take immediate steps to ensure that no individual held by any law enforcement or other official forces is subjected to torture or other ill-treatment,
- Undertake prompt, thorough and impartial investigations into all well-founded allegations of torture, report publicly on the findings of those investigations, and bring all those responsible for violations against detainees to justice;
- Commit to and respect media freedom and pluralism of opinions, and facilitate the editorial independence of media by not interfering in their professional activities;
- Ensure journalists' safety by guaranteeing effective, prompt and impartial investigations of all incidents of unlawful interference with their work, and hold perpetrators accountable;
- Conduct effective investigations into the killings of journalists, including in particular Oles Buzina and Pavel Sheremet, and bring the perpetrators to justice;
- Explore every available opportunity for effective monitoring of the human rights situation in Crimea by facilitating the access of independent monitors, including international governmental and non-governmental organisations;
- Explore all available opportunities to insist upon on Russia's full respect for human rights and obligations under international law in Crimea, and its full cooperation with all international and regional monitoring mechanisms, including by granting full and unrestricted access to their representatives to the peninsula.