



Australian Government
Refugee Review Tribunal

Country Advice

Ukraine

Ukraine – UKR39717 – Common Cause Movement – Protestors

12 January 2012

1. Please provide information about the “Common Cause” movement in Ukraine, including details of its leaders, the time of its foundation, and its activities.

News reports indicate that the Common Cause movement is also referred to as *The Spilna Sprava*¹ and *Obschcheye Delo*².

No information was found regarding the formation of the ‘Common Cause’ movement in the Ukraine. News reports, however, indicate that the common cause movement was active during 2011. The earliest reference to the common cause movement found in the sources consulted is January 2011.³ Ukrainian news reports refer to Alexander (Oleksandr) Danyluk as the leader or coordinator of the movement.⁴

No information was found in relation to the structure or organisation of the Common Cause movement. News reports indicate that the Common Cause movement is a largely unstructured and informal group which organise and attend protests in conjunction with many other diverse NGO’s and independent participants. This has included demonstrations involving veterans associations, trade unions and business groups. The Common Cause movement do not appear to be aligned with any political party.⁵

During 2011 the Common Cause movement has been involved in protests criticising the socio-economic policies of the government such as increased fuel tax⁶, seeking the

¹ ‘Spilna Sprava movement to rally at Independence Square on Monday’ 2011, *Ukrainian General Newswire*, 5 August – ; ‘Kyiv authorities asking court to ban rallies in Kyiv center on Independence Day’ 2011, *Ukrainian General Newswire*, 23 August – ; ‘New rally in Ukraine scheduled for May 14, says leader of Spilna Sprava movement’ 2011, *Ukrainian General Newswire*, 15 April –

² ‘Ukrainians do not support opposition’s “day of wrath”’ 2011, *ITAR-TASS World Service*, 14 May –

³ ‘Organizer of Ukrainian tax protest charged with damaging property – agency’ 2011, *BBC Monitoring Ukraine & Baltics*, 6 January, source: *UNIAN* –

⁴ ‘Motorists urged today honk against Yanukovich’ 2011, Yellow Page website, 15 August

<http://yellowpage.in.ua/en/archives/35709> – Accessed 5 January 2012 – ; ‘New rally in Ukraine scheduled for May 14, says leader of Spilna Sprava movement’ 2011, *Ukrainian General Newswire*, 15 April –

⁵ ‘Ukrainians do not support opposition’s “day of wrath”’ 2011, *ITAR-TASS World Service*, 14 May – ; ‘Motorists urged today honk against Yanukovich’ 2011, Yellow Page website, 15 August

<http://yellowpage.in.ua/en/archives/35709> – Accessed 5 January 2012 – ; Ivzhenko, T. 2011, Ukraine Gears Up For Protests, *Current Digest of the Post-Soviet Press*, 9 May, Vol. 63; No. 19 – ; ‘New rally in Ukraine scheduled for May 14, says leader of Spilna Sprava movement’ 2011, *Ukrainian General Newswire*, 15 April – ; ‘For the dissolution of parliament and the resignation of Yanukovich gathered 112,000 signatures’ 2011, Yellow Pages website, 2 February <http://yellowpage.in.ua/en/archives/28123> – Accessed 6 January 2012 –

⁶ ‘Motorists urged today honk against Yanukovich’ 2011, Yellow Page website, 15 August <http://yellowpage.in.ua/en/archives/35709> – Accessed 5 January 2012 – ; ‘Ukrainians do not support opposition’s “day of wrath”’ 2011, *ITAR-TASS World Service*, 14 May – ; ‘Drivers require reduction of excise duty on fuel’ 2011, *Ukrainian News Network*, 17 March <http://www.unn.com.ua/en/news/308881-drivers-require-reduction-of-excise-duty-on-fuel/> – Accessed 6 January 2012 –

resignation of President Viktor Yanukovich⁷ and calling for early presidential and parliamentary elections⁸. The Common Cause movement has also protested against political repression in the Ukraine⁹ and in support of former Ukrainian Prime Minister Yulia Tymoshenko¹⁰.

The following list includes Common Cause movement activities during 2011:

- According to a report dated 6 November 2011 published on *Zakhidna Informatsijna Korporatsija*, a Ukrainian news website, the People's Assembly of Ukraine (also referred to as the People's Rada of Ukraine) was established by the Common Cause movement and a number of other Ukrainian NGOs. The report states that the main objective of the People's Assembly of Ukraine is to "topple" President Viktor Yanukovich.¹¹
- News reports indicate that the Common Cause movement organised a protest for 8 August 2011 in Kyiv's Independence Square. The protest was in support of Yulia Tymoshenko who was under trial regarding 2009 gas supply agreements between the Ukraine and Russia¹². A news article published by the *Ukrainian General Newswire* cites Alexander (Oleksandr) Danyluk as stating that:

"The rally's demands are an immediate halt to political persecution, the release of all political prisoners, and the immediate calling of presidential and [parliamentary] elections"¹³

- On 23 August 2011, *The Ukrainian General Newswire*, reported that "the Kyiv City State Administration appealed to the courts to restrict mass rallies in the city's center on the Independence Day." The report states that, according to Kyiv police, more than 30 social and political organisations had applied to hold protests on Independence Day and the total expected number of protestors was more than 55,000. This reportedly

⁷ 'Motorists urged today honk against Yanukovich' 2011, Yellow Page website, 15 August <http://yellowpage.in.ua/en/archives/35709> – Accessed 5 January 2012 – ; 'For the dissolution of parliament and the resignation of Yanukovich gathered 112,000 signatures' 2011, Yellow Pages website, 2 February <http://yellowpage.in.ua/en/archives/28123> – Accessed 6 January 2012 – ; 'NGOs create People's Assembly to topple Yanukovich' 2011, *Zakhidna Informatsijna Korporatsija*, 6 November <http://zik.ua/en/news/2011/11/06/317939> – Accessed 5 January 2012 –

⁸ 'Spilna Sprava movement to rally at Independence Square on Monday' 2011, *Ukrainian General Newswire*, 5 August – ; '5 August 2011' 2011, *Interfax Russia & CIS Business and Financial Daily*, 5 August – ; 'Ukrainians do not support opposition's "day of wrath"' 2011, *ITAR-TASS World Service*, 14 May –

⁹ 'Organizer of Ukrainian tax protest charged with damaging property – agency' 2011, *BBC Monitoring Ukraine & Baltics*, 6 January, source: *UNIAN* –

¹⁰ 'Spilna Sprava movement to rally at Independence Square on Monday' 2011, *Ukrainian General Newswire*, 5 August – ; 'Participants will support the Tax Maidan Timoshenko in court' 2011, Yellow Pages website, 24 June <http://yellowpage.in.ua/en/archives/34080> – Accessed 5 January 2012 –

¹¹ 'NGOs create People's Assembly to topple Yanukovich' 2011, *Zakhidna Informatsijna Korporatsija*, 6 November <http://zik.ua/en/news/2011/11/06/317939> – Accessed 5 January 2012 –

¹² In June 2011, the European Parliament "warned Ukraine to stop using criminal law as an instrument of pressure on the opposition." This resolution was in reference to former Ukrainian Prime Minister Yulia Tymoshenko and other former government members. For more information see: 'European parliament censures Ukraine over 'selective justice' 2011, *Radio Free Europe*, Refworld website, 10 June <http://www.unhcr.org/refworld/country,...UKR,,4e142b30c,0.html> – Accessed 10 January 2012 –

¹³ 'Spilna Sprava movement to rally at Independence Square on Monday' 2011, *Ukrainian General Newswire*, 5 August – ; '5 August 2011' 2011, *Interfax Russia & CIS Business and Financial Daily*, 5 August –

included 10, 000 participants from the Common Cause movement (referred to in the article as *Spilna Sprava*).¹⁴

- On 15 August 2011 the Yellow Page website, a Ukrainian news source, published a report stating that the Common Cause movement had called for a protest by motorists. The report states that:

Civil movement “Common Cause” urged all motorists to protest against “the actions of the regime of President Viktor Yanukovich in Ukraine and the establishment of the dictatorship” on Monday, August 15 at 18:00 for a few minutes to enable the alarms.

This was announced by the coordinator of “common cause” Alexander Danyluk.

“Today, bankrupt regime, which has completely lost the trust of Ukrainians, trying to hold solely by brute force. Regionals are preparing for a significant deterioration of the socio-economic situation and a series of unpopular decisions. Among them, in particular, and increase the excise tax on fuels from 1 September, which would automatically rise in price of consumer goods basket every Ukrainian, “- said Danyluk.

...Danyluk is convinced that “in this situation, society must show its solidarity and willingness to self-organization.”¹⁵

- Reports indicate that the Common Cause movement participated in ‘the Day of Wrath’ protests held in several Ukrainian cities on 14 May 2011.¹⁶ The anti-government protests involved many diverse demonstrators including veterans associations, trade unions and individual protestors. Business groups were also reported to be joining the protests the following week.¹⁷

The protests were reportedly in reaction to the socioeconomic policies of the government.¹⁸ According to a news report by *ITAR-TASS World Service*, protest organisers hoped for “mass public support in pressing for the resignation of the president, government and parliament.”¹⁹ Alexander Danilyuk is reported to have “demanded that the authorities ‘stop socio-economic experiments’ on people and ‘hold early presidential and parliamentary elections’”.²⁰

¹⁴ ‘Kyiv authorities asking court to ban rallies in Kyiv center on Independence Day’ 2011, *Ukrainian General Newswire*, 23 August –

¹⁵ ‘Motorists urged today honk against Yanukovich’ 2011, Yellow Page website, 15 August <http://yellowpage.in.ua/en/archives/35709> – Accessed 5 January 2012 – Please note that this report includes a poor English translation of the announcement by Alexander Danyluk.

¹⁶ ‘Ukrainians do not support opposition’s “day of wrath”’ 2011, *ITAR-TASS World Service*, 14 May – ; Ivzhenko, T. 2011, Ukraine Gears Up For Protests, *Current Digest of the Post-Soviet Press*, 9 May, Vol. 63; No. 19 – ; ‘Ukraine: Victor Yanukovich’s Clumsy Reforms Mount Social Tension’ 2011, *WPS Russian Media Monitoring Agency*, 12 May –

¹⁷ ‘Ukrainians do not support opposition’s “day of wrath”’ 2011, *ITAR-TASS World Service*, 14 May – ; Ivzhenko, T. 2011, Ukraine Gears Up For Protests, *Current Digest of the Post-Soviet Press*, 9 May, Vol. 63; No. 19 – ; ‘New rally in Ukraine scheduled for May 14, says leader of Spilna Sprava movement’ 2011, *Ukrainian General Newswire*, 15 April –

¹⁸ ‘Ukrainians do not support opposition’s “day of wrath”’ 2011, *ITAR-TASS World Service*, 14 May – ; Ivzhenko, T. 2011, Ukraine Gears Up For Protests, *Current Digest of the Post-Soviet Press*, 9 May, Vol. 63; No. 19 – ; ‘New rally in Ukraine scheduled for May 14, says leader of Spilna Sprava movement’ 2011, *Ukrainian General Newswire*, 15 April –

¹⁹ ‘Ukrainians do not support opposition’s “day of wrath”’ 2011, *ITAR-TASS World Service*, 14 May –

²⁰ ‘Ukrainians do not support opposition’s “day of wrath”’ 2011, *ITAR-TASS World Service*, 14 May –

The ITAR-TASS World Service, reported that the protests were not approved by authorities and over 1,500 police and interior troops were present in Kiev to monitor the demonstrations and stop any mass gatherings outside government buildings.²¹ Police in Kiev removed the tents set up by protestors in the central city and the demonstration was temporarily suspended.²² Reports indicate that approximately five to seven protestors were detained.²³

- On 17 March 2011, *The Ukrainian News Network*, reported that Alexander Danyluk had stated that the “Government should immediately initiate the reduction of excise duty on fuel.” Danyluk reportedly stated that the Treasury was unfairly gaining millions of dollars of revenue from Ukrainian drivers during a serious economic crisis.²⁴
- The Yellow Pages website published a report on 2 February 2011 indicating that the Common Cause movement had initiated a petition to gather signatures for the dissolution of parliament and the resignation of President Yanukovych. The report states that the petition had collected 112,000 signatures in the first week. Alexander Danyluk is reported to have stated that:

“After the abolition of the constitutional reform of 2004 the president and the Verkhovna Rada acquired powers not delegated to them by the people of Ukraine, which is the sole source of power.

Refusing to immediate holding of elections and prohibiting the holding of a referendum on termination of their powers, the regime effectively usurped the power in the country and opposes itself to the citizens”²⁵

- A report published by *BBC Monitoring Ukraine & Baltics* states that the Common Cause movement called for a protest “against political persecution” in Kiev on 17 January 2011. The protest was in response to the charging of a man involved in anti-taxation demonstrations in late 2010. The charges included damaging the “granite surface of Independence Square when putting up the tent camp.” The report states that “The Common Cause public movement considers this accusation to be baseless, and views it as a mere pretext for repression against activists of Maydan-2²⁶ and an instrument for intimidating and demoralizing the active part of society”²⁷

A report, dated 24 November 2011, published by *The Kyiv Post*, provides an analysis on the growth in anti-government demonstrations in the Ukraine. The report indicates that the protests are the result of discontent with the Presidency of Viktor Yanukovych. The

²¹ ‘Ukrainians do not support opposition’s “day of wrath”’ 2011, *ITAR-TASS World Service*, 14 May –

²² ‘Ukrainians do not support opposition’s “day of wrath”’ 2011, *ITAR-TASS World Service*, 14 May – ; Ivzhenko, T. 2011, Ukraine Gears Up For Protests, *Current Digest of the Post-Soviet Press*, 9 May, Vol. 63; No. 19 –

²³ ‘Six participants of anti-government rally detained in Kyiv’ 2011, *Ukrainian General Newswire*, 14 May –

²⁴ ‘Drivers require reduction of excise duty on fuel’ 2011, *Ukrainian News Network*, 17 March

<http://www.unn.com.ua/en/news/308881-drivers-require-reduction-of-excise-duty-on-fuel/> – Accessed 6 January 2012 –

²⁵ ‘For the dissolution of parliament and the resignation of Yanukovych gathered 112,000 signatures’ 2011, Yellow Pages website, 2 February <http://yellowpage.in.ua/en/archives/28123> – Accessed 6 January 2012 –

²⁶ According to a 2007 report published by *BBC Monitoring International Reports* Maydan-2 is a reference to Kiev’s Independence Square which was the “heart of the Orange Revolution in 2004”. (‘Varying views of Ukrainian president’s threat to dissolve parliament’ 2007, Access My Library website, 31 March, source: *BBC Monitoring International Reports* <http://www.accessmylibrary.com/article-1G1-161347019/varying-views-ukrainian-president.html> – Accessed 12 January 2012 –)

²⁷ ‘Organizer of Ukrainian tax protest charged with damaging property – agency’ 2011, *BBC Monitoring Ukraine & Baltics*, 6 January, source: *UNIAN* –

demonstrators are not overtly aligned with any political groups with the exception of protests against the imprisonment of Tymoshenko. The demonstrations generally comprise a variety of protestors including grassroots activists, entrepreneurs, Chernobyl cleanup workers and war veterans. The protests are held against various government policies including taxes and cuts in subsidies and pensions. The report states that the demonstrations are still small compared with the 2004 Orange Revolution and average at between 2,000 and 10,000 participants. However, the report states that “crowds are expected to build with the frustration of citizens.” The article provides the following information on the government response to the rise in protests:

So far, the Yanukovich administration is responding with a heavy show of riot police on the streets, strict traffic control and discouragement of the erection of tent cities for overnight encampments.

Courts have also formally banned many protests, including the Nov. 22 one that marked the seventh anniversary of the Orange Revolution.

According to Danylyuk [Alexander Danyluk], the authorities are setting up various roadblocks because Yanukovich fears a repeat of the Orange Revolution, which denied him the presidency in 2004 but which would have different aims today.²⁸

A report published by WPS Russian Media Monitoring Agency, dated 12 May 2011, also reports on the growth in grass roots demonstrations in the Ukraine. The report attributes the rise in protests to the public’s frustration with socio-economic reforms in light of continued government corruption:

Victor Chumak, the head of the Public Politics Institute, said that there was more to the protests than met the eye. According to Chumak, it was not the reforms as such that the population protested against. It protested because it had finally seen through the disguise and discovered that the authorities were using the so called reforms as a smoke-screen in order to tax ordinary Ukrainians even heavier and restrict their rights and freedoms. It turned out a month ago that the number of billionaires in Ukraine had tripled over the last twelve months where 60% Ukrainians had become poorer.

Commenting on the situation in the country, political scientist Igor Zhdanov called it volatile. According to Zhdanov, all regions and practically all strata of society are prepared to make a move against the so called oligarchs associated with the powers-that-be. Last autumn, 35% Ukrainians were prepared to endure financial difficulties for the sake of peace in the country. This April, these “patient” respondents numbered only 23%.

Deputy Premier Sergei Tigipko, the government official in charge of the reforms ...attributed mass protests to corruption in the country and not to the program of the reforms. “The reforms lack public support because the powers-that-be keep telling the people to have patience and endure it a bit longer but the people see that the authorities themselves are absolutely fine and dandy. The necessity to “endure” never applies to the powers-that-be themselves,” he said.

...Commenting on the diversity of protesters, experts say that their actions are unlikely to accomplish anything worthwhile. Andrei Bychenko of the Razumkov Center said that the protests would probably peak in May and wane later on. Political scientists warn that the authorities had

²⁸ Onyshkiv, Y. 2011, ‘The Mood For Protest’, *Kyiv Post*, 24 November
<http://www.kyivpost.com/news/nation/detail/117586/> – Accessed 10 January 2012 –

better stop prosecuting activists and initiate genuine reforms. Without that, things will definitely turn ugly a year from now, right on the eve of the parliamentary election.²⁹

2. Are people actively involved in this movement subject to official harassment, such as being intimidated and threatened with criminal charges?

Limited information was found in the sources consulted regarding the treatment of individuals involved in the Common Cause movement. Ukrainian news reports indicate some incidents in which participants in protests organised or attended by the Common Cause movement have been detained, questioned and possibly killed. The following incidents were found regarding the treatment of Common Cause members and attendees at Common Cause demonstrations:

- On 29 November 2011, *Ukrainian News* reported that various NGO's gathered near the Cabinet of Ministers house to protest against "murders of peaceful demonstrators in Ukraine and in memory of Hennadii Konoplev, who perished on November 27 in Donetsk in a protest action organised by the civil movement Common Cause." The demonstration included the No One But Us and Chernobyl Ukraine Union NGO's. The report states that 40 policemen stood in front of government house to guard it from the protestors. No further information was found in the sources consulted regarding the Hennadii Konoplev, including the circumstances surrounding his death.³⁰
- Reports indicate that the Common Cause movement participated in 'the Day of Wrath' protests held in several Ukrainian cities on 14 May 2011.³¹ The anti-government protests involved many diverse demonstrators including veterans associations, trade unions and individual protestors.³² *The ITAR-TASS World Service*, reported that the protests were not approved by authorities and over 1,500 police and interior troops were present in Kiev to monitor the demonstrations.³³ Police in Kiev removed the tents set up by protestors in the central city and the demonstration was temporarily suspended.³⁴ Reports indicate that approximately five to seven protestors were detained.³⁵
- The US Department of State (USDOS) have reported that in December 2010 Alexander (Oleksandr) Danyluk, the coordinator of the Common Cause movement, was questioned by police regarding his role in a mass anti-taxation protest in Kiev. This incident may have pre-dated the creation of the Common Cause movement. As stated in question one of this request the earliest reference to the common cause movement found in the sources consulted is January 2011.³⁶ The USDOS provides the following information on the incident:

²⁹ 'Victor Yanukovich's Clumsy Reforms Mount Social Tension' 2011, *WPS Russian Media Monitoring Agency*, 12 May -

³⁰ Bedenok, M. 2011; 'Police Tighten Cabinet Security', *Ukrainian News*, 29 November -

³¹ 'Ukrainians do not support opposition's "day of wrath"' 2011, *ITAR-TASS World Service*, 14 May - ; Ivzhenko, T. 2011, Ukraine Gears Up For Protests, *Current Digest of the Post-Soviet Press*, 9 May, Vol. 63; No. 19 - ; 'Ukraine: Victor Yanukovich's Clumsy Reforms Mount Social Tension' 2011, *WPS Russian Media Monitoring Agency*, 12 May -

³² 'Ukrainians do not support opposition's "day of wrath"' 2011, *ITAR-TASS World Service*, 14 May - ; Ivzhenko, T. 2011, Ukraine Gears Up For Protests, *Current Digest of the Post-Soviet Press*, 9 May, Vol. 63; No. 19 - ; 'New rally in Ukraine scheduled for May 14, says leader of Spilna Sprava movement' 2011, *Ukrainian General Newswire*, 15 April -

³³ 'Ukrainians do not support opposition's "day of wrath"' 2011, *ITAR-TASS World Service*, 14 May -

³⁴ 'Ukrainians do not support opposition's "day of wrath"' 2011, *ITAR-TASS World Service*, 14 May - ; Ivzhenko, T. 2011, Ukraine Gears Up For Protests, *Current Digest of the Post-Soviet Press*, 9 May, Vol. 63; No. 19 -

³⁵ 'Six participants of anti-government rally detained in Kyiv' 2011, *Ukrainian General Newswire*, 14 May -

³⁶ 'Organizer of Ukrainian tax protest charged with damaging property - agency' 2011, *BBC Monitoring Ukraine & Baltics*, 6 January, source: *UNIAN* -

In December two organizers of huge demonstrations against the government's proposed changes to the tax code, Oleksandr Danylyuk and Serhiy Melnychenko, were questioned by police about their role in the protests. **Media reports quoted Danylyuk as stating that law enforcement bodies, through their investigations and questioning, were attempting to “terrorize” activists and society at large.**

Investigators questioned at least four additional protesters, two of whom remained subject to travel bans at the year's end. At least three protesters remained in custody on charges of damaging public property on Independence Square, where the demonstrators had erected tents. In addition, employees of the Pact Office in Simferopol, a local civil society organization, were questioned as to whether their civic engagement activities were training participants to organize protests.³⁷

In reaction to police treatment of a protestor involved in the above mentioned anti taxation demonstration in December 2010, the Common Cause movement reportedly called for a protest “against political persecution” in Kiev on 17 January 2011. A report published by *BBC Monitoring Ukraine & Baltics* states that the protest was in response to the charging of a protestor with damaging the “granite surface of Independence Square when putting up the tent camp.” The report states that “The Common Cause public movement considers this accusation to be baseless, and views it as a mere pretext for repression against activists of Maydan-2 and an instrument for intimidating and demoralizing the active part of society”³⁸

No other information was found in relation to harassment of Common Cause movement participants. Reports, however, indicate that during 2010 some human rights activists, NGO's and demonstrators have been detained.³⁹

The US Department of State report on human rights practices in the Ukraine for 2010 reports on the targeting of activists. The report states that while unlicensed demonstrations are generally not subject to “police interference” there were “several notable exceptions.” The report includes the following information on the treatment of demonstrators:

During the year there were reports of increased government pressure on independent media outlets, limitations on freedom of assembly, and the appearance of politically motivated prosecution of opposition politicians. Corruption in government and society was widespread. There were reports that the government's security service harassed and intimidated civil society organizations.

..The constitution requires that organizers inform authorities in advance of planned demonstrations. In compliance with the Soviet-era decree, authorities at times stipulated that organizations must apply for permission at least 10 days beforehand. In most cases permits were granted, and in practice unlicensed demonstrations were common and generally occurred without police interference, fines, or detention, although there were several notable exceptions.

On May 19, the rector of the Lviv-based Ukrainian Catholic University, Borys Gudziak, publicized a meeting with an SBU officer. According to Gudziak, the security official recommended that the university warn students that they would be prosecuted for involvement in any “illegal activities.” According to the rector, such illegal activities

³⁷ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Ukraine*, 8 April, 2.b www.state.gov/g/drl/rls/hrrpt/2010/eur/154456.htm – Accessed 11 April 2011 –

³⁸ ‘Organizer of Ukrainian tax protest charged with damaging property – agency’ 2011, *BBC Monitoring Ukraine & Baltics*, 6 January, source: UNIAN –

³⁹ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Ukraine*, 8 April, intro, 1.d, 2.b www.state.gov/g/drl/rls/hrrpt/2010/eur/154456.htm – Accessed 11 April 2011 – ; Amnesty International 2011, *Amnesty International Annual Report 2011 – Ukraine* – ; Freedom House 2011, *Freedom in the World 2011 – Ukraine* <http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8156> – Accessed 9 January 2012 –

included “not only violent acts but also, for example, pickets blocking access to the work place of government officials or any protests not sanctioned by authorities.”

On May 28, Kharkiv police detained 10 to 12 environmental activists who were protesting the city’s decision to cut down trees in a central park. Two of the activists, Andrei Yevarnitsky and Denis Chernega, were sentenced to 15 days of detention for disobeying police orders. The sentence was subsequently reduced to nine days. Amnesty International declared the two activists to be “prisoners of conscience,” asserting that their rights to freedom of expression and assembly were curtailed.

On August 2, the KHRG[Kharkiv Human Rights Group] stated that there had been more violations of freedom of peaceful assembly during the year under the Yanukovich administration than during the entire 2007-09 period. The KHRG estimated that during the first 100 days of the new government the oblast-level and national media alone released more than 350 reports criticizing police for such violations that occurred during that period.

On October 14, Oleksiy Verentsov and Ihor Tanichkevych were detained after taking part in an approved protest rally near the Lviv Oblast Prosecutor’s Office. The two were released after several days of detention. The prosecutor subsequently filed charges against Tanichkevych, which carry a prison sentence, after he challenged the legality of the detention. The case was pending at year’s end.⁴⁰

Freedom House’s 2011 annual report on the Ukraine also states that civil liberties declined during 2010. Freedom House provides the following relevant information:

Ukraine’s civil liberties rating declined from 2 to 3 and its status from Free to Partly Free due to deteriorating media freedom, secret service pressure on universities to keep students from participating in protests, government hostility toward opposition gatherings and foreign nongovernmental organizations, and an increase in presidential influence over the judiciary.

...The constitution guarantees the right to peaceful assembly but requires organizers to give the authorities advance notice of any demonstrations. Yanukovich’s government has made it more difficult to assemble.

...Ukraine has one of the most vibrant civil societies in the region. However, the SBU has begun to pressure foreign-funded nongovernmental organizations (NGOs). In June 2010, Nico Lange, head of the Ukraine office of the Konrad Adenauer Foundation, was detained for 10 hours at the Kyiv airport after publishing a critical report. The SBU in September searched the offices of organizations funded by U.S.-based philanthropist George Soros. In October, the police searched the home of human rights blogger Dmytro Groysman.⁴¹

Amnesty International’s 2011 annual report on the Ukraine, provides additional information regarding the targeting of activists in the Ukraine during 2010:

Human rights defenders were physically attacked and faced harassment from law enforcement officers.

...Police discriminated against ethnic minorities and peaceful demonstrators were detained and subjected to violence.

...The work of human rights defenders and human rights NGOs was made more difficult as they faced obstruction in the courts and physical attacks. At least three human rights defenders were targeted in relation to their legitimate human rights work.

In May, Andrei Fedosov, the chair of a mental disability rights organization, Uzer, was assaulted by unidentified men following threatening phone calls. Police refused to register his complaint and took no action. In July, he was detained for a day in relation to a crime

⁴⁰ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Ukraine*, 8 April, intro, 1.d, 2.b www.state.gov/g/drl/rls/hrrpt/2010/eur/154456.htm – Accessed 11 April 2011 –

⁴¹ Freedom House 2011, *Freedom in the World 2011 – Ukraine* <http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8156> – Accessed 9 January 2012 –

allegedly committed 10 years before, when he was 15 years old. On 20 September the charges against him were dropped as it was proved that he was in a closed children's hospital at the time and could not have committed the crime.

On 29 October, trade union activist Andrei Bondarenko was ordered to undergo a forced psychiatric examination by a court in Vinnytsya. The decision was upheld on appeal in November. Andrei Bondarenko had no record of mental illness and had undergone three psychiatric examinations to prove his sanity, most recently in October. Among the reasons quoted by prosecutors for him to be examined was his "excessive awareness of his own and others' rights and his uncontrollable readiness to defend these rights in unrealistic ways". Andrei Bondarenko had defended the rights of seasonal workers in sugar beet factories in Vinnytsya district and had exposed corruption at high levels.⁴²

The above mentioned Freedom House report provides the following overview of the political context in which the decline in civil liberties in the Ukraine has taken place:

After winning the generally free and fair presidential runoff election in February 2010, Viktor Yanukovich and his Party of the Regions quickly redefined the rules of the Ukrainian political system. They rewrote the law on forming a governing coalition, postponed local elections from May to October, and stacked local electoral commissions with party loyalists. Yanukovich also benefited from a Constitutional Court decision that annulled the 2004 amendments to the constitution, shifting power back from the prime minister and parliament to the presidency. Also during the year, the security services exerted increased pressure on academic freedom, journalists complained of greater censorship, the administration began selective prosecutions against its political opponents, and corruption remained a major concern.⁴³

⁴² Amnesty International 2011, *Amnesty International Annual Report 2011 – Ukraine* –

⁴³ Freedom House 2011, *Freedom in the World 2011 – Ukraine*

<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8156> – Accessed 9 January 2012 –

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- 'European parliament censures Ukraine over 'selective justice' 2011, *Radio Free Europe*, Refworld website, 10 June <http://www.unhcr.org/refworld/country,...UKR.,4e142b30c,0.html> - Accessed 10 January 2012.
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