

**Violation
of human rights
and political
repressions
in Ukraine**

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Violation of human rights and political repressions in Ukraine

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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.

The «Violation of human rights and political repressions in Ukraine» bulletin is being published in Russian, English and German languages. The last July issues contains two on-line video supplements.

APPEALING TO INTERNATIONAL COMMUNITY

New social organization «Civil Forum «Let's Unite Ukraine!» is set up with a purpose of prevention of political repression, with a goal of not letting split of the country

■ We'd like to publish some excerpts from speech of the leader of the mentioned organization, first president of Ukraine, Leonid Kravchuk:

«New leaders promised to achieve quick European integration and establish high legal and moral standards in life of the society. They had appealed to the nation with ardent appeal for changes and millions of people backed them up. However, the number of people who support new power constantly decreases».

«Where goes Ukraine? What will be soon aftermaths of such political course? Instead of «economic miracle» we witness signs of economic crisis. Production decreases, unemployment rate and prices grow; the investment climate in the country had unbelievably worsened. Why the economic results were not preserved at least on the level gained by the old power? «.

Instead of democracy, which was so loudly proclaimed, we have persecution of people for their political views, repressions against opposition and Viktor Yushenko's desire for establishment of unrestricted, personal power — the

sort of power which he criticized so ardently and fairly while being in opposition. Instead of rule of law we have cynical violation of Constitution, unlimited power of officials, usage of law enforcement agencies for persecution of political opponents».

«The team of winners waged war on two fronts — one against opposition and on other front they struggle against each other. Is it possible under such conditions, during the war, to be seriously engaged in economic and political reforms even if there was team of professionals (and unfortunately, it is not)?»

«If somebody thinks that these hardships are temporary, he makes serious mistake. The truth is that new power happened to be unprofessional and irresponsible. It is not trustworthy, it is shallow. We will say overtly, in my opinion, new team could not qualify for such level of power».

«One could frequently hear — new power makes mistakes. I have a wider consideration of this question. These are not mistakes; this is lack of capability and lack of knowledge. The destructive tendencies, which are building up now, are highly dangerous for many years. No matter what they say about split of Soviet Union or Yugoslavia, the reason was universal — ripening of social problems, split of nation and lack of people's confidence in power resulted in breakup. This is the main reason why I decided to put forward an initiative for establishment of civil forum for uniting Ukraine, for protecting Ukraine from breakup, for avoiding conflict».

«Why me? At first, I have the right for that, because I had the honor of taking Ukraine in hands as a baby when it only strived for independence. During term of my presidency we strengthened integrity of Ukraine and laid its founda-



Leonid Kravchuk

tion. We established (no matter how hard it was) real democratic principles of Ukrainian nation life. That is why, and I want to stress this again, I have such right, and beside right I have high level of responsibility. I can not see the processes which ruin Ukraine's integrity, which may lead problems to the dead-end».

«For the second, I have enough experience in sphere of state establishment. I want to prove that Ukraine has all abilities and all basic grounds for creation of democratic society and opposition. Opposition should be tough one, it should operate in legal frameworks on contrary to power which had already forgot about Constitution and legal restrictions in many spheres».

«Let us take such aspect as human rights. Real lawlessness rules the country. Personnel rotation turned into horrible political purge. A lot of people were fired, in particular, teachers and other people who had no connection with

power. Some of them are so frightened and harassed that they are even driven to suicide, but higher leadership of the country has no desire for putting end to this terror, and from time to time even incite it. High-ranking state officials continue interfering in process of criminal investigations and in court proceedings, publicly neglecting presumption of innocence. Society becomes more and more unbalanced, harsh, while Christian values are being neglected».

That is why human rights protection group will function in the frameworks of the forum. The inter-factional group of deputies with the same goal will be established in parliament. Let's take anti-corruption and re-privatization campaign. It is conducted in an amateur mode, it is transformed to the mode of populism, it is targeted (as a rule) at people who backed up Viktor Yanukovich at presidential elections and it practically touches no corrupted officials associated with new power. PACE president came here with an idea to stop monitoring of human rights violation in Ukraine. However, when he left Ukraine he said that monitoring will continue and the biggest group of people will come to elections in March to check the words and deeds of new authorities.

Ukraine and its democracy need not short-term populist actions at Maidans but formation of wide movement with a purpose of establishment of public control over power. The Civil Forum will play the same role.

Nina Karpachova, authorized representative for human rights protection, considers that unbearable moral and psychological climate was established in Ukraine

■ She said that in her interview to «Kievski Telegraph» newspaper. We'd like to cite several excerpts from this interview:

«We may say that during last election campaign the number of complaints associated with violation of political rights had increased nine-fold. We have 6 times more complaints associated with request for protection of personal rights (mostly, we are talking about violations committed by law enforcement agencies). These facts are the main peculiarity of new epoch and I am deeply disturbed. There always were a lot of requests and complaints. Parliament deputies had just adopted law, the ombudsman was not even chosen, but there were bags full of letters. But today I can talk about the following tendency — increase of complaints associated with political matters. This is disturbing tendency — during first half of this year we had received 1248 complaints about persecutions for political matters. There were no such statistics previously.

Last year together with the leader of former opposition Viktor Yushenko and in company of several deputies we had met Leonid Kuchma to discuss events in Mukachevo*. We had raised question of persecution of people due to political reasons which started after elec-

tions of Mukachevo major. That was the time when they started firing everyone who had taken active participation in elections of Mukachevo major — teachers, physicians and employees.

Today everything happens in accurately the same manner, but this state of affairs refers not just to one city, but to entire Ukraine. Analysis of incoming complaints for persecution due to political reasons by regions demonstrates interesting picture. You think that main flow of complaints comes from Donetsk and Lugansk? Not at all! The majority of complaints come from central regions of Ukraine — Zhitomyr, Sumy, Kirovograd, Vinnitsa. The center of the country suffers from real «purgés».

I think this situation is somehow associated with preparation to parliamentary elections-2006. Sensational cases happen in Donetsk or Transcarpathian region, while central regions suffer from hush-hush purges.

I would like to note that almost third part of complaints received by ombudsman is linked with unjust court verdicts. And it is not incidental that my annual report calls the state the main violator of rights and freedoms of a human being. The ombudsman's position is as follows — one should realize that rights of human beings consist of rights of each particular citizen. And I am mostly disturbed with violation of human rights committed by judiciary branch of power and law enforcement agencies. The matter is that now court system had practically turned into the epicenter of all strategic decision-making. Fate of each Ukrainian citizen and of entire Ukraine depends on position of judges. Sure, public has all relevant information about process of sensational criminal cases investigation. But 99% of complaints are lodged by ordinary citizens. You can find no infor-

*City in Transcarpathian region, where local elections were held in 2004

mation about them in mass media. That is why work of ombudsman resembles iceberg — only one third of all cases are «over the water» and public has access only to this information.

When I delivered speech in parliament with regard to detainment and arrest of Boris Kolesnikov*, I focused attention on the following fact — almost million citizens are annually subjected to the same illegal detainments and arrests, with the same severest infringement of rights and freedoms of a human being. So, taking that into account, the case of Kolesnikov becomes «textbook example».

As Boris Kolesnikov's lawyers had informed, pre-trial investigation agencies committed several procedural violations in his case. First of all, criminal case against chairman of Donetsk regional council was initiated with severe violations of law. For sure, Kolesnikov is not an ordinary citizen. He is politically significant person, he chairs regional branch of Party of Regions in Donetsk. Taking into account the fact that Kolesnikov has the status of a deputy of a local council, criminal case against him might be initiated only by judge or prosecutor, but not by the investigator, who, by the way, was repeatedly replaced later. In other words, Article 31 of Law on status of deputies of local councils was severely violated at the very beginning.

This is one aspect. But there is the second one — there were several cases registered when investigators did not



Nina Karpachova

let lawyer to Kolesnikov in violation of Article 48 of Code of Criminal Procedure of Ukraine. Upon completion of pre-trial investigation the investigator banned lawyer from copying the documents of the criminal case despite resolution of Pechersky district court of Kiev which obliged investigator to issue permit for copying of these documents (violation of part 5 of Article 48 of Code of Criminal Procedure, Article 6 of Law of Ukraine «On advocates», Article 8 (part 2), Article 5 and part 1 of Article 64 of Constitution). There were other violations as well. Investigative agencies charge Kolesnikov with crime committed in Donetsk. In such case, in accordance with Article 37 of Code of Criminal Procedures of Ukraine, the question of measure of restraint must be solved by local court, i.e. the court located on site of committed crime (Voroshilovsky district court of Donetsk), but not by Pechersky district court of Kiev. Later in request for prolongation of term of detention in custody for Boris Kolesnikov investigators even made mistake with his patronymics and appealed to court 4

*Former chairman of Donetsk regional council was detained on April 6, 2005 and was under arrest till August 2. He was set free directly from court session hall when Kiev Court of Appeals considered Attorney General's grounds for necessity of further detainment of Kolesnikov under arrest to be unconvincing. The court had also taken Kolesnikov's state of health into consideration

days prior to end of term of detention in custody thus violating Article 165-3 of Code of Criminal Procedure of Ukraine which stipulates the mentioned term as 5 days.

Law abiding citizen had come to interview to Attorney General Office in accordance with invitation and was thrown behind bars. For instance, they did almost the same thing to the Viktor Tihonov, chairman of Lugansk regional council. He had voluntarily visited Attorney General Office as a witness in case of «separatism». During our meeting he told me how it was — they even did not let him to the lavatory! This is real abasement of human dignity.

I would like to stress that when I met Boris Kolesnikov directly in temporary prison ward, I found out that investigator Rudenko, who was in charge of his case, investigated criminal case on «separatism» as well. Is it coincidence? Or is it just negligence in procedural aspects? I think not. Analyzing the development of situation and examining case of Tihonov, who was released only after interference of ombudsman, parliament deputies and European community, I think that these two cases are links of the same chain.

I had talked with Attorney General Svyatoslav Piskun. At first we discussed objectivity of investigation and usage of illegal methods. As a result prestige of law enforcement agencies was ruined and first of all in the eyes of own nation.

When I delivered speech in parliament, the storm of indignation demonstrated by certain political forces was invoked mainly not by report on violations in Kolesnikov's case, by case of «retired woman from Kirovograd». I even started receiving threats — directly from session hall. Svyatoslav Piskun was sitting near me and one of parliament

deputies behind his back started threatening me.

I can say firmly and with courage — ombudsman is a person always opposing power. If ombudsman does not oppose, then this is bad authorized representative for protection of human rights. And one more thing — ombudsman is with opposition when it really supports people's rights. Now, when rights of people (including representatives of opposition) are violently infringed by new power, I (as it was previously) fight for their infringing rights and human dignity.

In accordance with the concept ombudsman should not be affiliated with politics. But current situation in the country developed in such a way that protection of human rights is main political task for today.

It seems to me that president of the country should conduct «round-table discussion» with participation of both acting power and current opposition. We need to stop political persecutions now, because they tear Ukraine more and more creating unbearable moral and psychological climate. At present stage task number 1 for President is consolidation of all citizens of the country. Mighty people should be generous. And power is might to certain extent.

For the time being I see revenge, but not generosity. Yes, without any doubt, there were violations. Moreover, they always were. In accordance with its nature power tends to abuse of power, to usage of administrative resource. But it seems to me that new power should demonstrate now higher ethics of behavior. In this case they may be able to demand the same from compatriots. However, now we witness mass persecutions of teachers, physicians and rectors of higher education establishments. My team had recently visited Vinnitsa

region where Ludmila Chervonetskaya, chief physician of Trostyanets clinic, was fired. By the way, she is a deputy of local council. It happened that nobody needs experienced physicians now in case they supported «wrong» political line during elections. So, what is that? Isn't it persecution of a citizen who had realized his constitutional right of freedom of expression?

More than 18 000 governmental officials are already fired. It looks the power had purged itself. And how much funds our state had invested in these people? I do agree that some of them (both at times of former and current power) had not complied with corresponding requirements. But what we have in general is total sacking of professionals who were trained for many years. From the one side, this means loss of controllability at level of middle and lower layers of state management. From the other side, there were mass «purges» of chief physicians, editors of communal mass media outlets, rectors of institutes and school directors».

Political persecution of those failed to support acting president at elections, gained large-scale character

■ **This information was released by Viktor Medvedchuk, SDPU(u)* leader, at the meeting with PACE delegation headed by PACE president Rene Van der Linden.**

In the course of discussion parties agreed that conduction of constitution-

*SDPU(u) — Social Democratic Party of Ukraine (united) is currently in opposition to acting power



Viktor Medvedchuk

al reform and necessity of provision of court system independence is the most urgent tasks for Ukraine now.

«Creation of independent court system is the main criterion of development of democracy in Ukraine», said Viktor Medvedchuk, «Unfortunately, we failed to do that in the past. In 2001 corporative interests of former leadership of Supreme Court and certain part of parliament deputies blocked this. But now acting power controls court system and even makes no try for changing current state of affairs».

Talking about PACE monitoring of situation in Ukraine, Van Der Linden stressed that Assembly will continue rendering help in building democracy in Ukraine in this way. Moreover, PACE head assured that PACE will mostly seriously assess forthcoming election campaign in Ukraine.

ABUSE OF POWER BY LAW ENFORCEMENT AGENCIES

Flare-up of illness of an activist of oppositionist party ended in surgery. It was a result of conditions of his detainment in temporary prison ward

■ **On July 16, approximately at 1—2pm, four gunmen in bullet-proof vests appeared in village Rogytsi (Vinitsa region). They had arrested secretary of SDPU (u) regional branch, former director of agricultural firm Dibrova and now retired person Nikolai Dmitrenko, chief agronomist Vladimir Ratkovsky and chief accountant Larisa Kostik. They were delivered to temporary prison ward in Vinnitsa.**

Nestor Shufrich, SDPU (u) deputy chairman, noted that this is another fact of political persecution of party activists. He had told that local dwellers informed that even before detainment of Nikolai Dmitrenko, police officers ordered village dwellers to sign blank sheets of paper refusing to explain why.

Newspaper «Our Newspaper Plus» informed that despite medical expertise conclusion (which insisted on necessity of surgery even at early stages of arrest), Nikolai Dmitrenko was kept in jail for two weeks.



Nikolai Dmitrenko

Long stay in prison word (Dmitrenko (physically disabled person of second group) says that there were no chances to get even No-Spa pills) resulted in acute worsening of state of health. On July 25 Kiev city Court of Appeals ruled that Dmitrenko should be released.

Party members delivered him from temporary prison ward to hospital, where after acute attack of calculous cholecystitis he had sustained surgery — cystectomy.

Igor Shurma, Ukrainian parliament deputy, SDPU (u) faction member:

«Dmitrenko was hospitalized with worsened illnesses he previously had (including hypertension). Physicians were disturbed with possible result of surgery due to his state of health. Acute worsening of health was a result of conditions of staying in temporary prison ward and absence of any medical aid there. Further detention in custody endangered his life».

At the press-conference organized by parliament deputies, SDPU (u) members, Nestor Shufrich, Efim Fix and

Vladimir Misura, information on incident, which had happened when Dmitrenko was coming out of temporary prison, was released. It had happened that released secretary of Vinnitsa regional branch of SDPU (u) was met by some 50 police officers from special task force BERKUT and dozen of unknown people in civilian clothes who had refused to produce their IDs. When parliament deputies asked for the reason of their presence here, representatives of law enforcement agencies replied that they received notification on possible disorders in that location.

Parliament deputies Igor Shurma and Vladimir Zaets, afraid of further provocative actions of authorities or possible forceful seizure, were on duty near surgery door.

Now physicians assess Nikolai Dmitrenko's state of health as grave.

Nestor Shufrich, Igor Shurma and Efim Fix, parliament deputies and members of SDPU (u) faction, forwarded their statement to Attorney General Office demanding to bring deputy attorney general of Ukraine Viktor Shokin to criminal responsibility.

In the statement addressed to Attorney General Office parliament deputies noted that disabled person Nikolai Dmitrenko sustained aggravation of all chronic diseases. He had never received any professional medical assistance and intake of painkillers was forbidden for him. Deputies had also noted that no investigative actions were conducted in Dmitrenko's case.

Deputies consider that procurators fulfill direct political order for physical elimination of representatives of opposition. Nestor Shufrich had also informed that this fall SDPU (u) faction at the first session of Ukrainian parliament will demand Attorney General Office to pres-

ent detailed report on results of internal official investigation of illegally initiated criminal case.

SDPU (u) leader Viktor Medvedchuk stated the following on occasion of arrest of Nikolai Dmitrenko, secretary of Vinnitsa regional SDPU (u) branch:

«Arrest of Nikolai Dmitrenko had demonstrated again that power is ready to tread down any legal or moral norm in case such step will help to weaken their political opponents.

This case continues the consistent pattern which became noticeable since detention of former Transcarpathian governor Ivan Rizak under factitious pretext. The pattern was continued by dozens of people whose only crime was their party affiliation.

It seems that Attorney General Office received order — to «kick out» all secretaries of regional committees of Social democratic party of Ukraine (united) before start of election campaign. Only holders of deputies' mandates may consider that they are in relatively safe position.

Power defiantly ignores laws. It is even worse that new power affords itself to apply force to people who are hospitalized or on treatment. Such inhuman attitude is dangerous not only for health of repressed people, but for the entire state which comes farther and farther from principle of law supremacy».

Police detained oppositionist activist at the protest rally

■ **SDPU (u) hold action of protest against political persecutions in Vinnitsa. Participants of crowded rally demanded immediate release of Nikolai Dmitrenko, SDPU(u) regional branch leader.**

Employee of Ministry of interior who was present at the rally (later he identified himself as senior investigator of city police department Polishuk) poked finger at one of participants of rally and police officers had taken him into patrol car and drove to city police department. Participants of action tried to stop lawlessness, but police car (with high risk of damaging surrounding people) rushed through «living fence», pushing people aside. Among them were parliament deputies Nestor Shufrich and Vadim Misura.

When parliament deputy Shufrich addressed to police captain, who was standing nearby and had ordered detention of rally participant, asking reasons of detention, police officer identified him as senior investigator of police department Polishuk and said that he saw nothing and had no idea what deputy meant.

The detained participant was activist of Kalinovo branch of Ukrainian organization of social-democratic youth 23-year-old Maxim Lysenko. In several hours he was released without any explanations.

Violation of rights of prisoners, people suffering from tuberculosis and AIDS

■ **Newspaper «Truth of Ukraine» received following letter from temporary prison ward:**

«Dear editorial board, please, help us!

We would like to find out where we are. Do we live in democratic Ukraine or in Chechen captivity? In order for you to realize the essence of our letter, we have to explain, that we are imprisoned people. Moreover, we are not murderers, rapists or terrorists. We were arrested for minor offences. But that is not this fact that matters. The matter is that our rights (as prisoners) are being violated. We are very ill people also. All signors of this letter are suffering from tuberculosis. However, we have here AIDS patients and HIV positive. So, why do we compare our current life with Chechen captivity?

The law of Ukraine on detention of arrested people during investigation says clearly: arrested people before court hearings could be kept in temporary prison ward for 3-10 days, then they should be compulsorily moved to city investigative prison ward, i.e. to real prison because cells in temporary prison ward are not suitable for long-term staying of ordinary prisoners. So, what could be said about us — people who suffer from tuberculosis? However, we are staying here for several months and even as long as half a year. Our court system is slow in operation and that is why we are kept here for such a long time in inhuman conditions.

The cell with dimensions 2.5 x 5 meters is designated for 6 prisoners, but there are 11 of us. As there are not enough banks, ill people usually sleep

together on the floor. The air in cell is very humid and thick. But such patients as we are badly need fresh air. However, we almost have no fresh air, because they do not let us out for walk as there are no yards. People are unable to go to bath because there is no bath in temporary prison ward. There is absolutely no medical assistance, no physicians and no medications. Both patients with active and inactive form of tuberculosis simultaneously stay in the cell...

Pretrial detention center in Simferopol (which has special cells and provides corresponding medical aid to lungers) refuses to accommodate us for unknown reason. Republican TB clinic in village Pionerskoye also refuses to accommodate and treat us because of absence of special cells and guards. Police bosses and procurators consider us «great criminals» who may flee from justice. They do not want to release us for recognizance not to leave and they do not see other way out. They can only keep us in temporary prison ward for indefinite time. We are ready to carry deserved punishment for committed offences, and we do not refuse from what we did. But we do not want to die and we do not want to turn into crippled people due to such behavior of law enforcement agencies.

Before we wrote this letter to you, we had lodged complaints to Attorney General Office of Ukraine and to minister of healthcare of autonomous republic of Crimea, but it was in vain. Either they do not receive our complaints, or they simply have no desire to take part in our fates...

P.Dryapika

I.Martyshenko

M.Yavlev

A.Verigin

V.Skripchenko

A.Sobko

Y.Vasilchuk

S.Seithaliev

V.Staikov

R.Abduldzhamilov

Attorney General Office applies psychological pressure to former chairman of Transcarpathian regional state administration Ivan Rizak

■ Social-democratic party of Ukraine (united) charged procurators of Transcarpathian region with artificial delays in investigation of criminal case against former chairman of Transcarpathian regional state administration Ivan Rizak.

Documents, which regional procurators should have passed to judge, had never reached court and that is why judge had to postpone court hearings.

Parliament deputy Igor Shurma, who had come to Transcarpathian region only for taking part in court hearings, described situation in the following way:

«Court postponed hearings because procurators somehow failed to give court a chance for examining documents of criminal case. We tried to find out at least something in the office of regional procurators, but unfortunately, neither procurator, nor his deputies could be found in the office. The very procedure of transportation of Rizak to court hall demonstrates that certain structures have the goal of applying psychological and emotional pressure on Ivan Rizak».

In accordance with information distributed by «2000» newspaper, Ivan Rizak, former governor of Transcarpathi-



Ivan Rizak

an region, arrested under shaky pretext, was transported to Ternopol court by special escort convoy.

That means that there were organized special police stations (in 10 kilometers from each other) and they reported when Rizak had passed the particular station. The chief of regional department of ministry of interior in Transcarpathian region Jury Rachivsky said that such measures were undertaken for the sake of security, mentioning that «everyone remembers KAMAZ trucks which used to drive on the wrong side of the road». In general, Rachovski said, more than 300 law enforcement officers had taken part in Rizak's transportation to Ternopol.

300 law enforcement officers and almost 40 cars — such security is even tougher than presidential! What is that? Is it a comedy? Is it farce? Or is it provocation? Or maybe this is a part of a special plan? For instance, this may be the plan for continuation of dirty political line to discredit opposition and its leaders. Otherwise, why should Mr. Rachivsky distribute information on such more than strange transportation? Maybe he did

that in order to show that «Rizak is a dangerous criminal» who might be «murdered by his accomplices» and the courageous police does everything to prevent such event.

However, the scale of operation is overwhelming — 300 police officers, dozens of cars and special means. And all that is employed against political opponents of current regime, in particular, against leader of Transcarpathian social-democrats. So, that is what law enforcement officers are thinking about. Some people continue guessing — why criminals are unleashed in Ukraine? Why shouldn't they be unleashed when law enforcement officers are engaged in political shows production? Such number of dummies will be enough for shooting battle scene of a blockbuster, concludes «2000» newspaper.

We'd like to remind that Ivan Rizak was detained by Uzhgorod procurators this February. Many politicians considered this detention as political one. Rizak was arrested on suspicion that he had incited suicide of Vladimir Slivka, rector of Uzhgorod National University, who had died in intensive care ward last May. Such criminal cases very rarely come to court. In February Rizak was released on recognizance not to leave.

On May 13 procurators again detained former governor. Representatives of law enforcement agencies asserted that additional evidence appeared in «case of Rizak». Then they initiated two more criminal cases against him — «transgression of authority and abuse of office which invoked grave consequences» and «extortion».

On August 2 Court of Appeals of Transcarpathian region failed to satisfy complaint of Vasily Mokanu (Rizak's lawyer) for chosen measure of restraint in custody.

We'd like to publish some excerpts from speech Moku had delivered during court hearings:

«Events associated with initiation of criminal case against Ivan Rizak, his arrest and detention witness absolute neglect of supremacy of law, norms of Constitution of Ukraine and Code of Criminal Procedure demonstrated by pretrial investigative agencies and courts, which had still examined question of which measure of restraint should be chosen towards Rizak.

As it is seen in documents of the case, first time Rizak was detained by pretrial investigative agency on February 12, 2005 on suspicion that he had driven V. Slivka (former rector of Uzhgorod National University) to suicide.

I'd like to pay your attention to the fact that on this day in the morning and in the afternoon the investigator had entirely different opinions about lack or presence of reasons and grounds (in accordance with the law) for arrest of Ivan Rizak. He had motivated his decision about arrest in the following way — I would like to cite him — «the consequence of committed offence do not exclude possibility that suspect may flee from investigation and court and will impede search of truth in this case».

Such resolution, as other resolutions in this criminal case, is not motivated. The investigator does not consider it necessary to comply with requirements of Code of Criminal Procedure which requires motivation and soundness of all resolutions. He does not indicate or explain which exactly circumstances do not exclude possibility that suspect may flee and how exactly he will impede search of truth in this case. Repressive agencies did not afford such behavior since times of Dzerzhinsky whose por-

trait still could be seen in the offices of many investigators.

The investigator radically changes his opinion in the afternoon on the same day and comes to convincing conclusion — this time he finds no reasons stipulated by law for detention of Rizak and makes ruling on his release from temporary prison ward. By the way, Rizak was jailed by the same investigator.

Such «consistency» in legal opinion of pretrial expert resembles Soviet times when country and members of CPSU must adjust to general party line.

It seems that mistake was corrected and legal and grounded resolution was taken saying that Ivan Rizak may stay free. Maybe after that he did some attempts to avoid meetings with investigators or court? No. Maybe he made some steps which were aimed at impeding search of truth in his criminal case? No. Maybe he was engaged in criminal activities? No, as well. Neither requests of procurators, or court verdicts contain such facts or reference to such facts. For all that time Rizak was and exemplary law abiding citizen.

In accordance with permit granted by the investigator, he came to Kiev to hospital. Staying in the hospital, he found information in mass media that he is to be summoned to interrogation referring to another criminal case. He had voluntarily found investigator Soima M.M. who had investigated this case and informed him about his location. He had testified in the hospital.

I would like to pay your attention to the following circumstance which convincingly proves lack of reasons for keeping Ivan Rizak under arrest. When the restraint measure was chosen (recognizance not to leave current location), there were no charges put forward against Ivan Rizak in 10-days term as it

is stipulated by the law. He had all chances to avoid investigation and court, he was able to leave Ukraine. But he did not do that. He did not do that because he considers himself innocent and wants to prove his innocence, to wash away all that dirt which was publicly poured over him despite principle of presumption of innocence stipulated by Constitution of Ukraine.

On May 13 procurators of Transcarpathian region realized the second stage of targeted operation for taking liberty away from Ivan Rizak. He was for second time detained under suspicion of alleged committing of the crime for which he was already arrested and released on February 12.

After arrest and appearance in investigative detention center pretrial investigative agencies and courts become deaf and blind to arguments which demonstrate lack of grounds for choice of the severest measure of restriction towards him — arrest. Courts had chosen tactics of silencing arguments of defense...

American lawyers declare that Ukrainian police fulfills political order against one of the most successful Ukrainian businessmen Rinat Ahmetov

■ **In accordance with information distributed by «Kommersant-Ukraine» newspaper, deputy minister of interior Gennady Moskal stated that ministry of interior conducted successful «counter-operation», which allowed detecting reaction of Donetsk**

businessman Rinat Ahmetov to possible accusations. Now ministry is ready to start criminal case against Mr. Ahmetov.

At the same time ministry of interior has no convincing evidence of guilt of Ukrainian billionaire.

Ministry of interior had recently distributed information saying that criminal investigation department summoned Rinat Ahmetov, the richest man in Ukraine, for interrogation. Simultaneously Ukrainian mass media outlets distributed information that Rinat Ahmetov was invited to police in reference with investigation of «criminal case of Boatswain».

In 1988 Ahmetov had allegedly taken part in assassination attempt on criminal gang leader Sergey Chernyshov (nickname «Boatswain»). Rinat Ahmetov failed to come to criminal investigation department and his press-office had informed that their chief is in business trip abroad. At the same time Mr. Chernyshov forwarded letter addressed to the investigators of the case. The letter says that he considers Ahmetov had taken no part in assassination attempt.

Ministry of interior is sure that Sergey Chernyshov signed this letter under pressure. «Ahmetov's security department representatives rushed to Russian capital, found Boatswain, «warmly» talked with him and after that he had wrote mentioned application», — Moskal said off-handedly (without any evidence). He says that ministry of interior is happy to see this document, because now it allows starting criminal case. «It is not that difficult to guess who will be the main suspect. For sure, the richest man of Ukraine will be».

Rinat Ahmetov's press-office replied



Rinat Ahmetov

to statement made by General Moskal. Employees of the press-office distributed letter signed by representatives of American law firm Akin Gump Strauss Hauer & Feld LLP which provides legal counseling for Mr. Ahmetov. Partner of the company Mark Macdugall said in this document that his company has «notarized evidence» of the fact that «law enforcement agencies knew that they charge Mr. Ahmetov with groundless accusations». Mr. Macdugall characterized activities of Ukrainian ministry of interior as illegal ones.

Law firm Akin Gump Strauss Hauer & Feld associates accusations of Ahmetov with complaint which he had lodged to European human rights court, complaining about re-privatization of KRIV-OROZHSTAL enterprise*. Businessman's counsels interpreted accusations in Ahmetov's address as «usage of false evidence in an attempt to apply pres-

*KRIVOROZHSTAL is the biggest steel works in Ukraine owned by Ukrainian businessmen Rinat Achmetov and Viktor Pinchuk. New authorities strive to return this enterprise to state property

sure to political opponents». Lawyers asserted that in last half a year Ahmetov's company became subject of «constant attack» of power due to the fact that businessman had supported Viktor Yanukovich (competitor of acting president Yushenko) during last elections.

Political analytic Viktor Nebozhenko:

«It is highly possible that by starting criminal case against Ahmetov, authorities try to remove him from process of repeated privatization of KRIVOROZHSTAL. Probably the rumors on Ahmetov's escape from the country were circulated in order to form «syndrome of hideaway» for Ahmetov and to force him leave the country. The same tactics will be probably used towards Viktor Pinchuk».

The house was taken by storm in order to serve summons

■ **Press-office of agrarian party of Ukraine distributed statement saying that police special task force had violently burst into house of former governor of Kiev region Anatoly Zasukha and his wife — parliament deputy Tatyana Zasukha.**

«Segodnya» newspaper informed that these events had taken place in Kovalivka village. Tatyana Zasukha said that police officers stormed residence trying to come out over the fence but had met resistance from guards and residents of the village.

«People were handcuffed, they were thrown face down on the land, they

were beaten by clubs». And everything was allegedly done in order to serve summons to Anatoly Zasukha, who was not at home this day. On Wednesday night officers of special police department had come to village again, but almost 500 dwellers of Vinnitskie Stavi, Kovalivka, Polyanichnitsi and Ustimovka did not let them to come close to the house.

Employees of Kherson newspaper «Vgoru» stated that police and procurators in Kherson region are unable to protect rights, interests, life and health of people

■ **In accordance with information distributed by Internet newspapers «Obkom» and «Telekritika», editorial board of Kherson newspaper «V goru» received information that unknown people destroy premises of «Columbia Sportswear» shop under guidance of representatives of court bailiffs despite resolution of Supreme Court of Ukraine which had banned any operations with this property.**

The photo correspondent who had arrived to shop was immediately attacked by three people who at first identified themselves as police officers and later, when real policemen came, they said that they are «ordinary Ukrainian citizens».

These «Citizens» wrenched arms of correspondent Maxim Soloviev and using choking hack had taken camera away from him. They had taken voice recorder

from reporter Natalya Kozarenko. Later they returned the mentioned equipment, but camera had no memory card, and they had defiantly burnt tape from voice recorder. Police officers were standing nearby, but they did not interfere into the situation.

Due to the event that had happened, the editorial staff of «V goru» newspaper made a statement saying that «police and procurators in Kherson are unable to protect rights, interests, life and health of people. Aggressors may freely rob reporters in the daylight, wrench their arms, threaten them, ruin buildings and police even does not move».

Representatives of various organizations in Kherson region assembled press-conference after this incident to tell about legal lawlessness of courts and executive power.

Internet newspaper «Polit-terror» informed that lawyers, entrepreneurs, deputies' assistants and reporters are indignant about blatant cases of inactivity displayed by leadership of the region. The delegates who had arrived to Kiev say that they are unable to find way out of situation which had developed in Kherson region.

Nataliya Bimbiraite, editor-in-chief of Kherson newspaper «V goru», says that as a result of roused conflict situation which resulted in ordinary fray between reporters and those who had identified themselves as police officers, the latter had taken cameras and voice recorders away from mass media outlets employees and had even broken them. Appeals to law enforcement agencies resulted only in promises to enter representatives of mass media to commission for investigation of the event.

The entire Ukraine, and probably even the world community, witnessed how three people in Kherson region had set

themselves on fire turning into living torches. People had committed acts of self-immolation near buildings where executive power agencies and courts are located. Only one managed to stay alive. Reporters addressed with open letters to Presidential Secretariat in order to avoid situation when «living candles would turn into enormous flame», newspaper «Polit-terror» concludes.

Odessa TV Company blame law enforcement agencies for provocations

■ **TRK «ART» statement says that on July 31 several dozens of representatives of law enforcement agencies had entered the office of TV/Radio company and demanded from ART employees to leave their working places explaining this request by phone call about mining.**

The application also contains information that strange people (representatives of law enforcement agencies) stayed in office of TV/radio company for hour and a half. Later it was found out that flash cards and diskettes with information had disappeared. One of the computers was damaged because somebody tried to snatch data from it.

Administration of TV/radio company considers these actions undertaken by police «as provocation invoked by harsh programs against some actions of local power made by reporters».

This fact forced ART representatives to appeal to procurator of Odessa region, chairman of Odessa regional state administration with request for «immediate interference in the situation and

assistance in organizing thorough investigation of incident by employees of regional office of procurators». ART company asks procurators office «to find the customer» and to return stolen property of TV company.

Public figure arrested for critics in address of Kiev city authorities

■ **In accordance with information distributed by «Segodnya» newspaper, chief coordinator of «Kiev salvation forum» Vitaly Chernyachovsky was charged with disorderly conduct.**

He was arrested soon after completion of press-conference in UNIAN agency. Press-conference was dedicated to report on results of public hearings of Kiev development planning. The press-conference was visited both by representatives of city authorities and leadership of «Kiev Salvation Forum» (this organization fights against illegal construction in Kiev and it includes deputies who oppose Kiev Major Alexander Omelchenko).

Vitaly Chernyachovsky chanted during hearings: «Omelchenko should be sent to jail!». The compatriot of Chernyachovsky, Kiev city council deputy Vitaly Komov admitted that his colleague might have cut it too fat, but at the same time he is sure that arrest of Chernyachovsky might be considered as persecution for political viewpoints, persecution for active critics in address of authorities and opposition to illegal construction in the city.

Newspaper «Gazeta po Kievsky» had informed that story of this arrest resem-

bles plot of a bad detective novel. Chernyachovsky had come to Shevchenkovsky district court. In court yard he met four policemen who told him that he is detained because of administrative offence. The law enforcement officers had shown him no corresponding papers, but asked him to take a seat in their car. He was delivered to Pechersky district court in ordinary car «Zhiguli».

TJudge Nataliya Kvasnevskaya delivered her «verdict» there and Chernyachovsky was immediately transferred to Pechersky district police precinct. In the morning he was transferred to cell of pretrial detention. For all the mentioned time, despite his multiple requests, he was not given chance to make a phone call, summon lawyer, or wrote protest.

It was found in pretrial detention cell that judged compiled protocol with mistakes — she «forgot» to indicate date of start of imprisonment. Only after that police officers in Old Darnitsa district relented and let him call his relatives.

Vasily Gudz, lawyer of Vitaly Chernyachovsky, said:

«Even the first look at this protocol shows you overt violations of current law of Ukraine. Protocol contains no signatures of witnesses, and judge Kvasnevskaya found no necessity in interrogating them. There is no protocol of witnesses' interrogation. And the main thing is that my customer was robbed of right for defense and this circumstance contradicts to norms of European legislation.

POLITICAL PERSECUTIONS

Former chairman of Donetsk regional council stated that Attorney General Office and courts were turned into political tools of persecution of unwanted individuals

■ Early in July former chairman of Donetsk regional council Boris Kolesnikov forwarded letter to Ukrainian parliament asking it to examine question of setting up temporary investigative commission for investigation of criminal case initiated against him.

Kolesnikov in his letter had also convincingly proved his innocence, blaming new regime in political persecutions and informed that he had filed complaint for bringing judges to responsibility for making resolutions which contradict law. After that, on August 2 he was released from custody exactly in court session hall — Kiev Court of Appeals found that arguments of Attorney General Office in support of necessity of further stay under arrest were unconvincing (Kolesnikov stayed in pretrial detention center since April 6) and had also taken into account state of Kolesnikov's health. We'd like to publish separate excerpts from the statement:

«I address to you in accordance with the right which is provided by Articles 61, 62 and 89 of Constitution of Ukraine, taking into account public interest around

criminal case which was initiated against me as chairman of Donetsk regional council. I practically have no freedom due to my political viewpoints, political beliefs and participation in activities conducted by opposition.

The goal of criminal case initiated against me is political persecution of opposition, harassment of its leaders and activists. I am the chairman of Donetsk regional branch of Party of Regions of Ukraine which unites more than 300 000 party members. Currently accent in politics is made on search and elimination of «enemies» which now are members of Party of Regions. Majority of them dwells in Donetsk.

Criminal case was fabricated against me. Courts, which issue rulings on necessity to prolong my term of staying under arrest, violate Constitution of Ukraine, Code of Criminal Procedure of Ukraine and Convention on protection of human rights and basic freedoms of people dated 1950. They act in order to please power and not justice. Due to these facts I was forced to appeal with request for initiation of criminal case against judges who ruled intentionally illegal verdicts.

Criminal case on the fact of extortion of shares of OAO TC «White Swan» which belonged to V.A.Pnchuk and B.V.Penchuk was initiated against me.

Pretrial investigation of criminal case was conducted in a biased manner, without objectivity, with clearly seen accusatory trend. My right for defense was violated. In process of pretrial investigation those circumstances, which justify me and prove my innocence as for accusations which were incriminated, were not revealed and examined. Everything happens in an opposite manner. And this is violation of requirements listed in Article 22 of Code of Criminal Pro-

cedure of Ukraine. In cases when witnesses-members of Penchuk family — his daughter and son-in-law made multiple statements in mass media saying that I had never demanded or extorted anything from them, these testimonies are absolutely ignored by Attorney General Office of Ukraine. Moreover, daughter of Penchuk V.A. and her husband by decision of investigative group were excluded from members of Penchuk family because they provide testimonies unwanted for investigators.

The criminal cases were initiated against me by unauthorized people in violation of requirements of Article 31 of Law of Ukraine «On Status of deputies of local councils». Even this fact demonstrates partiality of investigative agencies starting from stage of criminal case initiation.

Pretrial investigative agencies and Attorney General Office of Ukraine have no desire to check my words and comply with requirements of Article 22 of Code of Criminal Procedure of Ukraine which demand not only search for circumstances which confirm my guilt in allegedly committed crimes, but also for evidence of my innocence.

General indictment is also violation of my right for defense. I do realize that it is hard to indict person in crime which he had not committed and formulate indictment in accordance with requirements of the law. As an accused person I have the right to know where I had committed crime — in which city and by which actions? However, mentioned facts are still not revealed in process of pretrial investigation.

The Attorney General Office had practically concealed revenge to me as political opponent of power by «criminal law». Justice now works in accordance with principle of selectivity — one peo-

ple could be arrested under factitious pretext, while others may do what they want without being punished, including illegal initiation of criminal cases and bringing of knowingly innocent people to criminal liability.

Attorney General and courts failed to become tools of justice and protection of constitutional system of Ukraine. Instead they represent political tools of revenge to unwanted people. The case initiated against me is an example of such situation.

After listing multiple violation committed by pretrial investigative agencies and court I lost faith in existence of any justice on territory of Ukraine. Rough non-compliance with norms of law, violation of my human rights and rights of a citizen by pretrial investigative agencies force me to search for justice at international level.

Being a deputy, I strived to foster development of Ukraine as law abiding state and formation of civil society. However, modern pretrial agencies and courts discredited themselves as a result of behavior of some of their representatives and made us hesitate about presence of principle of supremacy of law in Ukraine. I lost faith in honesty, impartiality and fairness of law enforcement agencies and court».

Valery Konovaluk, leader of Labor Ukraine party, called accusations in address of chairman of Donetsk regional council Boris Kolesniiov absurd and added:

«This is demonstration of weakness of power. The power, which now has wide authorities and pursues authoritative style in country's management, must not start with falsifications of cases and persecution of people».

He had also noted that guarantor of

Constitution demonstrates «selective attitude both to law and individuals».

«New authorities came to power under slogan of legality. Not only Ukrainians found out what does legality means for power today, but also international monitors in the world and Europe where they stand for people's rights. I am sure that there are all grounds for initiation of question of examination of situation in Ukraine by PACE».

Parliament deputy and lawyer stated that Attorney General Office try to block their human rights protection activities

■ **Criminal cases for illegal distribution of confidential information in mass media outlets* were initiated against parliament deputy, representative of oppositionist Party of regions and leader of its parliamentary faction Raisa Bogatyreva and lawyer Andrei Fedur who had protected rights of former chairman of Donetsk regional council.**

In accordance with information distributed by on-line newspaper «Polit-terror», Raisa Bogatyreva called Attorney General Office «agency of preliminary harassment of citizens». Talking

*Attorney General office launched criminal case against Ukrainian parliament deputy Raisa Bogatyreva and lawyer Andrei Fedur for distribution of information in mass media on deposit accounts in banks belonging to Penchuk's family. Some members of the family blame Boris Kolesnikov, former chairman of Donetsk regional council, in extortion

about her customer, she noted that the foundation for accusations against Boris Kolesnikov was absolutely ruined by his lawyers on basis of legally obtained materials. In such situation as we have, deputy thinks, power should offer an apology to Boris Kolesnikov. But instead they bring criminal charges against her and Andrei Fedur trying to block their human rights protection activity. Parliament deputy is sure that actions undertaken by Attorney General Office towards Andrei Fedur might be considered as an attempt to deprive Boris Kolesnikov of professional defense.

Raisa Bogatyreva says that her actions were adequate, systematic and logical, but they revenged her in reply. «This case is an ordered one. This case is political. I think that those who had ordered it are the same people who had ordered Boris Kolesnikov», she says. She is sure that «people's faith in justice will be ultimately ruined by these events. «Exactly my political position was the reason for such unbelievable pressure against me».

In an interview to «Day» newspaper Bogatyreva had also said that, in accordance with information she obtained, the special group was sent to Donetsk. Members of the group are literally targeted at «punching» information proving Kolesnikov's guilt out of businessmen.

«There is no necessity to make either national hero or martyr out of Kolesnikov. He is self-sufficient, quite well known politician and regional leader. Determined character and sometimes straightforwardness were inherent in him, and naturally many people disliked that.

Using his case, new power wanted to demonstrate to the public — now everyone may be considered guilty by sim-

ply calling him (without reasons) bandit and by distributing this idea through controlled mass media. In this case you don't even need to be engaged in search of evidence. This story takes a long time already and unpunished discreditation is common thing now.

Those who «fell from grace» of Attorney General Office are prominent and popular figures in regions which are traditionally considered «basis» for our party and other oppositional forces. I consider this as attempts of power to «knock» electoral, economic and political foundation from under the feet of opponents. You may agree that this is quite strange method of preparation to elections. The scenario is being developed in accordance with which list of candidates from our block is to be turned into list of criminal cases».

Raisa Bogatyreva filed counter-suit to Attorney General Office.

Andrei Fedur, lawyer of Boris Kolesnikov, said:

«I was and I will be engaged in human rights protection activities in Ukraine. My main task was and is protection of constitutional rights and freedoms of a person. As Kolesnikov's lawyer I am obliged to defend him in accordance with the law. These are my direct duties. The problem is that it is dangerous to protect human rights in Ukraine. Criminal charges may be brought against you here. I have doubtless evidence that case of Kolesnikov was cooked up. I know which volumes and pages contain cooked up materials. And Attorney General Office also knows well that I know that and that I will not keep silence. They are afraid that I will demonstrate everything. And for sure I will do that when the time will come».

Ombudsman Nina Karpachova says that she is also charged with making secret of investigation public:

«Minister of interior blamed me for making secret of investigation public when I delivered speech in Ukrainian parliament. And it seems that all criminal case was in general spoiled by ombudsman. For all years of my work I had never heard such rough accusations. At first, in order to make secret of investigation public, you should know it. For the second, it is necessary to put your signature under the document which indicates that I oblige not to make secret of investigation public. It became known that Kolesnikov's defense counsels found half a million dollars which were given to Penchuk and were deposited to couple of dozens of accounts opened in Ukr-sotsbank. But the victim told only about 2 accounts and concealed other 18 accounts from investigators.

I will not dwell upon the essence of the criminal case because the accused person and his lawyers are quite efficient and they have enough convincing arguments. I know that his American lawyers prepare suit to European court. In general, there is prospect to win this case only on account of procedural moments associated with detention and arrest. European court now rules verdicts in such cases. There is already verdict which refers to Ukraine...»

SBU persecutes press-secretary of former chairman of Donetsk regional council

■ **Press-secretary of former chairman of Donetsk regional council Elena Bondarenko**

appealed to colleagues from mass media outlets asking for assistance. She had informed in her open letter that «now Attorney General Office started overt hunt against me and my family».

On July 22 SBU officers came to my office and apartment. Moreover, one of them had almost found home near our door at the chair he had begged from concierge. Our neighbor told us that. They visit offices of my employees and apartments of neighbors hoping to pass summons to me only with indicted time and location of interview in SBU.

I know that everything was initiated by Attorney General Office. SBU circles around me and my family exactly because of such request. I know why this has happened only now. That is because Kolesnikov said that he will testify through mass media outlets*. I can help him doing this. That means that I do not let Attorney General Office and Ministry of Interior to conceal those who had cooked up Kolesnikov's case. I realize it well that on the day «of sincere interview» I may not leave SBU building».

Lugansk regional council chairman blames new power in political persecutions, cooked up criminal cases and mass sacking of professionals

■ In accordance with information distributed by «Glavred» on-line newspaper,

*Former chairman of Donetsk regional council Boris Kolesnikov made this statement when he was under arrest. Now he is out of prison

56-year-old chairman of Lugansk regional council Viktor Tikhonov stays already for a month under recognizance not to leave permanent place of residence. Now he is accused person in case of separatism.

Tikhonov is a bit more luckier than his colleague from adjacent region Boris Kolesnikov who was summoned as well as a witness in case of separatism on April 6, 2005. On the same day Kolesnikov was charged with other criminal case — with extortion and he was immediately arrested, while the story with separatism was forgotten. As for Tikhonov, parliament deputies managed to bail him out.

Viktor Nikolaevich absolutely denies his guilt saying that he voiced no separatist appeals at the assembly in Severodonetsk. He thinks that the main slogan which could be heard there sounded the following way «Motherland is in danger» and that is why we should stand up and form joint front in support of sovereign Ukraine. The reason for such interpretation of assembly in Severodonetsk, thinks Tikhonov, is possible reluctance of new power to let some leaders respected in eastern part of Ukraine, who had supported Yanukovich, to participate in elections 2006.

Tikhonov told «Glavred»:

«Criminal case on separatism was initiated due to the fact of assembly in Severodonetsk and sessions in Donetsk, Lugansk and Kharkov. And SBU investigated the case. I have a question associated with this fact — why only these cities are investigated? The matter is that former Attorney General Genady Vasiliev had initiated the case on similar sessions conducted in western Ukraine, but no one is engaged in this



Viktor Tikhonov

investigation. Moreover, the case referred to the very «separatism» we are talking now. Practically all western regions conducted session in the end of the last year where they had passed resolutions — not to obey to acting power, to sack police, SBU and procurators. Everything started with Lvov city council session, then Lvov regional council session was held. Sessions in Donetsk, Kharkov, Zaporozhie and Dnepropetrovsk were conducted after mentioned sessions in western Ukraine. The last ones had really accelerated call of assembly in Severodonetsk where I served as chairman.

Approximately 3600 delegates from all regions and Crimea, some 40 Ukrainian parliament deputies and deputies from 17 regional councils. In reality there were several dozens of thousands of people — they wanted to come to assembly, but the hall was simply unable to host everyone.

At the same time, the assembly approved no resolutions associated with separation of particular regions or disobedience to authorities. There was nothing like that at all. Yes, there were different speeches as at every assembly, at every rally. Assembly in

Severodonetsk, judging by its organization mainly resembled huge rally — 15 000 — 20 000 people were standing on the street, several thousands occupied lobby and more than 3500 people found their seats in the hall. People were sitting even at the stairs.

One of the paragraphs of accusation says that I participated in establishment of Ukrainian Interregional Union of Regions. I was told that this union is infringement of right for territorial unity and that this is separatism. Then at the assembly in Severodonetsk 17 regions entered the Union, but it was written in the resolution that entrance is free for anyone as Union is social organization as any other association.

I am sure that not only president Yushenko failed to read these shorthand notes and protocols of session and that is clear — he has no time for doing that. I am sure that his environs did not read so well. Moreover, I am sure that even investigator failed to read while this is not big text, just some 50 pages, not more. Probably, people called experts had looked through these papers.

Two of these experts are lawyers and other two are historians, who are far from notion of local self-administration, law, political science and philosophy. So, the lawyers wrote that there was nothing special in these assemblies — no separatism, no secession, no break-up of Ukraine.

President said very correct things — there must be no «bugs», there must be no persecution of those who had voted for or against him, because he is president of entire Ukraine. But seven months had already passed after elections and people are still arrested! Police, procurators and SBU had turned now into chastising revolutionary sword.

I support the idea that person should be responsible in accordance with the

law, but at first one has to initiate criminal case, then court should pass its verdict and only after that person might be jailed if he deserves that. But we have something different here! We have such organization — «Luganskugleinvest» which had won the case against regional procurators. They had won the case, but general director of this company was arrested in three hours and criminal case was initiated personally against him. The pretext was absolutely cooked up! Everything is more than clear — the procurators had given order! At the same time they say, it seems to us that you had illegally paid out 5 million grivnas to this or that organization... But how that could be, when 64-year-old respected person, honorary citizen of Lugansk, chevalier of many awards could be jailed only for expression of own opinion?

In many districts they had to replace newly appointed chairmen of district administration. That is because they appointed people who had absolutely no experience. For instance, four of them were already replaced in Lugansk region. There was one 38-year-old nominee who had only 1 year of experience! That is appointments in accordance with principle of loyalty! Moreover, the son of highest ranking criminal thug was appointed at position of district administration chairman. New governor of Lugansk region had lived not in Lugansk, but in Kiev for last three years. He is a man who sometime ago had some respect in the region, in particular, he was respected by young people. Well, he was young then too, but he managed to win city major seat with «assistance» of one criminal authoritative person. Everyone knows that. And regional branch of «Power of People» organization had also produced corresponding documents — in ten copies! They had written an appeal

to the President. And was there any sense in doing this? The commission had come, examined situation and said that everything is OK. I am for a long time in the system, that is why I know everyone in Kiev and I know people who come here».

Quitted membership in pro-governmental party became the reason for dismissal of an official

■ Former first deputy chairman of Kherson regional state administration Jury Gorbenko conducted press-conference dedicated to topic «Persecution for political beliefs, interference of People's Union Our Ukraine* activists into work of representatives of state power, and forceful dismissal».

In accordance with information distributed by «Polit-terror» newspaper, Jury Gorbenko said that «ruling party treads down state management controls working in accordance with principle «those who are not with us are against us».

«Where are we going to? Are we going towards political repressions? Later there will be political monopoly and then we will have political dictatorship?» These questions were put forward by former first deputy governor of Kherson region.

However, he believes that central power in Kiev has no idea about extremes which happen in regions. The official had overtly addressed president Yushenko asking him «to call down such figures before they manage to make

*People's Union «Our Ukraine» is the block of pro-governmental parties

worse». Otherwise such actions may be considered as a scheduled process for influencing outcome of elections 2006 by appointment of «own» people to positions of regional administration officials.

All troubles of young and probably prospective official had started when he received to quit his membership in People's Union Our Ukraine. Jury Gorbenko had occupied leading positions in Kherson regional state administration since 1996. He controlled aspects of healthcare, education, culture, youth politics, sport, home policy, national interrelations, political parties and social organizations. He had trusted in leaders of orange revolution, he had actively supported revolutionary transformations declared in course of presidential election campaign. In the beginning of this year he became member of People's Union Our Ukraine and was elected a member of political council.

But then harsh realities had started. «When I faced what really happens, when I got acquainted with real job of leader of Kherson regional branch of People's Union Our Ukraine, I realized that I respect myself and this is not decent company for me. That is why I wrote application for quitting my membership in People's Union», Jury Gorbenko told. He said that Kherson region governor Boris Silenkov called Gorbenko and offered to resign. When asked about reasons for resignation, Silenkov had replied: «I was told that you have to resign. You do understand — you had quitted People's Union. So what you were waiting for?».

Politically motivated sackings are actively used in Energodar (Zaporozhie region)

■ Newly elected chairman of Energodar city council had

fired first deputy major of the city, member of Labor Ukraine party V.Dyachenko as well as members of SDPU (u)* — director of communal enterprise V.Gritsai and director of communal city market N.Kozakov.

In accordance with information distributed by «Our newspaper plus», people were fired in overtly cynical and rough manner with assistance of police special department BERKUT of Zaporozhie regional administration of ministry of interior.

Former city major of Energodar was forced to resign due to city council resolution. The reasons for his dismissal were, in opinion of new power, results of presidential elections in the city — 69.6% for Yanukovich and 23.3% for Yushenko. Court hearings on legality of recent elections of city major of Energodar still continue, but this does not impede new major in waging total lustration.

Jury Zagorodny, chairman of executive committee of SDPU (u) issued statement saying that Attorney General frames charges against him with purpose of discreditation

■ «I knew now for certain that Attorney General Office of Ukraine started accelerated preparation of falsified criminal

*— these political parties are in opposition to acting authorities

case going to bring charges against me.

I had found out that the base of accusations which they prepare against me contain fact of sacking of first deputy chairman of SBU Vladimir Satsuk last December by president Kuchma. At that moment I occupied position of first deputy of head of administration of president of Ukraine.

I know that being deputy chairman of SDPU (u) and chairman of its executive council together with other representatives of opposition (and in first turn, SDPU (u) leaders) I happened to come to «black lists». Power employs methods of political repressions by means of discreditation against people mentioned in these lists. And Attorney General Office of Ukraine became the main instrument in fulfillment of this political order.

Several months ago Ukrainian parliament deputy and prominent human rights defender Gregory Omelchenko warned about existence of such order, in particular against SDPU (u). He could hardly be suspected in sympathies towards our party. All consequent actions of new power, including arrests and criminal prosecution of my party allies confirm rightness of deputy's statement.

I realize well that Attorney General Office will not seriously bother itself with soundness of accusations they put forward. The main thing for procurators is to report that everything is done to the person who had given Attorney General order — eliminate opposition. And the fact that such task was really given raises no doubts after President had publicly given orders to tax collectors for «organizing» 5-7 scandalous criminal case in each region before October.



Юрий Загородний

Otherwise he simply promised to sack tax administration!

I am sure that the same tasks are being given to procurators as well.

Power employing methods of political and judicial blackmail tries now to suppress opposition and dissidence by all means and wipe up its political opponents. This is nothing but absence of legality and lawlessness, and power will have to pay for that, sooner or later.

Acting power will have to pay for hundreds of already cooked up political cases and for dozens of thousand people who were illegally deprived of their jobs and for hundreds of thousands of people who stay now under moral pressure of those «orange heroes» who had grasped power today.

I appeal to those who should protect Law — stop now and think about consequences! Obeying to criminal orders, you also commit crimes and you will have to be responsible for them.

Foreign democratic community is already aware of facts of political repressions and lawlessness waged by new power in Ukraine. And I am sure that world community will soon present its

corresponding evaluation of our «honest power».

I do say that I will struggle by all means I would be able to employ for strictest observance of law in Ukraine and constitutional rights of each Ukrainian. I know that I am not alone in this struggle».

Representative of law enforcement agencies visited central party office to pass summons to Zagorodny the very day this statement was made public. Jury Zagorodny is currently on vacation and undertakes treatment in a rest-house. He had informed by phone that he knows that Attorney General Office is going to invite him for interrogation and he, as law abiding citizen, will comply with all legal requirements put forward by investigative agencies. He had also repeated that considers pressure on him organized by Attorney General Office a political order in the frameworks of scheduled campaign aimed at removal of opposition leaders.

He had also informed that he found out that representative of law enforcement agencies tried yesterday to pass summons to the guardian of the house where Jury Zagorodny resides. When guardian refused to take summons, saying that owners are absent, representative of law enforcement agencies said that in case Zagorodny will not come urgently, «he will experience the same as Zasukha».*

*In July police special task force violently burst into private house of former governor of Kiev region Anatoly Zasukha and his wife — Ukrainian parliament deputy Tatyana Zasukha in order to serve summons to Attorney General office to Anatoly Zasukha

Chairman of charity foundation, representative of oppositional party, was arrested

■ Ministry of interior officers in Uzhgorod detained Ivan Rosoha, deputy secretary of Transcarpathian regional council of SDPU (u) and chairman of charity foundation «Renaissance of Transcarpathian region». The criminal case on seizure, embezzlement of property and appropriation of property by transgression of power was initiated against him. The regional SDPU (u) committee had issued the following statement:

«Incongruity of accusation in address of Ivan Rosoha stands no critics. Dubious pretext for his detention is another confirmation of the fact that new power has a goal of wiping up activists of oppositional forces at any costs thus additionally confirming existing anxiety about its political prospects»

In accordance with information distributed by «Our newspaper plus», detention of Ivan Rosoha after arrest of secretary of SDPU (u) regional committee Ivan Rizak and member of regional bureau of SDPU (u) Viktor Dyachenko is nothing but continuation of political repressions in the region against united social-democrats, the intention of power to win loyalty of citizens at upcoming parliamentary elections and desire to kick strong opponent out of pre-election race. In accordance with information distributed by «Kievskie Vedomosti»

newspaper, it is very symptomatic that chairman of charity foundation «Renaissance of Transcarpathian region» Ivan Rosoha was detained just couple of days before next court hearing which should determine further fate of former Transcarpathian governor Ivan Rizak.

Arrest was conducted with an overt violation of legal rights of a citizen. It seems that they had simply received command «grab him» (and immediately). It looks like law enforcement agencies were unable to «find» something illegal on Rizak and that is why they have to count on «sensational» acknowledgements made by some of high-ranking party members.

One the eve of the court hearing which should examine question of further arrest or release of Viktor Dyadchenko, the «sensational» information in arrest of another «criminal» was distributed. The «criminal» was a commander of military unit and he had allegedly falsified results of elections, while Dyadchenko may allegedly «forced» him to do that.

So, criminal case for seizure, embezzlement or appropriation of property by means of transgression of power was initiated against Ivan Rosoha. We'd like to remind here some basic moments. At first let us discuss income of funds. «Renaissance of Transcarpathian region» is non-profit charitable organization which in compliance with acting law may ask enterprises, organizations and institutions for financial, material or other type of aid for fulfillment of tasks stipulated by foundation's Statute. Dozens of similar foundations operate in the region and almost all of them ask commercial or industrial structures for sponsorship or charitable assistance. Some enterprises render assistance, others simply ignore such letters and appeals.

Statements of law enforcement agencies about application of pressure or even about «extortion» of means of companies or businessmen by foundation have nothing common with reality. One will be able to successfully «press» and «extort» when, for instance, somebody from foundation administration or owners has direct or indirect relation to some controlling or law enforcement structures. None of founders or managers of «Renaissance of Transcarpathian region» has such connections. Moreover, the foundation, as a rule, forwarded written appeals and replied no written reply or phone call.

All operations were conducted by foundation exclusively on volunteer basis. The foundation had no hired personnel, nobody received salary or other royalties. Foundation had and has no property, offices or cars. The foundation made no transactions with cash, and especially, with budget funds. The foundation realized no commercial projects. In case there would be any discrepancies with incorrect credit transfers, there is practice of corresponding appeals for the return of such funds. For two years of operation of foundation there were no complaints on that matter, and there were no complaints addressed to law enforcement agencies.

In accordance with its Statute, foundation was engaged in projects in sphere of culture, sport, healthcare and social protection. For instance, the foundation provided significant financial contribution for construction of monument to Chernobyl workers and production of bronze monument to A.Voloshin in Uzhgorod. The foundation supported conduction of contests «Miss Transcarpathian region» and international kids' song festival «Boundaries of solidarity», realized project of

provision of more than 2000 free medical aid kits to poor citizens, disabled people and lonely retirees persons. The foundation purchased sports clothing, prizes and accessories for kids' sport organizations. Foundation also rendered help for amateur creative groups for participation in contests and festivals. The foundation assisted football club «Zacarpatiye» and handball club «Carpathians». The funds were also spent for publication of textbooks, scientific and scientifically popular literature. And this list could be continued.

What sort of illegal activities could be traced here and what facts serve as a base for the statement that «Renaissance of Transcarpathian region» foundation allegedly was not engaged in cultural or charity activities?

Law enforcement agencies blame foundation for purchase «expensive furniture», but foundation had never purchased any furniture for own needs. It had bought ordinary office furniture in 2004 which was passed free of charge to four regional organizations of veterans and invalids of war».

«For now we have to comment with a pity that new power makes no political conclusions and evidently will not start making them until it fulfills the «plan» for number of opened criminal cases against united social-democrats. The power is not embarrassed with the thesis that political repressions against its opponents are used by those who is not sure in own political future», concludes «Our newspaper plus».

School directors persecuted for their political beliefs

■ Local community of Rukshino village (Chernovtsy region) for the third time advocates

Sergey Shishkovsky — young and energetic director of school, whom new power tries to fire by hook or by crook. They threaten to fire school director for membership in an oppositional SDPU (u) party and his position during elections.

In accordance with information distributed by «Our newspaper plus», Sergey Shishkovsky work in village for 4 years, but managed to do a lot of things. New director started construction of new school with big gym, recreation zones and enough quantity of spacious classrooms. Completion of construction was scheduled for 2005.

As Sergey Shishkovsky heads party branch of SDPU (u) in the village and had monitored elections as Yanukovich's representative, new power refused to allocate resources for continuation of construction.

«I think, this is political order and political persecutions», Sergey Shishkovsky commented the situation. «For instance, after the first round of elections there were rumors that I tried to commit suicide, that my father and husband tried to hang themselves... Before the third round I heard that I am already in lunatics' asylum. It was told that I was allegedly arrested in Hotyn, and then transferred to Chernovtsy. It was said despite the fact that I was in school on daily basis and everyone saw me here. And later one I was summoned administration and advised to write application on voluntary dismissal».

Rushkino village dwellers remember how Shishkovsky made public remark to one of deputies of acting chairman of state regional administration about violation of election law which he had com-

mitted. The matter is that car of future official on day of voting was thickly covered with Yushenko's propaganda and such thing is entirely forbidden by law on elections. That is why administration of the mentioned district had already offered Shishkovsky to «come to Chernovtsy and apologize» before regional «orange» official.

«We had already forwarded letters to local executive agencies and President, but our letters were returned. Pressure on director and staff remained and had even intensified. They demand that he should write voluntary application for his dismissal, because there is no article in Criminal Code which stipulates sacking for political position and beliefs!», says teacher Nadezhda Medyak.

Chernovtsy regional SDPU (u) expressed resolute protest for overt pressure applied to party members

Dozens of state officials fire in Chernovtsy because they had not supported Viktor Yushenko during elections

■ **This information was distributed by secretary of Chernovtsy regional committee of SDPU (u) Vasily Zabrodsky:**

«These people were forced to sign «voluntary» applications for dismissal or they were fired as a result of reorganization of their structures».

Vasily Zabrodsky paid attention to the fact that statements of new power on the so-called open HR contests are only the screen. In reality, the major part of key positions in regional state administrations is filled without any contests. The method is absolutely simple — the can-

didate (as a rule, participant of «orange» events) without any working experience in such job is appointed to district departments. Existing law requirements allow appointing people there without any contest. Later on he will be transferred (again without any contest) to leading position with corresponding rank and additions to salary in accordance with obtained position.

Besides the mentioned «know-how», they use new methods of political persecutions against united social-democrats. Secretary of SDPU (u) regional committee Vasily Zabrodsky was invited to law enforcement agencies as president of TBA commercial TV Company Association. He was shown materials of collected criminal case which accuses him in evasion of taxes payment. Ultimate decision on initiation of criminal case would be taken by procurators. Zabrodsky is sure that new power will fail in his case, because structures which he had headed always operated in the frameworks of law, and paid taxes and duties in full.

Attempts for initiating criminal case against him Zabrodsky considers as political pressure, because in the region, beside its structure, no mass media outlet was inspected for payment of taxes. He said that recently representatives of various controlling agencies started visiting him and telling that they «struggled as long as they can», but were forced to start inspection because they received such order.

Vasily Zabrodsky stated that his TV company has license which will be valid at least for two years and any attempt to take license away from him will be considered as an offense.

Former minister and his family members are persecuted

■ **Chairman of People's Democratic Party (NDP*) Valery Pustovoitenko, his first deputy Anatoly Tolstoukhov and chief of control and revision board of NDP Olga Petrova stated that governmental team continues political persecutions and has no desire to cooperate with party and social organizations which express their personal views on what is going on in Ukraine now.**



Anatoly Tolstoukhov

Anatoly Tolstoukhov stated:

«Power has problem with nervous system. The nerves are going worse. Tabachnik was invited to procurators' office by phone, and I was summoned in writing. But I had «pleasantly surprised» investigator by coming with my lawyer. Not everyone is ready to cook up case out of nothing for two former members of government, two deputies of two calls, two Ph.D. — of history and of science. Ukrainian justice had never seen such case. I was just informed — criminal case is initiated, in 15 minutes I heard accusations and in 20 minutes they asked me to sign recognizance not to leave permanent location. To tell the truth, I thought everything will be worse...»

I had refused from giving testimonies and stated in written form that I consider this case and other actions targeted against me as example of political persecution. I can also add — against my family. So, since Monday new power thinks of me as of potential con and I consider this power to be politically criminal.

In accordance with information distributed by «Ukraine and World» newspaper, the example of political persecutions is, in particular, search conducted on June 21 in apartment belonging to Tolstoukhov. As it was already said the complaint in court for actions undertaken by procurators is being prepared. The essence of new criminal case, initiated against him, sounds in the following way. In days of orange revolution, exactly on November 25, 2005, he had allegedly interfered into operation of «Governmental Courier» newspaper. As it could be found in resolution signed by investigator from Attorney General Office, Tolstoukhov together with former vice PM Tabachnik had arrived there and allegedly forced Michael Soroka, editor-in-chief of newspaper, to print «Central Election Commission announced that Viktor Yanukovich is the president of Ukraine» on the first page.

*Centrist Party of Ukraine.

I was summoned five times for interrogation by Attorney General office, office of military procurators and ministry of interior. My name could be found in records of other interrogations as well. They rushed in with search warrant. The search continued for 20 minutes without any documental formalities. In the best case, those who had conducted search looked through couple dozens of books. They had looked more at bookcases than searched them. Excursion around the apartment was conducted with incorrectly made protocol — without court decision (as it was found later). After every action directed against me and my sons (everything was racked around them and police was ready for further provocations with «findings» of drugs or cartridges), I did not shut my mouth (and my hand was not shaking), authorities had changed tactics in accordance with command they received from above coming to more resolute actions.

The «Governmental Courier» is a newspaper of a government. On that day it should be published containing results of voting, which were announced by CEC. Appeal of chief of Ukrainian Supreme Court press-office saying that court had adopted other decision was distributed by on-line mass media. Nobody had ever forwarded this resolution to any place in an order stipulated by law. On the one side, editor-in-chief realized everything, but on the other side, he was afraid. Dmitry Tabachnik and I had helped him morally and our signatures were a sort of helping shoulder for him...»

Healthcare ministry still continues applying pressure on administration of kids' clinic OHMATDET Jury Gladush

■ **In accordance with information distributed by «Our newspaper plus», administration of the institution was blamed for poor operation of clinic. That was done despite the fact that OHMATDET is the best hospital for kids all over the country, and parents bring their kids here from all parts of Ukraine!**

However, healthcare ministry thinks differently. «Strained situation is now in OHMATDET and this is the consequence of special policy and organization of operation of this medical institution», says healthcare ministry report. The ministry also says that it regularly receives anonymous complaints from medical staff and parents whose kids were diagnosed or treated in OHMATDET. In this connection ministry conducts official investigation. For sure, the target is Jury Gladush, the director of OHMATDET.

The chief administrator of healthcare institution had distinguished himself sometime ago because he had resolutely opposed healthcare actions aimed at assignment of assets of OHMATDET. In June main healthcare agency of the country was going to move to one of buildings of children polyclinic, because president Yushenko was going to move to building of ministry of healthcare.

«I found out about beginning of internal investigation from TV news program», Jury Gladush told. «I had never

ever heard complaints that kids were treated by expired medications. But starting from this March our hospital was checked 11 times. Control auditing administration had come here twice despite the fact that it should check us once in three years. Yes, somebody may complain on us, but people complain for ministry of healthcare, for Cabinet of Ministers, Secretariat of President and for any existing organization».

United social-democrats renounced actions of ministry of healthcare. «Being unable to satisfy own ambitions, ministry of healthcare waged unannounced war against staff of children's clinic and decided to choose «under carpet» sophisticated method».

Rector was illegally fired

■ **Personnel of National Academy of State Tax Service of Ukraine addressed President with a letter in support of rector Petr Melnik who was illegally fired. At the moment of sacking Melnik stayed hospitalized in Strazhesko Institute of cardiology after suffering local heart attack which had happened when order about his dismissal was announced.**

«Kievski Telegraph» newspaper informed that letter to Viktor Yushenko, signed by professors, doctors of science, chairmen of students' and academy trade union (first sign belongs to deputy chairperson of scientific council, doctor of law Lesya Savchenko) says that Academy sustained nearly 10 inspections since beginning of this year. There practically were no days when certain inspectors failed to visit the Academy. In Jan-

uary — February Audit Chamber had come, in March clinic was entirely checked by tax administration, in April — by SBU, Ministry of interior and Attorney General Office. In May experts of Control auditing administration paid interest to usage of budget means. Ministry of interior and Audit Chamber appeared in May again. However, no one of independent auditors revealed those drawbacks which served the reason for dismissal of the rector.

The appeal mentions already circulating rumors that the Academy — the only institution which prepares officers of tax police, experts in financial law, taxation, experts in operational detection and criminal procedural activities, tax monitoring and audit, account of taxpayers payments and so on — will soon be closed. Students, parents and future students panicked due to such news.

Staff of lecturers has alarming expectation of their future. And all that mess happened on the eve of exams and full-fledged entrance of the Academy to Bologna process!

Now students and lecturers of the Academy are waiting for results of court trial. Those, who conducted inspections and found no reason for «repressions» over rector, advised Melnik appealing to court.

In accordance with information distributed by «Ukraine Criminal» newspaper, Melnik is going file court suit against Kireev, head of State Tax Administration of Ukraine. Melnik had stated: «Kireev put forward clear task — find something criminal on Melnik. Judging by the fact that I am still free and judging by the order which refers to Code of Labor, and not to the Criminal Code, they found nothing. They had organized internal investigation, harassed staff for two months, but found nothing.

For sure, after court trial about my restoration in the office, I will file court suit against Kireev for political persecution.

Just imagine, I, the member of collegiate of Tax Service of Ukraine, am not able to enter building of Tax Administration of Ukraine in accordance with order given by Kireev!»

Prominent law scholar calls «Black Lists» project anticonstitutional

Jaroslav Pogarsky, member of political council of PORA party*, concluded outcomes of first year of realization of «Black Lists» project launched by the party. These lists contain names of those, who (in opinion of representatives of the mentioned party) are criminals. These lists are being made public. Pogarsky said, in particular:

«As representatives of PORA civil party we do continue process of Ukrainian society's purification from officials who had blurred themselves or act with violation of Ukrainian law. Our goal is to force Attorney General, Minister of Interior and chairman of State Security Service (SBU) to start their morning routine with reading of black lists. They should give account to themselves and to Ukrainian society that people suspected by Ukrainian society in commission of grave crimes must be brought to criminal liability. They should not only leave state offices, but they should nev-

*PORA — social campaign (organization) is mainly represented by students. It had worked for Viktor Yushenko's victory at presidential elections



Elena Lukash

er pretend for job in state executive agencies. PORA announces resolute march to regions.

PORA is always one step ahead of law enforcement agencies and in this way we apply social pressure on these law enforcement agencies. Moreover, we do think that law enforcement agencies should be accountable for how they initiate criminal cases, how they conduct investigative actions and what the results of these actions are. Such pressure will be applied both on people listed in «Black Lists» and on law enforcement agencies. Now we represent the party which has no presentation in parliament. Currently we have no other ways of influence besides methods of public and civil pressure».

Law expert Elena Lukash had commented this statement in the following way:

«At first I would like to ask question which does not require an answer — who are the judges? Who are these people who talking in behalf of the nation allegedly determine level of guilt, entering people's names in the so-called

«Black Lists»? Who had authorized them for blaming, charging and making judgments? Constitution of Ukraine and laws of Ukraine stipulate principles of presumption of innocence. For instance, Article 296 of Civil Code of Ukraine stipulates that it is forbidden to distribute and publish name and last name of the person blamed or suspected in commission of a crime before verdict takes validity.

In other words, people, who are listed in «Black Lists» and whose names are distributed, have the right to protect their rights and interests in court. PORA on the eve of parliamentary elections tries to criminalize certain individuals in conscience of society. This is just a way of increase of own prestige on account of decrease of prestige of others.

In accordance with Article 3 of Constitution of Ukraine, «person, his dignity and honor are the highest social value» and nobody has the right for usurpation of right for vilification of honor and dignity, abjection of an individual (even with the best ethical intentions). Constitution of Ukraine sets up not only the principle of presumption of innocence, but also the principle of individual liability for committed offense. That is why it is not only amoral, but also illegal to judge somebody for social cataclysms.

Ministry of culture continues pressure on theatrical director

■ **Power destroys Lesya Ukrainka Kiev Russian Drama Theater. Six people's artists and two merited artists (I.M.Duka, N.N.Rushkovsky, O.Z.Smolyarova, D.V.Babaeva, V.M.Shestopalov,**

L.G.Yaremchuk, I.I.Pavlova, K.G.Kashlikov) expressed their indignation about «sabotage and subversion» of the ministry.

They had set forth their thoughts in a letter addressed to Ministry of Culture.

Describing history of conflict with ministry of culture, authors of the letter consider position of officials «illegal and destructive not only towards Lesya Ukrainka Theater, but towards entire culture of Ukraine».

Michael Reznikovich, theater director, conducted press-conference where he told how theater worked for last half a year under conditions of groundless constant checks, blocked accounts and inability of salary pay-offs.

In accordance with information distributed by on-line newspaper «Polit-terror», the director told participants of press-conference that on the general meeting of theater employees was held on the eve and had unanimously adopted appeal to leadership of Ukraine. The appeal says about targeted destruction of the theater. The general meeting had also approved resolution on appeal to Attorney General Office with application for initiation of criminal case against officials of ministry of culture and tourism who had violated several laws of Criminal Code.

Russian drama theater director stressed: «For last 4 months I had no desire to fan the flame. It seems to me that nobody needs that, neither image of Ukraine, nor culture. I would like us to talk today at last about creative things. But the events of the day before yesterday forced me to start from other things».

Michael Reznikovich told about illegal and illicit actions undertaken by ministry of culture towards the theater:

«On July 13 our accountant managers called me and informed that Ukr-sotsbank and City treasury blocked all accounts of the theater and returned all payments. Employees of ministry of culture had come to the theater with a man who was appointed theater director by minister of culture and said that all our signatures are illegitimate. Business operation of the theater is blocked and the problem is that staff is not able to receive salary, money for vacations and solve other problems associated with business life.

On July 14 we provided bank and City Treasury with notarized court resolutions which obliged me to execute in full all duties of director and theatrical director of the theater until court will pass ultimate verdict on the existing business dispute. I consulted with lawyers and found out that accounts may be blocked only in accordance with court verdict».

Michael Reznikovich had indignantly focused attention of gathered people on false note posted on official Web-site of Ministry of culture which said that he had personally blocked accounts:

«This is disgusting lie. The information on site is not signed and there is no one whom we might sue. This is black PR. I thought that after storm of inspections which had continued for 5 months, our relations with ministry will become working ones. But now I am not sure anymore.

In one of interviews minister Oksana Bilozir had recently distributed three grand lies. At first, she said that theater is guarded by three companies. For the second, she said that one company guards me personally. For the third, she is highly disturbed by financial coverage of these guards, as it is covered by budget money which she values very and very highly. The first lie—we do not have

three companies guarding us. We have TITAN which helps us. We have one company (three people) which guards our building. The third lie — we pay for their services with budget money. This is lie because ministry of culture had not given us even a penny for the so-called «other expenses» since January 1. This article of expense is to be used for light and heating, for repair of the building, for costumes and decorations. That is why we naturally pay guards out of our own pocket, i.e. not budget funds, but money which we had earned. Each college, each school has guards because situation in society is not like it used to be before. The agencies, which monitor us, had warned me that provocations against the theater in such quite strained period are possible. That is why we have guards.

I want to say that no theater, no cultural institution sustained as much inspections as we did. As a result it had happened that there were no economic violations in the theater. We received act on 28 pages signed by tax administration which says that there are no violations in the theater. And Golosevsky district court passed verdict, which came into effect of June 13, stating that all paragraphs associated with claims of Attorney General Office, are groundless. There are no violations in rent agreements and in process of additional building construction.

I am very glad that our colleagues from Franko Theater, Opera and Ballet House, Virsky Ensemble and Verevka Choir had not experienced such invasion of inspectors, such psychological pressure and uncomfortable state of being under investigation. I am really happy that they were not called criminals, that they were not told that they will be convicted and jailed. But I think that our ministry had

stumbled on us and it had no time for such powerful check of others.

That is why in sphere of arts in Kiev we had fulfilled mission of Kiev Russia which had shielded Europe from Mongol invasion for 300 years. I would not like to have such situation continued here for 300 years. These two months were more than enough for us.

People frequently ask me a question: «Why all that had happened?» I am not 100% sure I know the answer. I think, probably, somebody had told lies to president about theater and me personally. On the other side, this might have happened because I backed up Viktor Yanukovich. I would like to tell once again — I was not acquaintance of his, but Yanukovich's government had raised salaries twice for all national institutions and we received the chance to work more or less normally. Now I have no political affiliation and when I backed up Yanukovich, I also had no affiliation. I supported him as an administrator of collective which received chance for living. That government found money to support us and I should do what I did as normal and honest person.

Replying to question «are personnel afraid to leave theater for vacation in order to avoid something that might happen in their absence», Reznikovich replied: «We are afraid». But after some pause he had added in simple human manner: «But we need vacation as well. Under such conditions we managed to produce two new performances. We tried to work under such conditions.

Embassy of Spain asked us to stage Don Quixote play in commemoration of 400th anniversary of Servantes. This is the first case when they are going to provide economical assistance».

Prominent athletes protest against persecution of Party of Regions of Ukraine leader Viktor Yanukovich

«Being prime-minister and president of National Olympic Committee of Ukraine, Viktor Yanukovich became first politician in history of our independent state who managed to raise high prestige of athletes and award us with decent rewards for the fact that our victories at Olympic Games in Athens raised prestige and image of Ukraine.

We received high bonuses and they were significant aid for us and our families. And now we had found with bitterness and bewilderment that Viktor Yanukovich suffers from persecutions of law enforcement agencies due to his care of Olympic champions. He was labeled a criminal. Such thing had deeply amazed us and raised real indignation. And we had counseled and came to conclusion that we have to return our money bonuses to power. This is not an easy step, but we would like to confirm our position in life and our attitude towards fact of persecution of Viktor Yanukovich. We hope that our gesture will be appreciated by entire Ukrainian society and world community».

This statement was signed by Olympic champions in freestyle wrestling Elbrus Tedeev and Irina Merleni, by Olympic gymnastic champion Valery Gontcharov, champion in trampoline tumbling Jury Nikitin and champion in weight lifting Natalya Skakun.

FREEDOM OF SPEECH

Reporters demanded respect to constitutional right for freedom of expression and free access to information from Yushenko

■ **At the press-conference dedicated to outcomes of half a year term of new power operation reporter of on-line publication «Ukrainskaya Pravda» asked President about scandal associated with highly expensive BMW car and other highly expensive gadgets which his son Andrew uses.**

The question sounded exactly as follows: «Is it moral in opinion of President to own such things in the country like that?» President had given overtly tactless reply and had chosen quite unusual form of address for our society — in singular form. He had also «awarded» reporter (and all other Ukrainian journalists) with epithets like «hired killer», «mug» and journalist who had not worked «even a minute of his life for freedom of press».

On-line publication «Telekritika» published an ultimatum addressed to Yushenko signed by leading Ukrainian reporters (763 signatures of mass media employees). Please, find below text of this statement:

«Viktor Andreevich!

We, Ukrainian journalists, feel indignation in reference to your humiliating sayings in address of Sergey Leshenko, our colleague from on-line publication «Ukrainskaya Pravda», which you afford-

ed during press-conference dated July 25, 2005.

We do consider tone and words which you employed answering the question about your son's lifestyle to be unseemly for a leader of democratic European state. «Hired killer», «mug», journalist who had not worked «minute of his life for freedom of press» — these words are slap in the face of all journalists of Ukraine.

You had given an oath at Maidan to protect freedom of speech. We remember your statements which maintained this striving. «I am giving you my word that I will personally report on each of my actions to you. My family will produce you with an account for each private operation. I demand from all officials in Ukraine to provide such accounts» (18/07/2005, collegiate meeting at Ministry of Interior). «We'd like to bring up special caste of Ukrainian journalists — proud, honest and brave. Mass media outlets are the best means for transportation of democracy!» (9.07.2005, People's Union of Our Ukraine assembly).

Now you disregard freedom of speech which is exactly made of free access to information, and in particular, to information about public figures. You should realize that you and your family are the objects of attention of society. Public have all rights to know incomes, expenditures and lifestyle of your family.

Your behavior continued tendency which raises disturbance in journalist circles. We are talking about the following:

- multiple accusations of mass media in engagement in course of coverage of political topics (in particular, scandal with education credentials of minister of justice Zvarych);
- attempts to put online publications under state control;
- practical sabotage of establishment

of public TV and radio on basis of state broadcasters;

— ban on expression of opinion in mass media about election programs (amendments to Law «On election of people's deputies»)

All these things force us to talk about country's sliding to absence of freedom of speech, censorship and self-censorship. During tenure of your predecessor such situation resulted in practical ban on profession and turned into beginning of end of non-democratic regime.

Therefore we demand from you:

1) public apologies to «Ukrainskaya Pravda» correspondent Sergey Leshenko;

2) reply to journalists' question about incomes and expenditures of your family

We insist that you should always respect profession of a journalist and constitutional right for freedom of speech and free access to information.

26.07.05, Kiev»

Right for peaceful assemblies is being violated in Novovolynsk

■ **Many of those who had ardently supported Viktor Yushenko at presidential elections are already unhappy with actions undertaken by new power. We'd like to publish some excerpts from letter of a deputy of Ukrainian parliament of first convocation Fedor Svidersky. The letter was forwarded to «People's case» newspaper (Novovolynsk city, Volyn region):**

«Our major, having felt absolute impunity, waged such activity in suppres-

sion of opposition which even Kuchma was unable to dream about! Almost all local mass media outlets work practically for one person — Novovolynsk major V.Snezhkov. They praise him in all ways possible. Opponents are being disgraced and humiliated. They were almost called enemies of the nation...

For several consecutive weeks (!) local TV broadcasted coverage of graduation party where major of the city had given certificates of education and medals to school kids. He was shown in a close-up view, smiling and satisfied person and at first he was satisfied with himself. For the next following weeks local population was overtly zombied by the commercial ad which teaches community that it should not protect its right for safe environment.

Or there was another case. «Power of People» coalition is going to held rally, but «Nova» radio and «Lvov woman» TV Company absolutely refuses to broadcast paid announcement. Representatives of radio company refer to technical inability demanding to get approval of text of announcement with city executive committee administrator. He forwards visitor to city council chairman and Mr. Sapozhnikov says that he will not give permission for broadcast of announcement because people at the meeting will say things which are unpleasant for him. Here s glasnost and freedom of speech for you! We had returned to dense Soviet times if any (even illegal!) instruction of city major is fulfilled without a word.

Relations with major could be built on loyalty and squeals. The majority of social and political organizations had chosen course for absolute loyalty and dependence from him forgetting that they should protect rights of community...»

Hold-up on reporters of «Kiev Russia» TV Channel (KRT)

■ **Press-office of the channel informed that on July 16 in Kiev KRT reporter Lesya Chepurina became the victim of an assault near her home. «Unknown people assaulted her and left serious bodily injuries. Her collarbone is broken and she has many bruises and scratch marks».**

The channel notices that quite recently «editor of KRT channel Vladimir Petrov became the victim of similar assaults of hooligans. The fact that personal belonging of Chepurina were not taken away during assault and the fact that this is second consecutive case of physical attack on journalist working on the channel lets KRT channel suppose that possible reason of attack on journalist was her professional activity.

Having no desire to apply pressure to investigators who (we do hope) will do all their best to find and arrest offenders, we would like to note — recently alarming and morbid situation started forming around KRT channel. «Mass media outlets publish notifications on initiated criminal cases against management of the channel. Vitaly Shevchenko, chairman of National Council for TV and Radio Broadcasting, made public his decision to deprive channel of frequencies which were previously received, including those 36 frequencies which were received in court. Journalists of the channel suffer from robberies' assaults.

All these facts give us right to assert that «in new democratic Ukraine with help of various methods the pressure is

pumped on the only oppositional TV Channel with a purpose to prevent its operation. KRT TV Channel demands from Ukrainian authorities to do everything possible for stopping such practice and to provide safety and freedom of journalists in the country not only in words».

Orthodox citizens, prominent scientists, politicians and journalists protest against application of pressure on TV Channel «Kiev Russia»

«New Ukrainian authorities started next coil of political repressions. This time National Council for TV and Radio Broadcasting tries to deprive social TV Channel «Kiev Russia» of license for its independent and objective civil position. Besides campaign for deprivation of license, Attorney General Office undertakes attempts of political persecution of Elena Skidan, director general of TV Channel. In our opinion, the additional reason for liquidation of «Kiev Russia» TV Channel is that the channel is the first not only social, but Orthodox TV Channel on post-Soviet area. Besides that, principal position of TRK which stands for canonic orthodox Christianity in Ukraine spoils plans of authorities for separation of Ukrainian Orthodox Church from Moscow Patriarchate and establishment of artificial quasi-orthodox so-called Ukrainian local church by interference of state into church life»

Valentin Lebedev, chairman of Union of Orthodox Citizens;

Eugene Nikiforov, editor-in-chief of «Orthodox Conversation» magazine;

Michael Dunaev, chairman of «Radonezh» TV/radio company;

Kirill Frolov, doctor of philology, professor of Moscow Ecclesiastical Academy;

Arkady Maler, press-secretary of Union of orthodox citizens, chief of department of Ukraine at Institute of CIS countries;

Elena Maler-Matyazova, head of Byzantine Club (Institute of philosophy at Russian Academy of Science), editor-in-chief of «Northern Katehon» magazine;

Vitali Avryanov, deputy chairman of Byzantine Club, employee of Center of history of Russian philology and culture «House of A.F.Losev»;

Egor Kholmogorov, candidate of philosophy, coordinator of «Russian doctrine» project;

Michael Golovanov, political observer of «Mayak» radio and others.

Orthodox TV Channel «Kiev Russia» started its operation in April 2003. Only residents of Donetsk region were able to watch its programs initially, but later channel received license to broadcasts in other regions. This is the only channel in Ukrainian TV field which refused from commercial advertising broadcasts in order to avoid influence of advertiser for its program politics. The major part of «Kiev Russia» TV Channel is made of sermons delivered by orthodox priests, movies and programs or religious content.

Unknown people shadowed journalists from Lvov

■ **In accordance with advice given by law enforcement agencies, Galina and Vasili Tereshuki (married couple of Lvov journalists) left native city because their personal life became subject of interest of unknown people.**

In accordance with information provided by «Kievskie Vedomosti» newspa-

per, Galina works as correspondent at Radio Liberty, while Vasili is commissioning editor of «Lvovska gazeta». They are not engaged in business. Passport office employee told Galina about extraordinary interest to her family. Unknown man called to housing office and wondered who is living in Tereshuk apartment. Unknown people queried Tereshuk neighbors by phone as well. Passport office official refused to disclose information even when uninvited guest had come to housing office and produced ID of freelance advisor of department on complaints processing of regional state administration. His name was Valery Sinitzky. Nobody knows man with such name in regional state administration.

Oleg Bazar, editor of «Lvovska Gazeta» appealed to police chiefs asking them to find out who shadows reporters. Galina Tereshuk had recently made series of articles about job of Lvov police, in particular, about participation of ministry of interior officers in thefts of cars. When her husband came for help to police they had immediately reminded this fact to him.

TV Channel director is persecuted

■ **In accordance with information distributed by «2000» newspaper, punishment of Olga Boiko, director of «TV-Berdyansk» was launched in accordance of well tested method.**

At first Control Audit Department had checked operation of the company. The auditors found no violations with usage of funds. Then local deputies ordered audit of the company. The outcome of

three weeks of thorough examination was following — auditors revealed debts receivable in amount of 7658 grivnas and credits receivable in amount of 51104 grivnas. Resume compiled by independent auditors is not a reason even for administrative punishment: «it is necessary to undertake measures for improvement of system of internal control, to revise order of formation of expenses and income of main production, administrative expenses, other incomes and daily operational expenses».

However, basing on that audit conclusion city council session expressed non-confidence to Olga Boiko and fired her from position of editor of «TV-Berdyansk».

The deputies «failed to notice» that in 1999 TV Company had equipment in amount of 52000 grivnas and it was 100% worn-out. In 6 years cost of special equipment used at studio raised to 342000, and reporters forgot about problems with unpaid salary. Everything was in vain — pickets near city council, organized by TV Company employees, appeal to National Council for TV and Radio Broadcasting, which says: «now our workers are under pressure of local council. We are disturbed with the fact that there are many members of Berdyansk city branch of political party «People's Union Our Ukraine» among those deputies who apply pressure on «TV-Berdyansk» employees».

In their desire to get rid of high-toned director, deputies had even violated the law. The matter is that results of audit inspection with corresponding conclusions might be conducted only after

approval of results by city major. The city major did not do that. And in order to form certain opinion in community some of deputies employed overt insinuations, blaming Olga Boiko without any grounds in infliction of damage to city budget in amount of 61 000 grivnas.

Reporters of «TV-Berdyansk» appealed to deputies: «we consider striving of some deputies for dismissal of Boiko from position of director of «TV-Berdyansk» company as personal revenge, overt censorship and dirty political game aimed at realization of greedy purposes on the eve of elections».

Procurators office in Berdyansk received Olga Boiko's application which informed about several severest violations of law «On local self-administration» committed by deputies.

Informational programs created under guidance of Boiko were regularly awarded by diplomas and prizes at Ukrainian festivals. For instance, in 2000 TV-Berdyansk was awarded with Silver Diploma at TV-festival «Golden George», in 2001 — award of Ukrainian festival of journalistic programs of the regions, in 2003 — several diplomas in nomination «Information programs of first Ukrainian festival «Young TV».

After that the teacher of theory of mass communications of Kiev international university Valentina Kovtun started using clips taken from Berduansk program «Place» as a learning material for students. Last year Berdyansk communal TV was awarded with three diplomas at the second «Young TV» festival. Olga Boiko received one of diplomas for gift of an organizer».

Editor-in-chief thinks that arrest of editorial property was invoked by the fact that authorities are not satisfied with newspaper's position

■ Igor Kanevsky, editor-in-chief of «Business» newspaper stated that arrest of property belonging to «Blitz-Inform» company (the publisher of newspaper) is a continuation of a long-term dispute between main tax administration of Ukraine and the company. «We link this arrest with position of «Business» newspaper which is equally uncomfortable both for old and new power», he noted.

Editor-in-chief had also informed that actions undertaken by the investigator, who had arrested funds, contained violations and now representatives of the company lodge various complaints for actions of tax administration. They had already appealed to Ukrainian president, but as editor-in-chief said, «nothing had happened and complaints disappear like in the well».

On July 14 «Business» journalists had come out to Main Tax Administration of Ukraine where they had taken part in action of protest against arrest of company's property. Several thousands of people had taken part in action of protest. The rally continued for an hour, but no tax administration employees had come out to demonstrators.

Representatives of Transcarpathian regional authorities destroy local newspaper suing it for significant amounts of money

■ Jury Klovanich, editor of «Palanok» newspaper which is published in Mukachevo city (Transcarpathian region), informed that chairman of Transcarpathian regional state administration Viktor Baloga brought in a lawsuit against his newspaper in amount of 125 000 grivnas. The wording of suit is traditional for Ukraine — «for insult of honor and dignity».

The «Day» newspaper informed that governor became unsatisfied with interviews of his opponents, in particular of an interview of his main critic — parliament deputy Sergey Ratushnyak. However, one can add one thing to this lack of satisfaction: «Palanok» newspaper was founded recently due to inner split of «Old Castle» newspaper controlled by Baloga. In the course of split all «Castle» received all accumulated property and that is why «Palanok» was balancing on the verge of survival for all the times of its independence. Correspondingly, the amount of law suit, declared by Baloga, is absolutely unreal for the editorial board.

«Palanok» newspaper's peculiarity is that it stands for principles of objectivity and provided its pages both for politicians in power and oppositionists. At the same time newspaper has critical attitude towards disorders which happen in the region.

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

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