

Violation
of human rights
and political
repressions
in Ukraine

POLITICAL PERSECUTIONS5
ABUSE OF OFFICE BY LAW ENFORCEMENT AGENCIES . . .28
BUSINESSMEN UNDER PRESSURE . . .33
XENOPHOBIA . . .37
LANGUAGE DISCRIMINATION . . .40
FREEDOM OF SPEECH . . .43

Bulletin Editorial Board:

- **KRAVCHUK Leonid Makarovich** — first president of Ukraine, SDPU(U) parliament faction leader.

- **TZARENKO Alexander Michailovich** — doctor of economic sciences, Ukrainian parliament deputy.

- **VORONKOVA Valentina Grigorievna** — Ph.D., professor, head of Chair of management of organizations at Zaporozhie State Engineering Academy, academician of Ukrainian Academy of political sciences, academician of International Academy of Higher School sciences (Moscow).

- **SHUTOV Michail Michailovich** — doctor of economical sciences, professor of Donetsk Maxim Gorky state medical university, honored physician of Ukraine.

- **FEDYAKIN Alexei Ivanovich** — doctor of technical sciences, professor of Chair of information technologies at Ukrainian state chemical technological university (Dnepropetrovsk).

Violation of human rights and political repressions in Ukraine

More detailed information on political repressions in Ukraine could be found at «POLIT-TERROR- history of political repressions and violations of human rights in Ukraine» Web-site — polit-terror.info. The mentioned Web-site monitors Ukrainian mass media outlets which publish materials on legal lawlessness demonstrated by Ukrainian authorities. On-line versions of previous issues of bulletin (in Russian, English and German) could be found on the Web-site. The bezsensury.info (No Censorship), novavlada.info (New Power) and patriot-ua.info (Patriot — Antiglobalist library) will provide with critical publications reflecting problems of external and home policy of Ukraine during president Yushenko tenure.

POLITICAL PERSECUTIONS

Authoritarian regime is being strengthened in the state, first President of Ukraine considers



Leonid Kravchuk

■ **At the «round table» dedicated to discussion of Viktor Yushchenko's initiative for increase of threshold for passing to parliament at elections 2006, Leonid Kravchuk, first President of Ukraine stated: «Unfortunately, nihilism in respect to law and Constitution becomes main trend of authorities' behavior».**

In accordance with information distributed by Internet publication «Polit-Terror», Ukrainian politician is sure that increase of threshold for passing to parliament is an unambiguous attack on democratic rights of citizens of Ukraine. He is convinced that such step restricts citizens' rights for having protectors of their interests in higher legislative body of power in the country. The matter is that existing 3% barrier lets many small parties with own electorate pass to parliament.

Leonid Kravchuk considers that the main idea of Yushchenko's proposal is not structuring of the parliament, but only striving to concentrate all power in own hands for «establishment of authoritarian regime in Ukraine».

**Former PM,
former SBU chairman
and parliament speaker
admit that authorities
use law enforcement
agencies as a tool
of political pressure**

■ **On September 9 former prime-minister of Ukraine Julia Timoshenko made statement in live air at INTER TV Channel in reference to criminal persecution organized against her by law enforcement agencies in accordance with Yushchenko's initiative. In particular, she told the following:**



Julia Timoshenko

«When we have come to power... President has given order to certain heads of law enforcement agencies for keeping open criminal cases initiated against me (these cases were initiated by previous administration) and to delay solution of this problem until formation of party lists (for parliamentary elections 2006) and so on». At the same time Timoshenko stated: «I know that starting from yesterday they draft entire programs of planned repressions against me».

Former SBU chairman Alexander Turchinov said that he has received threats from Alexander Tretyakov, first assistant of President.

«The message from Tretyakov came, saying that some people of those charged by SBU in exchange for closure of their cases are ready to testify that SBU officer, in accordance with order given by Turchinov, was engaged in blackmailing and extortion. He said as well that criminal case will be initiated personally against me».



Vladimir Lytvyn

Turchinov says the same threat was addressed to Julia Timoshenko: «If she is not going to stop, then those 40 days she has spent in prison cell will seem to her as staying in paradise»*.

So, Julia Timoshenko and Alexander Turchinov following the steps of acting political opposition, in particular Social-democratic Party of Ukraine (United), and parliament speaker Vladimir Lytvyn admitted that representatives of highest executive power use law enforcement agencies as a tool of political repressions.

A bit earlier Vladimir Lytvyn in air of First National TV Channel announced: «Total state machine works today against those people, those political forces, those factions which lost elections. This is the fact and we have to admit it».

*Four years ago a criminal case was initiated against Julia Timoshenko and she spent several weeks in prison cell at temporary detention center

Chairman of special parliamentary investigative commission for inspection of observance of constitutional rights and freedoms demands to put an end to political repressions

In accordance with information distributed by «Kievskie Vedomosti» newspaper, Viktor Musiyaka affirmed that «certain actions undertaken by new authorities may be called politically motivated persecutions of opponents».

He has informed reporters that commission received dozens of complaints of people who had backed up Viktor Yanukovich during presidential elections and now experience pressure from the camp of winners. In the majority of cases these people are ordinary clerks and employees of education sphere who, traditionally for our country, have diligently obeyed to orders coming from above and as a result happen to become «scapegoats» while true organizers of falsifications were left unpunished. Moreover, in accordance with data Musiyaka has, heads of law enforcement agencies receive «instructions» for opening more and more criminal cases associated with criminal code articles on falsifications of results of voting at presidential elections.

The parliament deputy promised to disclose more detailed data in the report of the commission which should be presented in parliament this October. «Persecutors shall think of possibility of their own liability for violation of citizens' rights. They shall stop», parliamentary commission chairman said.

The greatest number of citizens' com-

plaints, received by Viktor Musiyaka commission, is associated with courts' actions and verdicts. Upon examination of these documents, members of commission have come to conclusion that in many cases judges not only lack sufficient professional level, but neglect procedural norms as well. Most frequently the complaints for judges were forwarded by residents of Kiev, Kharkov, Dnepropetrovsk, Crimea, Odessa and Donetsk.

Minister of the Interior plans to come to penal stage and establish «people's tribunals»

■ When Viktor Yushenko has delivered his address to the nation, demanding to put an ultimate end to crime and corruption, the minister of interior Jury Lutsenko emphasized: «Starting from the Independence Day, when the new initiatives were



Jury Lutsenko

proclaimed by President, militia will be ready to the next stage of its activity — penal one».

In accordance with information distributed by «Izvestiya» newspaper, Lutsenko promised to establish people's tribunals which will be engaged in trials of «enemies of the nation» — supporters of former president of Leonid Kuchma. He thinks that trials could not be conducted in other, more legal ways. The minister's «black list» contains more than a hundred names, including parliament deputies who have immunity.

Lutsenko devised «by-pass» maneuver: «All suspects names will be released to the society and people's court will be held for the first time in Ukraine. People will decide for themselves who shall be given immunity under the dome of Ukrainian parliament and who shall be passed to custody of law enforcement agencies».

The very day when the oppositionist should be released in compliance with court verdict, procurators charged him with new accusations

■ **On September 9 judge of Transcarpathian court of appeals refused to satisfy motion of representative of procurators' office for prolongation of term of arrest for former**

Transcarpathian governor Ivan Rizak.

Ivan Rizak should be released on September 12 in accordance with court verdict — on the day when his term of detention in custody would be completed.

At 9 am in the morning his party colleagues and reporters from regional and central mass media outlets gathered near the building of Uzhgorod temporary detention center. Ukrainian parliament deputies Shufrich, Dobkin, Shurma, Zaets and Proshkuratova arrived to Uzhgorod as well. They spent the whole day waiting for resolution on release of Rizak. The resolution has to be signed by investigator of regional procurators' office M.Dancha.

Dancha arrived to temporary detention center only at 5 pm. In accordance with information released by lawyers Mokanu and Pich, Rizak was informed in his cell about resolution on his release on recognition not to leave city. And then the investigator of regional procurators' office M.Dancha has read new accusation against former Transcarpathian governor and resolution about his arrest. This time Rizak is accused of organization of mass turmoil in Svalyava (Transcarpathian region) last November.

Compatriots of Rizak, who is a member of Social-Democratic Party of Ukraine (United)*, are sure that all criminal cases against Ivan Rizak represent political revenge and no accusation is grounded.

Leonid Kravchuk, first President of Ukraine stated:

«To throw Ivan Rizak behind bars is a direct order given by Presidential

*SDPU (U) is in opposition to current authorities

Administration. At first he was accused of an attempt of driving university rector to suicide. They failed to prove his guilt and put forward new accusation. Again they have found nothing criminal. On September 9 court ruled that Ivan Rizak shall be released on bail. After that authorities rushed searching for pretext for next charges and found ones which Attorney General Office had already dismissed in August. All these events are the examples of how laws are violated in accordance with President's order and how court verdict are being delivered».

Viktor Medvedchuk, SDPU (U) leader:

«Having detained Rizak for the second time, authorities demonstrated their fear of Rizak — fear that he will transform from accused person to the accuser. Farce was organized when the investigator has informed him in the cell at first about resolution on his release and immediately told about new accusation and new arrest. Putting forward even more absurd charges against leader of Transcarpathian social-democrats, authorities show their absolute impotence. The faster orange glaze are falling down from the eyes of those people, who had come out to Maidan to back up acting rulers, the more cynical and bolder are actions of those who used confidence of these people. I am sure that everyone who is now engaged in lawlessness and abuse of power, hiding their actions behind the shield of slogans of legality and morality, will have to bear responsibility. However, the law and justice will triumph some day, and united social-democrats of Ukraine consider struggle for this as their main task».



Ivan Rizak

Ukrainian parliament deputy Michael Dobkin emphasized that local power represented by Baloga and procurators is ready to do everything possible to throw Rizak in jail:

«There is no law and no Constitution in Transcarpathian region. The authorities settle old accounts revenging opponents and they will do everything possible for keeping Rizak in custody».

Ukrainian parliament deputy Igor Shurma:

«Authorities are going to keep Rizak in jail until elections to provide pro-power forces with possibility for defaming social-democrats constantly telling that members of this party are in jail».

On September 13, when parliament deputies — members of SDPU (U) decided to block parliamentary pulpit until lawlessness against their compatriot will be stopped, when several parliament deputies went on hunger strike, protesting against illegal actions of procurators,

Ivan Rizak was released on bail. When this issue of the bulletin was under preparation, Ivan Rizak was hospitalized to «Boris» private clinic in Kiev.

Three weeks prior to these events Ivan Rizak's lawyer Vasily Mokuha has given an interview to «Palanok» newspaper. He stated that judges are forced to conduct absurd trials against his customer:

«As it was already common for our society in Soviet times, law enforcement, or to be more exact, repressive, agencies have the right (on their disposal) to disclose information about the examined case. At the same time rights of the defender are always restricted. I have no right for telling everything in detail, because tomorrow they may initiate criminal case against me and they will do all their best to prevent me from participation in defense.

Besides articles of criminal code used as a base for accusations which were already put forward, procurators will probably do everything they can to associate beating of youngsters in Svalyava (Transcarpathian region) with Rizak. They will say that he is allegedly the organizer, while I am sure that such statement has nothing to do with reality.

I think that this criminal case was opened and is being examined in the style of «best standards» of Soviet system in accordance with principle «just find the man and you will find an article for him». They agreed that the article would be incitement of rector Slivka to commitment of suicide. The realization of this scheme has started. But wise people work in procurators' office and they realize that such accusation is fictitious and groundless. A lot of lawyers and judges call this case in private talks only as absurd one.

Those who have waged «legal» actions against Rizak will try to prove their rightness under any circumstance. And they will «reserve from risking» i.e. producing charges only in accordance with one article of criminal code. Their task is to find as much as possible in order to have at least one charge after the trial. After that they can sigh with relief as no one will be called to account.

I constantly remind that we are still living under criminal-procedural system established in such horrific totalitarian country as USSR. Unfortunately, such work of Alexander Solzhenitsin as «Archipelago Gulag» is not compulsory for study at schools. The system described there has remained mainly intact. Employees of our law enforcement agencies and judges could be brought to account in case a citizen will be entirely justified. That is why proving involvement in at least one of 20 incriminated crimes (even not grave ones) in court means a guarantee for avoidance of accountability.

The indictment is the main thing. It should be reached at any cost. This system is completely employed against Rizak, that is why they are «building up» the case and they will «build it up».

Testimonies of individuals will represent the main part of all accusations. In order to obtain such testimonies they use system of «stick and carrot» — people, who are «dirty», who have or should have problems due to violations of law, will be provided with regime of maximum assistance in exchange for testimonies they are asked to give. In order to save own skin they are ready to picture Rizak as a monster. It seems to me, they are trying to entirely demonize Rizak's image.

I think the goal is to make him suffer, and suffer and suffer again. There is no use talking about law — they are settling scores with him for his job as a governor».

Eugene Kushnarev, «New Democracy» opposition party leader, describes his arrest in detail and lawlessness of authorities:

■ **«On July 6, just a week after beginning of pretrial investigation of a so-called «separatist» case, I was told that investigation is completed and we will have to read the materials of the criminal case. After that the case will be forwarded to court. This was unexpected for me and even looked like boldly and overt neglect of law. I was never able to suppose that pretrial investigation could be completed in a week...»**

For the reference: Separatist case was initiated in association with the assembly in Severodonetsk (Lugansk region) and meetings in Donetsk, Lugansk and Kharkov. In the end of the last year, before the second round of the presidential elections, assemblies of representatives of political forces and public were held practically in all big Ukrainian cities, both in the East and in the West. Assembly in Severodonetsk has taken no resolutions associated with separation of regions or contumacy. Eugene Kushnarev is sure that he has



Eugene Kushnarev

not committed any intentional or non-intentional actions bearing danger for territorial integrity of Ukraine. He says that evidentiary base of prosecution is built on arbitrary interpretation of separate phrases taken out of context of his speeches. Kushnarev considers that violations of constitutional rights were initiated by those people, who has headed «orange coup»: «Only after the week of this bacchanalia some response followed from the East. But now it happens that one people receive awards and ranks for their lawlessness and abuse of power, while others are granted with accusations and persecutions for the similar actions».

«Exactly at this moment I had first heart attack and I had to be treated seriously. Physicians examined me and prescribed the course of treatment. I supposed that I will stay for two weeks of rehabilitation course in a specialized health resort near Kharkov to be ready to start cooperating with investigation in

September. But it seems that investigation thought in a different way.

On August 15, the hospital where I stayed (Kharkov city hospital #6) was practically under siege organized by police officers from UBOP department (department for fighting organized crime). They planted civilian-clad officers almost at all floors and guarded my ward.

Council of physicians came to conclusion that they can not release me in such state and I should stay in hospital at least for a week.

It seems such state of affairs does not suit investigation. They did not risk taking me away from hospital, but informed me of pressing oral request of the investigator — I should come to Kiev at least for a day to start reading documents of the case. It was told that otherwise investigation may think that I am trying to avoid conduction of procedural actions.

On August 16 I suspended treatment and went to Kiev. In the evening I met with the investigator. He tried to look like he is happy to see me. The conversation was calm and I could even say that it was benevolent. The investigator has even expressed his happiness when he saw that at last I am able to start reading the case. We have agreed that the next day we will start working together with my lawyer. So, we did it as it was agreed. At 10 am we have come to Attorney General Office. We were provided with the room and started working here. Previously we had agreed that I will work for two days and then I will come back to Kharkov for next council of physicians.

However, the zest of the situation was that on August 15 — a day before my arrival to Kiev — deputy Attorney General Shokin has signed an arrest warrant for me. This warrant was associat-

ed with another case — the case of subway construction. No one of the procurators has talked with me in connection with this criminal case. We have started reading documents of separatist case, but in an hour the investigator summoned me and my lawyer and informed us that I am charged and detained.

Reference: *Criminal case for a subway was initiated in April by Ministry of Interior Department in Kharkov region. Former governor was charged with «transgression of power resulted in grave consequences». Kushnarev stated: «The investigation considers that my transgression of power is that I had allegedly passed resolution for attraction of credit resources for construction of subway in Kharkov. And we had allegedly paid the credit back, again in accordance with my resolution, by budget means, paying 8 million grivnas as interest. However, all resolutions were passed at the sessions in presence of representative of procurators' office. We have expert conclusions that we would not only fail to complete subway construction to 350th anniversary of the city without the credit, but we would delay it at least for 2 years. Two subway stations were opened in Kharkov last year».*

«... I replied that I absolutely disagree with a manner of investigation conduction and with such actions of Attorney General Office. I demanded (in written form) meeting with Attorney General and Shokin in order to clarify the situation. Naturally, they refused.

When we realized that I won't be able to leave Attorney General Office without hand-cuffs, I felt what arbitrary treatment of Attorney General Office means. I am not an expert either in criminal law or in procedural actions. But what could I think of the situation when it has happened that criminal case is initiated

against me, when no interrogation was held and I was not even informed of existence of such case!?

Until this moment I demonstrated absolutely law-abiding behavior in relation to separatist case and have regularly arrived in accordance with invitations. Besides that, I had several times crossed border and returned home. I made no attempts to leave Ukraine secretly. That is why I saw no reasons for arrest. It was evident that they try to put an end to my active political behavior.

I have almost immediately announced that my reaction to detention will be hunger strike and they brought me to forensic medical examination.

Expertise was conducted by Kiev doctors whom I did not know. They registered blood pressure 190/110, hypertension crisis and several other malfunctions. They told me nothing, but judging by their behavior I realized that physicians are disturbed. And when I was kept for an hour and a half in locked room after completion of examination, I realized that procurators have some difficulties. Probably, the investigator tried to obtain doctors' permission to transfer me to the temporary detention center. I think he failed to get this permit and that is why they brought me to central hospital of Ministry of Interior.

And then the treatment started. It was so intensive that I have never ever seen anything possible. They made 4 intravenous injections, 6 shots and have given me a fistful of pills during just one evening. The next day blood pressure dropped to 150/100. It seems that physicians proposed certain course of treatment, but after a short period they have somehow disappeared and I was told to come out.

In the morning on August 18 I was brought to temporary detention center.

There was no use to wage discussion on level of arguments and norms of law. Procurators represented a tool of political struggle — they received task and the goal would be reached at any costs. My accelerated treatment in the hospital has confirmed this suspicion. That number of medications I received simultaneously witnessed their desire to obtain «externally satisfactory» results. Such step would allow them throwing me in temporary detention center without any overt risk and rough violations. I tried to demand from procurators to allow my attending doctor taking part in forensic-medical examination and subsequent treatment, but I got refusal.

Prosecution insisted on keeping me in specialized department of a prison type in the ambulance hospital or, in other words, in a typical prison hospital. I have spent there 6 days.

The conditions of staying were horrible there. I may only thanks those responsible for it that I was not accommodated in the ward with criminals who stayed their hand-cuffed to the beds. I was hospitalized in the lobby of the sentinel ward.

This place is just a dead-end of hospital lobby fenced by strong iron doors from the outer world. Hand-cuffed people always passed by me. Investigations were conducted in 8-10 meters distance from my bed. It happened all around the clock under constant bright electric light. I managed to have a nap only between 3 and 6 am.

Besides ordinary set of guardians (4 policemen from convoy regiment), 4 officers of SOKOL special task force constantly guarded me. They were in camouflage, bullet-proof vests and equipped with automatic Stechkin pistols. From the one side, it looked gloomy, but on the other side — in a grotesque

way. I could hardly move my feet and walked to toilet holding on the wall. At the same time, robust trained guys, ready to detain armed hoodlums, followed me.

As I understand now, this was their main task — to crush me psychologically, to demonstrate me that I happened to come to situation of absolute hopelessness and that I can not even dream of contacts with outer world. They observed not only my every step, but every gesture as well.

On August 25 in the afternoon the investigator and my lawyer came. They announced that I may leave for home, because court has changed measure of restraint. Approximately in half an hour my relatives helped me to collect my clothes and come out. It was difficult for me to walk as it was ninth day of the hunger strike.

The main task for me now is to recover normal physical and psychological state.

Naturally, authorities will not get off my back trying to realize at least two possible scenarios with assistance of law enforcement agencies. Their maximum program is to prove my guilt at least in one case and to obtain verdict in court. For sure, this is the most desired option for authorities because in this case I will have no chance for participation in parliamentary elections.

The minimum program is as follows — to restrict my political life to the greatest extent by investigative actions, by application of psychological pressure, by morally destroying me, my relatives and my allies. This scenario, by the way, is being realized for 8 months already. Being an official person, I have signed thousands or maybe tens of thousands documents in 4 years. It is not that hard to hook something and find formal pre-

text for initiation of criminal case. The other thing is that such cases absolutely lack any prospects. However, the question is frequently put forward in the following way — let us find the criminal case, and the man could always be linked or «attached» to it. The man can be always summoned for interrogations and line-up or confrontation. Discreditation of political opponents is made exactly in this way.

Parliament speaker Vladimir Lytvyn, commenting detention of Kushnarev, characterized arrests of people who played significant role at regional or national level as «systematic stupidity»:

«If one wishes, he may arrest the entire Ukraine or at least half of Ukrainian population».

Viktor Yanukovich, leader of Party of Regions, has stated:

«Detention of Eugene Kushnarev is an additional confirmation of the fact that Attorney General Office will never be stopped in its urge to fulfill order given by authorities. It was clear from the very beginning that «case on separatism» has no prospects in court, that is why Attorney General Office has to persecute oppositionist politician at any cost in order to «save own face». Eugene Kushnarev, in accordance with statement of investigators, happened to be guilty in bringing two stations of Kharkov subway into service. Exactly this «crime» happened to so grave that suspected person had to be kept in custody. I am sure that while «witch hunting» and desire to satisfy high-ranking officials desires will be the main business of law enforcement agencies, we will never be able to talk about supremacy of law and democracy».

Dmitry Tabachnik, former vice PM and doctor of historical sciences, describes circumstances of the criminal case initiated against him, asserting that this is political repression:

■ **«Civil Code of Ukraine flatly bans any investigative agencies, including Attorney General Office, from disclosure of suspect's or charged person's name in mass media outlets without the consent of the person. Only first letters of the surname may be used. That is why all this bacchanalia, which is going on now, when news coverage provided by TV channels and information agencies resemble battle field reports, is a severe violation of the law.**

The law is being violated by procurators and police officers. The law is being personally violated by Jury Lutsenko, the Minister of Interior of Ukraine. The law is being violated by other «law enforcement» officials who publicly disclose the fact of initiation of criminal case against any person in mass media (including officials, parliament deputies and lawyers). Article 296 of Civil Code of Ukraine bans such activity absolutely clear and in unambiguous way.



Dmitry Tabachnik

I found out about my problems not from mass media outlets. I have received ordinary summons for interrogation from Attorney General Office. However, the summons was made with roughest violations of the law. The matter is that investigator or any other employee of Attorney General Office shall indicate how person is summoned to the procurators' office — as a witness, as a suspect or as charged person. Our Attorney General Office has «invented» special form of summons where it ignores this simplest requirement of the law. The Attorney General Office writes just the following phrase: «You are invited by this or that person». I could hardly explain what the goal of such intentional legal negligence of procedural law is. I think, probably, this could be explained by existing urge for manipulation of various cases, for harassment of people, for applying pressure to them. This was vividly

demonstrated in repressions of Eugene Kushnarev* and Boris Kolesnikov**. They had also received similar «summons» which contained no information on why the person is called to procurators' office. Such method allowed manipulating the documents on one side, and keeping any summoned person «fit», on the other side.

Absolutely similar criminal cases (in accordance with Article 365, part 1 of Criminal Code of Ukraine, which means «transgression of power») were initiated against former Minister of Cabinet of Ministers of Ukraine Anatoly Tolstoukhov*** and me».

Reference: *In accordance with data provided by Attorney General Office, former high-ranking officials are brought*

* Please read about Eugene Kushnarev — page 11

** Former chairman of Donetsk regional council Boris Kolesnikov, who has spent nearly 4 months behind bars, was released on August 2. Court of Appeals released Boris Kolesnikov, taking into account the fact that Attorney General Office failed to produce convincing arguments for necessity of keeping him in custody. The Attorney General Office insisted on prolongation of detention term till January 2006. Viktor Yanukovich, leader of Party of Regions, called Court of Appeals verdict «absolutely logical, but highly delayed» — «unprecedented criminal persecution of Kolesnikov on absolutely flimsy pretext and roughly cooked-up case lasted 4 months with violation of all norms of law and Constitution. The absurdity of produced charges, illegality of his arrest and long-term unfounded detention are absolutely clear for wide public in Ukraine, for politicians and for people who were never engaged in politics. This is clear even in the Attorney General Office where they have to «throw» fourth investigator for examination of Kolesnikov's case».

*** Former minister, philosopher and historian Anatoly Tolstoukhov stated: «I am ready for visit to procurators office after which I won't be able to leave it. I know that corresponding agencies are working over this plans personally approved by President»

to criminal liability because on November 25, 2004 they had interfered into operation of «Uryadovy Courier» newspaper editorial board having transgressed their official and power authorities. Attorney General Office asserts that they had illegally signed for print page proof of newspaper dated Nov. 26, 2004, which contained resolutions of Central Election Commission dated Nov. 24, 2004 on results of re-voting at elections of president of Ukraine which were officially banned from publication by the Supreme Court. In accordance with the mentioned resolution, Viktor Yanukovich was named winner of presidential elections.

«They incriminate us wish which was never realized. They incriminate us our position which we had expressed. They incriminate Anatoly Tolstoukhov and me with our expressed opinion on necessity to print issue of «Uryadovy Courier» dated Nov. 26, 2004.

Our actions, and all my actions in general for 16 years of my state service, has never contradicted, never contradicted, and I hope, will never contradict Ukrainian laws. That is why, at the moment when we expressed our opinion to Mikhail Soroka, editor-in-chief of «Uryadovy Courier» newspaper, saying that we see no obstacles for publication of issue #226 dated Nov. 26, 2004, the editorial board had neither CEC letter recalling resolution on outcomes of presidential elections, nor copy of the Supreme Court resolution dated Nov. 25, 2004. The editorial board had only the text of press-release of Supreme Court sent to newspaper by fax by some unknown person. It was entitled «Information for mass media» from the Supreme Court press-office. Its subtitle said: «To attention of journalists». It was very strange for me, as for the state official, that the mentioned «document»

bears no stamp of the Supreme Court and has no registration number.

Never in my life, occupying position in the state office, I (as any other psychically healthy person), I perceived press-releases as instructions. Releases of press-offices of any agency never are and never will be an official document compulsory for fulfillment. Besides that, we knew that press-releases of any agency are frequently amended, corrected and changed. No doubt, they can not be considered official documents. I had such point of view then and I still continue thinking that fax copy without signature and out-coming registration number is not a document which allows or bans any action (or cancels an action).

On the other side, Article 86 of the Law of Ukraine «On Elections of President of Ukraine» stipulates that Central Election Commission shall officially publish results of elections in «Voice of Ukraine» and «Uryadovy Courier» newspapers not later than in 3-days-term upon determination of results. So, the editorial board on the newspaper shall and simply must operate exclusively in the legal frameworks.

On November 24 CEC passes resolution on completion of elections. On November 25 CEC forwards its two resolutions to «Voice of Ukraine» and «Uryadovy Courier» by special courier mail in compliance with requirements of current law. Publication should be unambiguously printed because at the moment the newspapers were prepared for print, resolution of the Supreme Court did not exist yet.

When I was in the editorial office of «Uryadovy Courier» newspaper, there were no legal obstacles (and I stress that) for publication of newspaper. There were no official documents which I or newspaper shall comply with and suspend publication of newspaper's issue.

However, I do not believe that criminal

case will be closed. If it was initiated in absence of fact of offense, then who will investigate question of sufficiency of proof for forwarding the mentioned case to court? In fact, this is an attempt to form distorted and fictitious stereotype in the society that Tabachnik and Tolstoukhov are criminals. This is an attempt to force judges (and they are also human beings) form biased opinion that crime has been committed and the offenders are Tabachnik and Tolstoukhov. The Attorney General Office, in my earnest conviction, employs this method every time when criminal case has not enough proofs or they lack at all.

The reason is in crazy rancor of enormous number of high-ranking representatives of new authorities. The reason is in their total neglect to norms of law. So it happens that none of pre-election pledges given by new authorities was realized. The supremacy of law in our country is a hollow sound now. Permissiveness of officials happens to be more significant than the law, while desire to please bosses is more important than honor and dignity.

When the head of state considers dismissal of more than 20 000 state officials without any arguments, in violation of Constitution of Ukraine and Law on state service, as his great exploit, then why other people on minor positions and not disturbed with personal responsibility of the guarantor of the Constitution shall not consider him sample for copying? At the same time President constantly talks about necessity for purges in customs, law enforcement agencies, district and regional administrations. Complacent and not smart enough administrators will always be available as well as those people who will develop and realize the mentioned ideas to the absurd state with pleasure. I do not think that all Soviet citizens who in 1937—1938 waved

really horrible slogans «Let us destroy the band of fascist mercenaries», «To destroy and wipe agents of foreign intelligence off the face of Earth» were rascals and scoundrels. Evidently, they were also overwhelmed by mass psychosis or servile wish to please the leader of all times and nations.

As for the pointless and counterproductive confrontation between Ministry of Culture and the entire staff of Lesya Ukrainka National Academic Russian Drama Theater*, in my opinion, it is interesting and specific due to the fact that this event happens in the sphere of culture! This pointless battle is going on for 8 months already in the sphere of culture and we see an attempt to destroy and eliminate staff of the most visited theater in Ukraine despite court verdicts. This is just a crime against own citizens. For last 10 seasons the theater had more than 1 300 000 spectators. And I think that the reason of repression is that new authorities try to burn down different point of view by red-hot iron even in the famous and famed theater in order to gain absolute obedience. Besides that, the demonstrative repression of dissidents in culture will force other dissidents and «non-orange»** representatives of culture and science to bow down their heads and to quit talking and thinking about pledges and lies, declarations and their realization...

All declarations of the new authorities, including statements on European choice, human rights and necessity of opposi-

* Please read about persecutions of theater director of Lesya Ukrainka National Academic Russian Drama Theater — page 23.

** Political forces, which supported Viktor Yushchenko at presidential elections, used symbols of orange color.

tion existence, on respect to Constitution and so on for the last half a year started representing meaningless phrases in our country.

When somebody tries to hush down dissident newspapers and reporters, the next stage will possibly start with public burning of books at the squares coupled with dances in embroidered shirts.

Authorities, loosing confidence of the society, try to react by quite efficient, but primitive actions. It makes criminals out of oppositionist politicians consciously and without proof in order to state on the eve of elections: «Do you see, whom you can vote for? Who do you want to replace us?»

Besides that, these political repressions and persecutions possess highly expressed regional nature. One can name no region in south and east of Ukraine where criminal case against former chairman of state regional administration or leader of regional council was not fabricated, initiated or organized. We can list all these regions — Kharkov, Sumy, Lugansk, Donetsk, Nikolaev, Odessa, Kherson, Dnepropetrovsk, Zaporozhie, Crimea and Sevastopol. Population of any region, where presidential candidate Yanukovich has won, may convince itself now that the words of new authorities about human rights, European choice of development and respect to opinion of other people in reality are only words which unfortunately contradict actions of authorities.

The man does not have 3 lives or 48 hours a day. When a man is busy with a criminal case, visiting procurators' office, reading documents for 4–5 hours daily, jotting down some data from them and consulting with his lawyer, for sure, he will have no time to travel around Ukraine, telling about his party and explaining his election program. This

know-how pursues several aspects. The first one is to discredit people, to apply pressure to them. The second one is to give them no time for participation in political election process. And the third aspect — in case authorities will be lucky enough, some people will be indicted, at least conditionally, on absurd motives in order to take person away from election race.

A leader of oppositionist party is being discr

■ SDPU (U) party members consider decision of Attorney General Office of Ukraine for putting Jury Zagorodny, chairman of executive committee of Social-Democratic Party of Ukraine (United), on wanted list, as a next fact of cynical persecution of representatives of opposition.

«While Jury Zagorodny is in official vacation, the distributed information on search warrant is nothing but an attempt of power to discredit and harass him», Igor Shurma, parliament deputy and member of SDPU (U) faction thinks. «Representatives of Attorney General Office have probably drafted several plans aimed at isolation of one of the leaders of social-democrats».

Commenting situation associated with Jury Zagorodny, Leonid Kravchuk, first president of Ukraine, said: «One shall not believe in any word of new authorities. Lies and insinuations



Jury Zagorodny

reached such heights which I have never seen in my political life, even in Soviet times».

Jury Zagorodny has made statement previously saying that, in accordance with information he has, Attorney General Office decided to put his name on wanted list and ultimately arrest him on fictitious pretext. He also demanded to put an end to lawlessness and repressions against political opponents of new authorities.

«Tactics of procurators, when representatives of oppositionist political forces are summoned for interrogation in connection with one case and here they are charged with another offense, demonstrates overt political implication of procurators' actions. The authorities catastrophically loose confidence of the nation and they decided to win elections by means of discreditation of leaders of opposition parties. The authorities has never hidden the fact that SDPU (U) ranks first in their «black list». «Orangists» do

recognize now the existence of political persecutions. Political repressions of power against its opponents will only gain momentum as the time of elections will become closer. President has learned only one psychological trick from his last elections campaign — one may not fulfill given promises, but the creation of enemy's image guarantees success».

SDPU (U) press-office informed that Jury Zagorodny family members are banned from entrance to their house:

«Without any documents, securities guarding «Pusha-Voditsa» dwelling complex refused to let son and wife of deputy chairman and chairman of executive of SDPU (U) Jury Zagorodny to realized their right for access to the house*.

Earlier these actions were restricted by refusal of security service to let them into the house under pretext of absence of passes — those passes which are not given intentionally to Zagorodny family members, but on September 10 the administration of the complex called armed police patrol. At the same time they refused to let in the house even pregnant daughter-in-law of Zagorodny together with his son. She sustained stress and humiliation.

Such situation, when people who left their house in the morning could not come inside upon coming back, demonstrates hypocrisy and inhuman nature of those who issue such orders.

In this way power shows neglect to basic norms of Constitution, in particular, to Article 47, which stipulates right of every citizen for housing. This lawlessness continues for 2 months already. The director of «Pusha-Voditsa» dwelling

complex A. Grigorenko, citing oral instruction given by some high-ranking officials, orders securities not to let residents on territory of the complex.

We would like to remind that Jury Zagorodny's right for usage of the house is confirmed by rent agreement which was never ever contested in the order stipulated by the law.

Persecution of Jury Zagorodny, one of SDPU (U) leaders, continues for more than 2 months. Restriction of access to the house, attempts to summon him to Attorney General Office as a witness in the time when Zagorodny is on vacation, provocative distribution of information on search warrant for him in mass media, surveillance over the family members and discreditation attempts against his relatives — this in not complete list of methods used by authorities in order to morally crush one of their political opponents».

* Zagorodny family rents house located in elite dwelling complex «Pusha-Voditsa» in the suburb of Kiev. The mentioned complex belongs to State Department of Affairs.

**Progressive Socialist Party*
Chairman states
that power is going
to murder one of leaders
of opposition
and former Attorney
General of Ukraine**

■ **Nataliya Vitrenko, PSPU
Chairman, forwarded her
appeal «Put an end to repres-
sions against Gennady Vasiliev
— leader of oppositionist party»
to Council of Europe, UN Com-
mission for Human Rights,
Ukrainian Ombudsman and to
embassies of foreign states in
Ukraine. We'd like to cite some
excerpts from this appeal:**

«... We are forced to appeal to your with request for stopping political repression against Gennady Vasiliev, the leader of opposition party «Derzhava». He is prominent political figure in Ukraine, parliament deputy of Ukraine for three terms and the man who enjoyed support of the parliament for his appointment at position of deputy chairman of the parliament. Vasiliev's authority was so high that parliament appointed him Attorney General of Ukraine.

Gennady Vasiliev has publicly opposed severe violations of laws of Ukraine during «orange revolution» and, in protest against nonfeasance of President of Ukraine and law enforcement agencies he has voluntarily resigned from position of Attorney General of Ukraine.

* PSPU — left-wing party



Gennady Vasiliev

As a highly experience professional lawyer, Gennady Vasiliev revealed political essence of grand-scale repressions in Ukraine... He has uncovered lies of authorities in investigation of notorious criminal cases — Yushchenko's poisoning, murder of reporters Igor Alexandrov and George Gongadze, criminal liability of former prime-minister Julia Timoshenko and others. Such active behavior of respected public figure invoked anger of Ukrainian authorities. And power has not only waged political repressions against Gennady Vasiliev, but (in accordance with our assessments) order to destroy him physically. Current power strives to conceal information on its criminal activities by repressions against Vasiliev.

The pretext for initiation of a criminal case against Vasiliev was the following — Gennady Vasiliev as the highest ranking official of Attorney Gener-

al Office has signed letter addressed to governor of Kiev region asking to provide Attorney General Office with a and lot. We'd like to stress that the land lot was asked not for Vasiliev personally, but for the state agency. The letter was not a secret, it was well-known.

Opening of a criminal case by regional procurator against former Attorney General of Ukraine without prior conduction of internal investigation in Attorney General Office is a roughest violation of regulatory norms for procurators and, for sure, this action has political and ordered nature.

In such a way, authorities are trying to punish one of the leaders of Ukrainian opposition, violating not only citizen's rights and freedoms, but also blocking political activities of the oppositionist party».

Sevastopol city council chairman says he is persecuted due to political motives

■ **Valentin Borisov, chairman of Sevastopol city council, called the initiation of criminal case against him «political revenge and blackmailing executed by chairman of Sevastopol city state administration Sergej Ivanov».**

In accordance with information distributed by «Kommersant-Ukraine» newspaper, Borisov stated that leaders of city state administration are interested in discreditation of city council in order «to conceal own lack of professionalism

and incompetence in communal property administration and to hide abuses of power by city state administration reveled by city council».

Valentin Borisov does not exclude that criminal case against him was initiated after his refusal to resign from position of city council chairman. He said that representative of Gennady Moskal (deputy minister of interior) advised him to abdicate from deputy's mandate. «He has offered me to write corresponding note saying that I am quitting my job. Otherwise, he promised that in a week term a criminal case will be initiated and they will do everything to throw me in jail».

The chairman of city council explained that the reason of conflict between city state administration and city council was, in particular, refusal of deputies to approve increase of tariffs for communal services, while administration insisted on the increase.

Borisov also asserts that pressure is being applied to his family: «Surveillance, tapping of our talks, searches for 5 hours and so on».

Sevastopol city council adopted an appeal to President Viktor Yushchenko, parliament speaker Vladimir Lytvyn and Attorney General Svyatoslav Piskun. The appeal, in particular, contains the following phrases: «We consider this fact as a pressure not only on chairman of Sevastopol city council Borisov, but also as pressure on deputies of Sevastopol city council and local self-administration agencies in general. We evaluate this event as possible political order given by certain forces and aimed at destabilization of political situation in Sevastopol».

Authorities failed to dismiss theater director

■ **Main Control and Auditing Department of Ukraine, tax inspection and court have ultimately determined — there are no violations in Lesya Ukrainian National Russian Drama Theater.**

In accordance with information distributed by Pro-UA Internet publication, almost half-a-year-long epic of inspections, unfounded accusations and court hearings, which have started practically at the moment when Oksana Bilozir obtained seat of minister of culture, ended like it should have — it brought nothing.

It is symbolic that victory of the theater in the «war» against Ministry of Culture and Tourism coincided with completion of 79th theatrical season and with the eve of its 80th anniversary. Unfortunately, the entire second half of the season was dedicated not to discussions of brilliant performances, but to disputes about how long the hunt for one of the best theaters of the country and its leader Michael Reznikovich* will last. At the certain

* Michael Reznikovich, the theater director, explained the reasons of pressure which he and theater personnel experienced in the following way: «I think somebody told President a lot of lies about the theater and me personally. On the other side, the reason might be that I backed up Viktor Yanukovich. However, Yanukovich's government increased salaries for employees of national institutions in two folds, and we obtained a chance for more or less normal work. As a normal and honest man, I had to do that».



Michael Reznikovich

moment one can start experiencing doubts — will the theater be able to exist after that?

The list of state agencies involved in «disputes» around the theater is really impressive — Attorney General Office, Control and Auditing Department, Shevchenkivsky district office of procurators of Kiev, tax inspection and department for economic crimes at ministry of interior...

It is clear now that the campaign launched around Lesya Ukrainka Theater resulted in complete fiasco — no business or financial violations in business activities of the theater were revealed. One thing is also clear — the true reason of all these inspections was mundane human desire of one of representatives of new «cultural» management to get rid of Reznikovich in any way possible — by illegal sacking, by harassment with non-existing crimi-

nal case, by refusal in medical assistance or even by threat of jail. Oksana Bilozir said the following phrase in address of theater director: «He will be convicted and imprisoned».

For the time being it seemed that high-ranking «inspectors» will somehow manage to make their dream come true, moreover, as Pro-UA sarcastically notes, in our times of grand-scale of «non-political persecutions». Maybe, it would have happened in case the society and politicians would not protect the theater. It was found out that Bilozir (and her company) represents the minority. Moreover, it became more evident that even highest-ranking state officials felt uncomfortable observing measures undertaken by ardent ally and the leaders tried to hush the conflict calmly.

Bilozir failed to reply to requests forwarded to her by Ukrainian parliament. She missed sessions of investigative parliamentary commission for violations of citizens' rights and freedoms, dispatching her deputy instead. Unfortunately, the deputy produced no new and convincing evidence proving correctness of Reznikovich's sacking and only repeated groundless accusations voiced by his boss. Oksana Bilozir even failed to come in person to the court hearing which she had personally initiated. She has not send her representative thus frustrating two court hearings. At the same time officials from Ministry of Culture kept calling Michael Reznikovich and insisted on legality of his dismissal. This fact has only intensified legal helplessness of «cultural» officials.

One can only hope that collective of famed theater will meet 80th jubilee theatrical season not in pickets protecting their rights, but on dress

rehearsals, premiers and performances together with a great number of theater's friends — spectators from all parts of Ukraine, says Pro-UA publication.

Chief Physician persecuted due to political reasons

■ **The heads of Gaivoron state administration tries to fire Svetlana Shiyan, chief physician of local district medical association, who stands on «non-orange» political position.**

In accordance with information distributed by «Vedomosti-Plus», well-known and locally respected woman and real Expert experiences strongest psychological pressure for several months and is subject to overt blackmailing. She is constantly harassed and she receives overt threats.

Even high-ranking officials knew now the circumstances of persecutions waged against Svetlana Shiyan. The letter signed by prime-minister of Ukraine urging to seriously examine the situation was sent to Eduard Zeinalov, chairman of Kirovograd state regional administration.

«Vedomosti-Plus» managed to obtain official reply on the letter signed by first deputy governor Anatoly Revenko. The reporters say that they were amazed observing cynical humbug demonstrated by our state officials.

For instance, the letter says that examination of deputies' request was conducted by specially appointed commission. In fact, only one official was

sent to Gaivoron to check facts mentioned in the letter, and this clerk was head of regional healthcare department Nikolai Benet.

Later on Revenko's reply says that «during January-July 2005 control and auditing department in Gaivoron district conducted two scheduled inspections for observance of financial and budget discipline in Gaivoron district territorial medical association. The results of inspections led to conclusions that association does not conduct correct accounting of income and usage of material values. In the process examination of expenditures of budget means for reimbursement of salaries of consulting physicians, violations of the law requirements were revealed».

At the same time Svetlana Shiyan and other employees of the medical institution assert that beside two scheduled inspections, the hospital sustained multiple continuous checks, including inspections organized by procurators. «At first, when inspection referred to correctness and justification of usage of sets of clothes for newborn babies, the inspectors wrote that corresponding system of accounting is allegedly lacking. But we do not compile this sets, they are prepared by department of family and youth of district state administration, so, the questions of correct or incorrect usage of these sets should be forwarded to district state administration», Svetlana Shiyan says.

Moreover, the Revenko's reply to deputy's request says the following — «facts of administrative persecution, psychological or moral pressure on chief physician of Gaivoron district territorial medical association S.N.Shiyan from the side of chairman of Gaivoron dis-

trict state administration V.O.Reznik were not revealed».

And what about the fact, when Reznik had personally summoned Svetlana Shiyan for «conversation» and has recorded all results of this practically real interrogation? Is it not a proof of psychological pressure? Maybe constant off-schedule and groundless inspections of the hospital with usage of allegedly revealed «violations» say nothing about persecution and «moral pressure»? Do multiple persistent «requests» for signing resignation note have nothing to do with administrative pressure? And this list of facts «not revealed» by regional state administration might be prolonged.

At the same time, such pressure ruined Svetlana's health and resulted in micro apoplectic attack. She is on the second sick-leave now», — «Vedomosti-Plus» newspaper concludes.

Teachers persecuted due to political reasons

■ **Teachers of Borispol district of Kiev region demand to stop pressing on employees of education sphere and involvement into politics. Protecting their interests, they hold strike demanding resignation of chairman of Borispol district state administration Ivan Poluchovich.**

In accordance with information released by «Polit-Terror» Internet publication, Poluchovich announced



Tamara Proshkuratova

Honored teacher of Ukraine says that teachers are being fired because of their political viewpoints, while schools are used as a tool of propaganda

Tamara Proshkuratova, parliament deputy, honored employee of education sphere, Hero of Ukraine, has offered initiative for establishment of Ukrainian movement «School Free from Politics». She states that schools are actively used now as tool of propaganda for pro-governmental political forces. Teachers are being involved into political processes.

Internet publication «Polit-Terror» informed that advent of new authorities marked beginning of personnel purges in schools and higher education establishments. The only criterion for search of new managers of education establishments is «political correctness». Tamara Proshkuratova registers all resignation notes received from teachers due to the fact acting authorities do not like their political viewpoints.

At the time of presidential elections students of part of schools of Ukraine split into antagonistic groups. Kids sympathizing one candidate behaved aggressively towards they mates who had absolutely different views. Sometimes teachers joined their actions despite the fact that such behavior has nothing to do with education.

«I gathered information on similar cases happened in Lvov, Donetsk, Kiev and other regions of Ukraine. Creation of corresponding atmosphere influences parents and teachers, while light-fingered politicians actively use such situation. Suffice to recall mass visits of classes of school kids to Maid-

his desire to fire 90% of teachers, calling directors of Borispol schools «cashiers of Yanukovich at the presidential elections». Teachers expressed their protest to statements made by Poluchovich, considering such words as uncivilized and contradicting both with Constitution and laws on labor.

The chairman of council of school directors of Borispol district Vasily Galatenko told that urgent session of Borispol district council was called in connection with the events which are going on in the district. The qualified majority of deputies at the session expressed lack of confidence in chairman of Borispol district state administration Ivan Poluchovich. Incitement of conflict with educators was one of the main reasons for approval of such resolution.

an under guidance of teachers. This is a result of excessive politicization of schools. The situation when of political forces is engaged in «ideological brainwashing» of kids back-slides us to totalitarian times. We have cases when kids were persecuted because of political viewpoints their parents share», Tamara Proshkuratova informed.

Prominent Ukrainian educator says that the term «dissident kid» has already been coined and we can expect with high level of probability that new leaders will concentrate their

efforts only on one job they can do well — on political propaganda.

«Our task is to provide kids with possibility to grow and develop in normal way, to learn and study world. But usage of kids for applying influence on their parents is an illegal phenomenon», the parliament deputy says.

Ukrainian initiative «School Free from Politics» has a goal of protection of right of every citizen for free political self-determination stipulated by Constitution and the fight with administrative lawlessness waged against teachers.

ABUSE OF OFFICE BY LAW ENFORCEMENT AGENCIES

Human rights watchdogs assert that new authorities undertaken no drastic measures for putting an end to tortures and repressions against people

■ **Vladimir Yavorsky, director of Kiev bureau of IHF (International Helsinki Federation for Human Rights Protection), states that tortures in law enforcement agencies and prisons still represent great problem for Ukraine.**

In accordance with information released by Austrian Der Standard, the law scholar said: «Everyone expected new power to make great steps in direction of European standards. In reality, nothing happens».

This year, with the advent of new authorities, the number of complaints has somewhat decreased, but it kept growing on for the last months gradually reaching the last year level. The initial decrease, in opinion of Yavorsky, could be explained by the fact that new Ukrainian leadership has fired officials in mass from the state agencies. Those officials who managed to regain their seats were afraid of using traditional methods of repressions against people during the

mentioned period. However, the resolute steps were not made and new authorities restricted this program only with general «educative» measures.

Almost 30% of all prisoners in Ukraine are annually turned into victims of tortures and harassment. This is the opinion of Human Rights Watch expressed as early as in January 2005 with reference to Ukrainian ombudsman Nina Karpacheva. Tortures resulted in several deaths, however, the butchers were not called to account and no criminal cases were opened.

Last year Kiev IHF bureau has registered nearly 400 complaints for tortures and harassment committed by executive power agencies. Only 40 cases were investigated and 30 of them were passed for examination to European Court for Human Rights.

Heather McGill, London expert of human rights protection organization Amnesty International, considers that judges shall play decisive role in the problem of elimination of tortures. «They shall not take into account testimonies made under torture or harassment. But they do this». Yavorsky agrees with such assessment. «Judges in Ukraine are appointed by President and parliament and they are under constant control of clerks representing local and central executive power agencies». The most important component of independence for judges is financial freedom. Situation in Ukraine is catastrophic exactly here — the budget of courts reaches only 48% of the amount they need. Five courts have already ceased working due to this fact», Der Standard informs.

Arrested activists of opposition party subjected to tortures and left without food and water

■ **Law enforcement agencies arrested activists of opposition party «Bratstvo». Dmitry Korchinsky, party chairman, considered such actions of law enforcement agencies as an attempt to ruin his party, political order given by «new» authorities and revenge to opposition. Party «Bratstvo» considers arrested activists to be prisoners of conscience in Ukraine. We'd like to offer you excerpts of chronological description of events which is conducted at the party's Web-site (bratstvo.info):**

«**August 7.** Three members of the party — Alexander Astanin, Sergei Karpenko and Artem Bezverkhy — were detained in Mariinsky Park*, near party headquarters. They were detained for three weeks in district police precinct allegedly for participation in a robbery. Each day investigators urge them to provide answer for one question — who exactly has participated in and who has organized March of Peace of Ukrainians from Pridnestrovye in 2004.

The mentioned event was conducted under the party banners and is probably considered as violation of

public order by law enforcement agencies. But the cynicism of the situation is that acting regime has taken power over due to mass disorder. Jury Lutsenko, minister of the interior, for last five years was the main organizer of mass violations of civil order in the country. All of us remember how Yushchenko, Poroshenko, Chervonenko and other deputies of Our Ukraine faction have beaten guards at the Central Election Commission (CEC) and officers of special police departments. On the background of these events the claims to «Bratstvo» party, which has never did anything like that, sounds funny.

August 31. Approximately at 6 pm, at the crossing of Shelkovichnaya and Grushevskogo Streets, near office of «Bratstvo», people in civilian clothes have detained our party member Alexander Lebedev without any explanations. He was dragged into the car and driven to unknown direction.

September 1. Viktor Shvetsov, the party member, was detained in the afternoon, at the Institutkaya Street, near «Bratstvo» office. On September 1, in his interview to «1+1» TV Channel, judge Shostak announced that he considers actions of «Bratstvo» members during protest rally in Kiev city council as a serious criminal offense — terrorist attack. At the same time, judge of Shevchenkovsky district court, who had conducted previous court hearing for the case of guys detained on August 7, even did not find administrative offense in their behavior, restricting punishment by oral warning.

September 2. Party members Alexander Basharin and Sergey Karpenko were detained early in the morning near «Bratstvo» headquarters allegedly for «conversation» law

*Mariinsky Park is located in Kiev downtown.

enforcement agencies' officers. Party activist Dmitry Vatolkin on request of officers of Pechersky district police precinct has delivered documents of previously arrested Lebedev and Shvetsov and was detained as well. The party activist Konstantin Zverev was also detained at 1 pm near the office of the party. At 2 pm party members Alexander Astanin, Artem Bezverkhy and Attila Selli-Dovzheko were arrested at Svelkovichnaya Street. People in civilian clothes dragged them into the cars and taken away. One of the detained people managed to inform that law enforcement agencies are probably preparing attack on party office. At 5-30 pm party members Artem Bezverkhy and Konstantin Zazvonov were released.

On September 2 night groups of police officers visited dozens of apartments of party activists in Odessa and Kiev. Police organized round the clock surveillance for the party headquarters located at Grushevskaya Street 16 in Kiev.

September 3. Early in the morning party members Sergey Karpenko, Dmitry Vatolkin and Alexander Astanin were released. Police had taken fingerprints of all arrested activists and warned them that they have to come to police in case of a first call. The investigators said that as they had not taken part in protest action in Kiev city council, «police does not need them». The released activists informed that all detained people experienced physical and moral pressure.

Loga, the investigator of the Main Department of Ministry of Interior of Ukraine in Kiev, who investigates the case of Basharin and Selli-Dovzhenko, gives no permission for meeting of detained people with



Dmitry Korchinsky

lawyers and relatives. It was also forbidden to pass warm clothes, food and necessary medications for them (Basharin suffers from chronic gastritis). For participation in peaceful protest action on August 31 in Kiev city council guys are charged with absurd accusations — Article 258, part 2 of Criminal Code of Ukraine — terrorist attack and seizure of administrative buildings. The detained people are subjected to tortures and devoid of food and water. Alexander Basharin and Attila Selli-Dovzhenko spent night at interrogation which is forbidden by Ukrainian law.

September 6. Party activists are in detention for 5 days already. They fail to meet their lawyers for five days already. Repressive apparatus employs every bureaucratic gear it has to avoid such meetings. The investigators intentionally avoid meetings with lawyers. Party «Bratstvo» appealed to chief



investigator of Ukraine Petr Kolyada asking him to put an end to this lawlessness.

September 7. The detained activists wrote claim addressed to the chief of the temporary detention center Sergey Karanduk with a request for permission on a meeting with a priest to have a chance for confession and communion. They received refusal. In accordance with the last data, four members of «Bratstvo» party are incriminated with Article 351 of the Criminal Code (obstruction to activities of parliament deputy and deputy of local council) for their participation in protest action in Kiev city council on August 31.

September 12. Attila Selli-Dovzhenko was released on recognition not to leave place of residence. Other three activists still stay behind bars».

Valery Kaurov, leader of «United

Motherland» social movement, commenting arrest of «Bratstvo» party activists, said, in particular:

«I do consider that mass political repressions targeted at elimination of opposition started in Ukraine... Arrests demonstrate that «orange power» needs to split united opposition able to resist, organize nation and lead it. Authorities act against opposition using courts, ministry of the interior, procurators and clubs».

Representatives of social movement beaten by police officers at the peaceful rally

■ **On August 24, on Ukrainian Independence Day, representatives of social movement «For Ukraine without**

Yushchenko!» planned to lay flowers to Taras Shevchenko tomb in Donetsk, but police frustrated scheduled action.

In accordance with information distributed by «Polit-Terror» Internet publication, coordinator of «For Ukraine without Yushchenko!» social movement and chairman of Donetsk regional Union of small and medium sized businesses Alexander Chryakov forecasted such situation because on the eve of the holiday activists of the movement received multiple phone anonymous phone calls on possible provocative actions, mass disorder and hoodlum activities organized by deputy chairman of Donetsk regional state administration at the time of peaceful protest actions and rallies.

Chryakov stated the following: «Instead of guarding the event in compliance with their direct duties, the representatives of law enforcement agencies has provoked brawl and as a result I received bodily harm of medium severity. Besides that, I was blamed for obstruction to police activities and allegedly for beating of two police officers. All this is done in order to discredit me as a leader of social movement «For Ukraine without Yushchenko!» uncomfortable for authorities and put me to jail.

After the mentioned event Alexander Chryakov and his family started receiving threats of physical reprisal.

Participants of picket dispersed with resin clubs

■ **On September 13 officers of Pechersky police precinct dispersed tent camp located under the walls of public waiting room of President of Ukraine**

In accordance with information distributed by «Kommersant-Ukraine», participants of the picket, who had come to solve their problem, informed that Yushchenko had come to them a day before and promised that tents will be remained intact. He has also pledged to give an order for the soonest examination of their problems.

The same day approximately at 9 pm tractor had arrived to the building of public waiting room located at Shelcovichnaya Street. The tractor was followed by nearly 20 police officers. The representatives of law enforcement agencies have thrown dwellers away from their tents. Those who tried to resist police actions were beaten by clubs. Police officers loaded tents into the tractor's trailer. The participants of the picket also assert that police officers have taken all their personal belongings with the tents. The whole operation has taken less than 5 minutes.

«Glavred» Internet publication has informed that even overt beating has happened there. People were beaten by clubs and offended. The disabled person with the second group of disability was also beaten.

Pechersky police precinct informed «Kommersant» newspaper that tents were disassembled in accordance with the court verdict. Police officers refused to explain why court verdicts are being executed at nights.

BUSINESSMEN UNDER PRESSURE

Law enforcement agencies try to harass and discredit prominent businessman

■ **On August 16, law enforcement officers conducted search in residence belonging to Rinat Akhmetov located in hotel complex — office rented by businessman from ZAO «Lux». During the mentioned search officers confiscated documents as well as electronic media. Almost 80 people and one armored personnel carrier were involved in search (officers represented special police department BERKUT).**

Donetsk company «Lux» distributed statement emphasizing that «being a representative of middle-sized Ukrainian business, Lux accurately pays taxes and strictly observes laws of Ukraine in course of conclusion of any deals. Besides that, Lux is the owner of the property rented by Rinat Akhmetov (part of buildings is a residence of this businessman) and company considered search as an act of pressure applied to Ukrainian businessman in attempt to discredit him».

Jury Voropaev, Akhmetov's lawyer, emphasized that he considers this search



Rinat Akhmetov

to be illegal action, and at each stage of it police committed violations of Ukrainian laws.

In particular, the lawyer says, search of office and dwelling premises rented by Akhmetov was conducted without court search order. Search was conducted in the frameworks of criminal case which is not associated with Akhmetov in any way. Besides that, businessman has not relation to the mentioned company — «He is not a founder, owner or shareholder of ZAO Lux».

Moreover, the lawyer noted that sanction for search in Lux company was issued for its legal address (Donetsk, 117 Postysheva Street), while search was conducted at different address (Donetsk, 108 Illicha Street) — in the premises rented by Akhmetov and owned by the company Lux.

The lawyer also added that representatives of law enforcement agencies

were provided with the contract for rent of these premises, and that is why they had no legal right to break into the businessman's residence.

He said that search was conducted by armed masked people who had applied psychological pressure and force to maintenance personnel who stayed in the building at the moment of search. The lawyer says that nearly 80 officers were engaged in the search. They had not identified themselves.

Voropayev emphasized that this search is a scheduled illegal action targeted at harassment of Rinat Akhmetov.

Viktor Nebozhenko, the head of sociological service «Ukrainian Barometer», thinks that «search is probably an attempt to force Akhmetov flee from the country never coming back here».

Rinat Akhmetov, the man who ranks among five most influential Ukrainians, really managed to establish colossal business empire. His company «System Capital Management» embraces metallurgical factories, coal mines, mining and processing integrated works, banks, TV Channels, breweries, telecommunications and other. In general, he owns 10% of Ukraine's GDP. For sure, such a company is a piece of pie for many people both in Ukraine and abroad. However, it is too difficult to seize someone's property legally and quickly. It is much easier to neutralize one man — the owner of this property. He may be neutralized, for instance, by discreditation, arrest or forced emigration. And only after that, when company will be «beheaded», it might be seized gradually, step by step, or it might be simply destroyed», «Ukrainian Investment Newspaper» is sure.

Everything which happens now is a logical demonstration of force started by new authorities. Rinat Akhmetov suffers

because of his support to Yanukovich. Despite the fact that his structures demonstratively distance themselves from Party of Regions and its leader, he failed to avoid harassment actions.

Businessman supporting oppositionist party is under pressure

■ **The subject of discussion at the press-conference dubbed «Political Repressions in Ukraine: Example of an Enterprise» was private company «Kolibris» founded by Valery Sibelev, Ukrainian parliament deputy (for the third term) and member of oppositionist Party of Regions.**

In accordance with information distributed by «Polit-Terror» Internet publication, director of private company «Kolibris» Maxim Matvienko and company's lawyer Alexey Bachinsky told reporters about alarming situation with the company.

Starting from February 2005 private company «Kolibris» sustained real wave of various off-schedule inspections. The lawyer says unanimously that inspections are initiated with rough violation of current Ukrainian laws.

The lawyer is disturbed that more than 130 employees of the company may be thrown away to the street, because the enterprise might be forced to move out of premises it rents.

«I have heard many times from our President that there will be no politically motivated repressions. But they are», said Maxim Matvienko, director of private company «Kolibris» and member of

Party of Regions. «I was present at court hearings, I watched how our court system works. Any arguments of representative of private enterprise (moreover, it is oppositionist) are not taken into account and nobody pays attention».

The lawyer states that in case of private company «Kolibris» Constitution of Ukraine, Law on State Service, Law on Militia, Law on Tax Service, decrees of Presidents and resolutions of the Cabinet of Ministers were violated.

Rights of businessmen being violated with assistance of Attorney General of Ukraine

■ **Vladimir Stretovich, chairman of parliamentary committee for fight with organized crime severely criticized Attorney General Office and its head Svyatoslav Piskun in particular. This has happened at the press-conference «Ukrainian corruption in action»**

In accordance with information distributed by «Polit-Terror», Stretovich dwelt upon coverage of conflict situation occurred between personnel of «New Ukrainian Bread Factory» and tenant of the factory — «Planet of Investments Ltd».

In October 2004 Planet of Investments Ltd has taken factory in «operating lease» for 11 months, and now the company «takes factory for 10 years already, practically taking out all the resources the factory had».



Vladimir Stretovich

The factory is almost entirely drained. Operating assets were taken out of the factory with help of criminal schemes. Tenant has even undertaken an attempt for dismissal of factory director V.Gulavsky.

Vladimir Stretovich focused on the fact the founders of «Planet of Investments Ltd» founders (Jury Trynduk, Svetlana Piskun, Angelica Grek and Ludmila Azarova) are either relatives or good friends with the highest-ranking state officials, in particular, with Attorney General Svyatoslav Piskun.

The parliament deputy stated that «one can come to only conclusion on existence of organized criminal group which has seized several grain purchase points and bakeries. The total amount of seized property equals 1/5 of the volume of the mentioned segment of the country's economy. The committee observes traces of corruption in this case. The facts we have demonstrate that all these things are going on with immediate assistance of acting Attorney

General who is «up to his throat» in schemes of corruption. The organized criminal group is headed by person who shall be responsible for maintenance of law and order in the state. That is why it is too difficult to conduct all legal procedures today».

Stretovich made public an official appeal to President of Ukraine, briefly stating the essence of the conflict, naming its participants and asking Viktor Yushchenko for personal assistance to the activities of corresponding commission established by the committee.

Armed takeover of the enterprise inspired by Ukrainian authorities to become topic for discussion in US Congress

■ Takeover of the building of ZAP «Severodonetsk Association AZOT», executed by armed people on September 3, invoked serious disturbance of foreign investors

«Komsomolskya Pravda in Ukraine» newspaper informed that IBE Trade Corp president Alex Rovt stated the following:

«Ministry of industrial policy set itself two tasks — replacement of the director of joint state owned enterprise AZOT and transfer of all property of ZAO AZOT to the state enterprise. But state enterprise AZOT and ZAO AZOT are two different companies and transfer of one's property to the other shall be conducted in the legal frameworks in compliance with corresponding documents

only in case of announcement on liquidation of the enterprise. Nobody was going to announce liquidation of ZAO and we even have no plans for set-up of liquidation committee. The events which are going now at the enterprise are nothing but lawlessness. We even have not received documents obliging us to pass the property».

Alex Rovt hopes that the state will stop employing takeover methods and will offer civilized way of settlement of dubious questions instead.

Alexander Mosin, ZAO AZOT lawyer: «The takeover, conducted by armed people in police uniform and regular soldiers from troops of ministry of the interior, will have negative effect on enterprise operation. When even ministry of the interior backs violators of the law, then who will be ready to protect rights of foreign investors?»

James William Grant, Worldwide Chemical LLC vice-president and former congressman:

«We prepare memorandum for delivering speech in US Congress. Our task is to inform president of our country about events which are going on in Ukraine. These events represent a test of investment relations between our countries. If they will treat our company badly, then no one can give a guarantee that the same things will not happen with others».

XENOPHOBIA

Kiev. Anti-Semites have violently beaten student of Jewish University

■ On August 28 approximately at 11 pm, in the underground crossing located in Kiev downtown, group of teenagers have violently beaten 23-year-old Kiev student of Jewish University (yeshiva) Mordehai Molozhenov.

Yeshiva subordinated to Central Brodsky Synagogue trains rabbis — clerics, sofers (scribes of sacral texts), shoichets (kosher meat carvers) and ordinary teachers.

Chief Rabbi of Central Brodsky Synagogue Moshe-Reuven Azman told the following in an interview to «2000» weekly:

«I was at the place of incident in 30 minutes after this has happened. I saw big puddle of blood, smashed bottle which was supposedly used for beating Mordekhai. The witness of the beating, Azary Menaker (friend of Molozhenov) told that when our two students have come out of the shop, the group of 7—8 youngsters shouted «Jews, Jews» and rushed to them. They have descended the stairs to underground crossing, attacked students from the back and started beating them with beer bottles. At the same time they chanted Anti-Semitic slogans. Azaria and Mordehai were dressed in traditional clothes worn by Orthodox Jews — coats-tallits of special design and skull-caps».

Ministry of the Interior distributed information stating that some people,



Doctors are saving life of Mordehai Molozhenov

who have committed this crime, were identified. Among them are two residents of Kiev (born in 1985 and 1987) and dweller of Belozersky district in Kherson region. They were detained and brought to temporary detention center. The details and motives of the crime will be clarified during investigation. However, the representative of central press-office of Ministry of the Interior stated that ministry lacks data confirming that crime was committed out of interethnic hatred or has Anti-Semitic or xenophobic nature. Ministry of the Interior expressed its sympathy to the victim, his relatives and the entire Jewish community of Kiev, pledging to undertake all measures for avoidance of similar cases in future.

«2000» weekly draws attention to the fact that this statement somehow mentions only three young thugs, while on Monday the ministry reported on 7—8 hoodlums. Criminal case associated with the fact of attack is opened now in compliance with Article 296, part 2 of Criminal Code of Ukraine (hooligan actions undertaken by group of people). However, it is possible that it will be re-qualified for Article 121, part 2 (intentional

severe bodily harm inflicted by group of people) which provides prison term from 7 to 10 years.

Lawyers, asked to provide comments by «2000» weekly, stated that actions of hoodlums are also subject to Article 161 of Criminal Code (infringement of equality of citizens basing on their racial, national or religious affiliations). In accordance with part 3 of the mentioned Article, «intentional actions aimed at incitement of national, racial or religious hatred, on humiliation of national dignity or honor, which were committed by organized group and inflicted death of people or other severe consequences shall be punished by deprivation of freedom for 2–5 years». And the matter is not that this Article is a bit milder than 121. The matter is in adequate legal assessment of the incident because if do not do this today, then something similar may happen again, but in worst option.

Moshe-Reuven Azman, chief rabbi of Central Brodsky Synagogue:

«Several years ago when the attack on Synagogue was made, police also insisted in the beginning that this is a result of a violent behavior of football fans. And this time when I came to place of incident, police major started telling me that allegedly youngsters from Maidan did this as there was grand concert there on Sunday. They try to form this version of the event from the very start. They stubbornly refuse to recognize that problem of Anti-Semitism exists and this is the reason of the beating. We have registered several such cases in recent years. There was an attack near Synagogue located on Uri Vanshtein, and the other attack on the teacher. The crowd of fascist-like youngsters surrounded yeshiva student and burnt his beard. Walls of Synagogue bear inscriptions of

Anti-Semitic slogans. At the same time police writes this off for ordinary «activities of hooligans». One can easily buy anti-Semitic books, brochures in Kiev. Officially registered booths were installed for distribution of such literature».

Iliya Levitas, president of Jewish Council and Council of National Communities of Ukraine:

«I, as the entire Jewish community, am deeply alarmed by this incident. For many years we calmly observed some facts of Anti-Semitism manifestation in various cities. We tried not to draw significant attention to them. We conduct monitoring of all mentions of interethnic relations (associated not only with Jews, but with Tatars, Moldavians, and Georgians and so on) in mass media outlets. Naturally, we have much more positive mentions and this situation demonstrates loyal and tolerant relations in Ukraine. There is no state Anti-Semitic policy in the country, and new authorities have multiple times expressed clear rejection of xenophobic sentiments. But recently black forces started forming inside the society. This is not a spoonful of tar; this is a full bucket already.

For many years we came through Independence Square where Anti-Semitic literature was sold with our eyes lowered down. We saw that the literature is not in high demand. And now you can see booths in all parts of Kiev where they purposefully sell brochures with hatred content published by MAUP*. Who had given «green light» for that?

* MAUP — Ukrainian higher education establishment — Interregional Academy of Personnel Management is notoriously known due to publication of mass media outlets distributing xenophobic content.

Rabbi and his son attacked

■ On September 11 group of young skinheads dressed in «uniform», with shouts «Hail Hitler!» and «Beat the Jews!» attacked rabbi Michael Menis and his son beating them. The incident has happened at the territory of exhibitory complex «Expo Center of Ukraine».

«2000» weekly has informed that a passer-by rushed to help victims and young Nazis fled. People called BERKUT department, police officers arrived and detained attackers on the territory of Expo Center.

Michael Menis, rabbi Moshe is a citizen of Israel. He was born in Moscow, spent many years in Ukraine and then left for Israel in 1977. He has returned to Kiev in 1989, worked as rabbi in Kiev synagogue, then occupied positions of Israel consul in Ukraine, director of office of Israeli ministry for religious matters. Now he works in Israeli consulate in Germany. In his interview to «2000» weekly, he said, in particular:

«I arrived to Kiev exclusively for vacation. For last 15 years of my frequent visits to Ukraine, I faced nothing like that — either in small cities, or in Kiev. Despite my overtly Jewish appearance, nothing has ever happened. Three weeks ago I happened to be in Dnepropetrovsk and I was amazed — the city was decorated with Anti-Semitic slogans «Beat the Jews!». I experienced dizzy feeling that Anti-Semitism in Ukraine is being revived.

And on September 11, several hours prior to departure of my son home from Kiev, we decided to visit Expo Center.



Michael Menis

Abruptly the half-drunken hooligans approached us. They surrounded us, started offending and chanting standard slogans like «Hail Hitler!», «Jewish Mug» and «Beat the Jews». There were eight of them — 18-22 year old guys. They were absolutely bald, dressed in military style shirts and buskins on thick sole. Having shouted enough and incited themselves, these thugs started beating me and my kid...

One of the strangest things, mildly saying, which has happened after that was that police released 6 of 8 detained hoodlums despite the fact that four of them have beaten me. The very idea that they released people involved in Nazi attacks in a free democratic country leaves negative feelings.

Their aggression was targeted not at me as a personality or incidental victim with a purse which could be easily taken away. It was Nazi action against the entire Jewish nation. Hate to other nations or xenophobia is the worst evil and now it violently tries to seize Ukraine».

LANGUAGE DISCRIMINATION

Ukrainian musicians, artists suffer from language discrimination

■ For the first time in 14 years of its existence, Ukrainian rock-group «Green Grey» was not allowed performing with concert in Yalta.

The group was not invited for participation in Kiev show dedicated to Ukrainian Independence Day.

The reason is that the sing songs in Russian.

Internet publication «Polit-Terror» informed that musicians hold press-conference where they presented their initiative — social protest action «Our Right for Our Word, for Our Cause» in reaction to concerts banned by authorities.

Musicians expressed their indignation because group's concert in Yalta was banned after phone call from the minister of transport. The reason was that part of a mounted stage was adjacent to territory of port controlled by Ministry of Transport. The stage director and assembling workers were detained and jailed. Representatives of only one political force — SDPU (U) — have taken part in release of detained people.

«The true reason for cancellation of concert was presence of President Viktor Yushchenko in Crimea — he does

not want us to be seen by him and his guests».

Musicians expressed their disturbance with the facts of infringement of Russian language in Ukraine. They told that people who have come to their show in Simferopol chanted — «Our right for Russian language». Artists emphasized that they do not oppose usage of Ukrainian language, but they protest against forceful implementation of Ukrainian language in Russian-speaking regions. They consider this fact to be «violation of human right for self-determination in a rough and bold manner».

Upon arrival to Kiev from the tour, «Green Grey» group found out that it was not included in the program of the show dedicated to Ukrainian Independence Day in Kiev. Such decision was taken by Vasily Vovkun, creative director of «Ukraine Creative» organization. He has explained artists that «list of groups was personally approved by the President of our country».

Musicians emphasized that they consider themselves Ukrainian group which sings in Russian. They think in Russian and they create verses in Russian, but these things do not mean they are not Ukrainians. They love Kiev where they were born and had grown up.

The representatives of show business have also expressed their gratitude and respect to SDPU (U) party which had supported rock-group in Yalta and backed their protest initiative «Our Right». Artists informed that social-democrats are rendering assistance in preparation of law suit associated with facts of violation of Constitution in case of «Green Grey» group. In particular, musicians think their «right for free speech» was violated.

The musicians asserted: «The program of making all country Ukrainian-

speaking does exist. There are clear plans devised by our government. Reaction on any type of critics is a threat of jail. There is nothing common with democracy here, nothing common with equality. During our tour we saw how people protest against transformation of Russian schools into Ukrainian ones. In other words they have torn «orange tape» away from their mouths. It's time for ultimate definition of Russian language status in our country in order to avoid further violations of our constitutional rights».

Andrei Yatsenko («Diesel»), «Green Grey» leader came to the press-conference dressed in grey suit with stripes of orange color. He explained that this is a sort of styled prison robe. «Green Grey» video clip demonstrated at the end of the press-conference was also eloquent — people with taped mouths watched at reporters from the screen and the background voice chanted: «Freedom can not belong only to half of the nation. Our freedom will not be rehashed».

Andrei Yatsenko told the following in his interview to «2000» weekly:

«We are driving along Crimea, bearing the burden of social initiative dubbed «Our Right». We conduct tour in protection of Russian-speaking population which has a right to watch TV programs in Russian and listen to songs in Russian. This is in particular true for those regions where people were Russian-speaking from the time being. We do not stand for advantages of one language in comparison with the other. We stand for the very possibility of choice in order to save citizens of multinational Ukraine from forceful implementation of any ideas. We stand for joint development of Ukrainian and Russian cultures, but not for situation



Andrei Yatsenko («Diesel»)

when one of them develops on other's account. Artificial lurch towards total introduction of Ukrainian language is becoming dangerous and it can overturn the boat. And we, the people who face this phenomenon more frequently because of our job, notice such situation sooner than others».

Social-Democratic Party of Ukraine (United) informs about language discrimination of citizens in court institutions

■ Articles of Code of Administrative Procedures, Civil Procedural Code and

Law of Ukraine «On Court System of Ukraine» have come into effect on September 1. In accordance with these articles, conduction of court procedures on territory of Ukraine will be executed exclusively in Ukrainian language.

SDPU (U) asserts that this is «language discrimination of citizens. The major part of country's population may be stripped off adequate legal protection because new Codes do not oblige state to provide participants of the process with translation services.

The participants of the process lacking command of state language shall use interpreter's services on their own

costs (excluding cases when court comes to decision that citizens are unable to pay for such services). Such situation creates unequal conditions for citizens and significantly restricts their legal rights».

SDPU (U) also emphasizes that absence of civilized system of training for court interpreters «will result in multiple mistakes in court proceedings and will enlarge legal nihilism which already rules in Ukraine. Moreover, such situation may lead to ethnic and cultural conflicts».

The document also says that such decision contradicts article of Code of Criminal Procedures which stipulates that court procedures may be conducted in language of majority of population dwelling in a certain region. This decision also contradicts European Charter of Regional Languages, ratified by Ukraine.

FREEDOM OF SPEECH

Reporter received physical revenge threats

■ In accordance with information distributed by «Vechernie Vesti» newspaper, four dozen reporters present at the press-conference on August 22 had to reply to the question: who of you never was a subject of physical revenge threats for your job? Only two hands were in the air.

The reason for call of press-conference was threats addressed to Ludmila Bashkirova, the reporter of the mentioned newspaper.

Ludmila Bashkirova tells:

«On August 13 I was strolling down Kreshatik Street* with daughter and son-in-law. Then the phone rang and I heard unknown voice of man who had not introduced himself, but started funny conversation (the phone caller ID system showed that this was phone number registered in Kherson). Then the unknown interlocutor hinted — you have to stop writing about Silenkov, you'd better print rebuttal of previous information for sizable amount of money».

American journalist attacked in Kiev

■ In accordance with information released by «Interfax-Ukraine», American reporter Mary Misyo was attacked by unknown person when she was leaving her apartment.

The offender has several times punched American reporter's head and, having received resistance, fled away. Personality of the attacker and his reasons are unknown.

Misyo heads Project for Legal Protection and Education of journalists since 1999. She manages education programs in Ukraine for reporters, lawyers and barristers specialized in mass media field and sphere of protection of freedom of speech. Besides that, the Project organizes consultations for publications and reporters who are charged by law enforcement agencies. At the same time American reporter is a freelance contributor to well-known English-speaking publications — The Los Angeles Times, Newsday, The European, OMNI, The Kiev Post, The Jewish Monthly.

* Kreshatik — main street of Kiev.

Editor-in-chief of newspaper sentenced to three-year prison term for publication of propaganda materials

■ **«Kievskie Vedomosti» newspaper informed that «7 Days» weekly had published two articles on Nov. 19, 2004 — «Political Goals of President Yanukovich» and «Political Goals of Yushchenko».** The publication of these ordered materials was paid by regional branch of Party of Regions. The law on presidential elections interprets such materials exactly as pre-election and propaganda articles, and not as advertising. That is why the editorial board (or editor-in-chief Vasily Gerus on its behalf) has no right to refuse from publication.

Rovno city procurators' office considered that publication about Yushchenko incites national discord and hatred, humiliates national honor and dignity of citizens of Ukraine. On July 21, 2005 city court sentenced Vasily Gerus to 3 years of prison term. However, the court has later released him, imposing a year term of proba-

tion. The verdict is being appealed now in Court of Appeals. The editor's lawyer stated that he put forward the question of transfer of the case for examination in the other court located in different region of the country, because he doubts possibility of getting legal decision in Rovno region.

Liliya Molodetskaya, director general of Ukrainian association of publishers of periodic mass media outlets, says that journalists shall be particularly alert on the eve of parliamentary elections. The Association prepared «Open Letter Addressed to President» which says in particular:

«Court trial over Vasily Gerus received wide coverage in domestic and foreign mass media and, in our opinion, it did not correspond to establishment of Ukraine's image as European state which pursues high standards of freedom of speech».

Transcarpathian reporters protest against illegal dismissal of editor of newspaper representing interests of national minorities

■ **Employees of Transcarpathian weekly «Carpati Igaz Co», which is published in Hungarian language, distributed «Letter of the Last Hope» accusing Viktor Baloga, the governor of the region in attempt of subordination of independent**

Hungarian mass media outlet published in the region.

KThe «Day» newspaper informed that this is the second coil of conflict between regional authorities and the newspaper. The conflict started this April when Transcarpathian regional state administration fired editor-in-chief Elemir Kevsegy. The employees of newspaper do not recognize new editor and considers this story as «provocation of ethnic-national nature which may significantly influence interethnic relations and stability in the region», says statement signed by newspaper personnel.

The chairman of Uzhgorod regional independent media trade union Vasily Bedzira informed that reporters appealed to trade union requesting assistance in protection of their rights. «Now the staff of newspaper comes to the office, but does not work, demanding restoration of former editor in his position».

Three regional newspapers — «Stary Zamok — Palanok», Tyzhden — Nedelya» and «PIO» — are in conflict with the governor because of the lawsuits he has filed to courts. Governor Baloga sues these newspapers because they had published Sergey Ratushnyak's interview where he criticizes chairman of Transcarpathian regional state administration.

The law allowing closure of mass media outlets without court verdicts is approved

■ **New law «On entering amendments to the Law of Ukraine «On elections of Ukrainian parliament deputies», which shall become valid starting from October 1, contains vivid contradictions with Constitution of the country and human rights proclaimed by UN Charter.**

«2000» weekly has informed that during parliamentary elections ordinary voters, politicians, parliament deputies, experts and reporters will have absolute no right for expression of their opinion in independent mass media outlets on activity of any party or any candidate to parliament. It is forbidden to provide assessment even of their most dangerous or negative resolutions or steps. Even if this information will be extremely vital for the society

For instance, Article 71, part 6 of the new law states: «Mass media outlets... during election process, in their materials or programs... are forbidden to promote pro or contra parties (blocks), their nominated candidates, and to provide them with any advantage in any form». Article 68, section 12: «Coverage of election process by mass media outlets of all types of ownership...is conducted without assessments or comments».

It is evident that any opinion on activities of party (block) or its nominated can-

didate to parliament will be considered as banned comment (assessment or propaganda) in compliance of the mentioned provisions of the law.

The same law and the same article, but its 10th section says: «in case of violation of requirements of sections five and nine of this article by mass media outlets and in accordance with the motion forwarded by Central Election Commission or corresponding territorial election commission, the action of licenses or publication (print) will be temporarily suspended until the completion of election process for the mass media outlets in the order stipulated by the law». It is emphasized that state needs no court verdicts for such actions.

Section 5 says that among the grounds for suspension may be the following, for instance: «distribution of materials (in any form) which contain infringement on rights and freedoms of a human being». Section 9 details: «distribution of intentionally untrue information or slander about party (block) — subject of election process or a candidate for the parliament — is forbidden».

But who will determine that published materials represent «infringement of rights and freedoms of a human being» or «untrue information» (we do not even mention «slander») about candidates, when the court has no right for conduction of such expertise? It seems that election commission have absolutely free right to pass judgments banning operation of any mass media outlet for the period of elections. And after being absent for 4 months in the informational field during the most important period of country's political life, any mass media outlet may be ruined, concludes «2000» weekly.

**Igor Lubchenko,
the chairman of National Council
of journalists of Ukraine:**

«The law contains such norms with which National Union of Journalists of Ukraine can not agree. In accordance with one provision, reporter has no right to comment press-conferences, statements and phrase of candidates for parliament seats. We are sure — this is an introduction of restriction of public interest and access of public to in-depth information referring to their representatives whom they are going to send to higher legislative agency. We are sure that legislator may clearly define who has exactly distributed such intentionally untrue information or slander. In case this was done by election headquarters of any party or block, then exactly the headquarters must be called to an account up to removal of the mentioned party or block from election process. In case such step was made by only by editorial board of mass media outlet on its own, then such mass media outlet may rebuff distributed information or be punished in other way. But there surely shall not be any closure of mass media outlet, even temporarily one. People have already subscribed for the newspaper or magazine in advance, and they must receive these issues for the agreed term. Newspapers, magazines, TV and radio programs inform citizen on many other socially important events. So, closure of these mass media outlets will mean restriction of rights of citizens for information and infringement of rights of reporters to conduct their professional activity».

**Sergey Kichigin,
editor-in-chief
of «2000» weekly:**

«Knowing the members of acting CEC, one may forecast with confidence that the unique chance, provided by the law for closure of mass media outlets uncomfortable for power, will be employed to full extent. For instance, Ukrainian parliament, in order to somehow preserve freedom of speech proclaimed by the state, may at least really cut down distribution of untrue information, providing accelerated procedure of court hearings of lawsuits on controversial publications for the election period. However, our parliament deputies abolished such fundamental norm for modern democratic society (and stipulated by Ukrainian laws) as exclusive authority of court for suspension (closure) of mass media outlets operation».

**Vladimir Skachko,
editor-in-chief
of «Kievsky Telegraph» newspaper:**

«Section 10 of Article 71 of the new law — is a pure backslide from Declaration on freedom of speech, proclaimed at Maidan, because it provides unlimited possibilities for administrative resource usage in struggle against mass media outlets. It is clear that we have unreformed court system, controllable election commissions which may start working selectively. Such imperfect law provision makes possible for officials to use law as

guide by turning it in desired direction against unwanted reporters or mass media outlets».

**Nikolai Zakrevsky,
acting editor-in-chief
of «Kievskie Vedomosti»
newspaper:**

«Legal formulation «intentional slander», which is mentioned in section 10 of Article 71, contain evident trap for reporters and mass media outlets. Any claimant representing party may notice slander in any critical publication on activities of party or block, while the journalist will have to convince that he was not going to make evil thing. In my opinion, this provision was made for the plaintiff — politician or party — to obtain legal preference. For the reporters this provision represents alarming whip. It happens that any negative assessment will automatically make reporters accountable in court. This is classic infringement of freedom of speech in accordance with political affiliation. The matter is that not all journalists play a role of re-translators. They quite frequently analyze trying to find out which party or candidate simply declares certain goals, and which one really pursues his declarations and obtains results by own practical actions. It happens that the mentioned section of articles do not provide reporters with possibility for evaluation of practical steps of parties and candidates as well as results of their programs which they brought with them for elections».

Бюллетень Социал-демократической
партии Украины (Объединенной)

**Нарушение прав человека
и политические репрессии в Украине**

Август— сентябрь, 2005

Художественный редактор *О. М. Говзан*
Корректор *Н. П. Степенко*

Подписано в печать 20.09.05.
Формат 84x108 1/32. Усл. печ. л. 2,52.
Усл. краскоотт. 3,0. Уч.-изд. л. 3,59. Тираж 800 экз.

Заказ №5-2087

Издательство «Довіра»
ул. Киквидзе, 2/34, Киев-103, 01103

Киевская нотная фабрика
ул. Фрунзе, 51а,
г. Киев-80, 04080

Нарушение прав человека и политические репрессии в
НЗ0 Украине. Август— сентябрь, 2005: Бюл. Социал-демокр. партии
Украины (Объед.) / Редкол.: Л. М. Кравчук и др. — К.: Довіра,
2005. — 47 с.: ил.
ISBN 966-507-178-5

ББК 66.3(4УКР)6