



КОНГРЕС УКРАЇНЦІВ КАНАДИ

UKRAINIAN CANADIAN CONGRESS

CONGRÈS DES UKRAINIEN-CANADIENS

## The Human Rights Situation in Ukraine

LET MY PEOPLE GO!



AT LEAST **70** ARE STILL IMPRISONED BY THE KREMLIN



**8** ALREADY RELEASED

AS OF JUNE 4, 2018



Briefing Note to Members of Parliament from the Ukrainian Canadian Congress

September, 2018

The Ukrainian Canadian Congress (UCC) is asking Members of Parliament to support five main policy priorities for the fall parliamentary session in order to protect the human rights of Ukrainian citizens as Russia continues its war against Ukraine:

### **Recommendations to the Government of Canada**

1. Use the tools available in the Magnitsky Act to implement sanctions against Russian officials responsible for the violations of internationally recognized human rights of Ukrainian citizens.
2. Work with allied nations to designate the Russian Federation a state sponsor of terrorism
3. Work with allied nations to declare the so-called Donetsk and Luhansk “Peoples’ Republics” terrorist organizations.
4. In the nearest possible time, implement mirror sanctions against the Russian officials and companies designated on April 6 by the US Treasury.
5. Strengthen sectoral economic and individual sanctions on Russia and Russian officials, including the removal of Russia from the SWIFT international payments system. Canada in cooperation with the EU, the G7 and other like-minded nations should strengthen economic sanctions on Russia in order to exert pressure on Russia end its occupation of Crimea and invasion of eastern Ukraine.

### **Introduction**

Since February 2014, the Russian Federation has waged a war of aggression against Ukraine. The Autonomous Republic of Crimea is under Russian occupation. Parts of the eastern Ukrainian oblasts of Donetsk and Luhansk are also under Russian occupation.

Russia’s war against Ukraine has led to the death of over 10,000 people, 24,000 wounded and over 1.5 million internally displaced persons. Far from being a frozen conflict, Russia’s war against Ukraine is a hot war in which Ukrainian soldiers and civilians are being killed and wounded every day.

From June through August 2018 alone, 33 Ukrainian soldiers were killed and 168 Ukrainian soldiers were wounded on the eastern front. Throughout this period Russian and proxy forces carried out 2631 attacks on Ukrainian position, including 418 with heavy weapons – mortars, artillery, Grad rockets and tanks. Russian and proxy forces continue to shell civilian areas and infrastructure.

Ambassador Kurt Volker, US Special Representative for Ukraine Negotiations, stated recently:

It is not, as is sometimes portrayed, an ethnic conflict between Ukrainians and Russians. These are Ukrainians fighting to defend their territory, whether they are ethnic Ukrainian, ethnic Russian. And the people in the Donbas who are there are living under an occupation regime of the Russian-created entities, Luhansk People's Republic and Donetsk People's Republic. Everything there, in the east, is 100 percent under Russian command and control, under Russian political direction. They were established at Russia's direction. They are financed by Russia. They are directed by Russia. They are there only at Russia's control – because of Russian policy.<sup>1</sup>

It is in the occupied territory of Crimea and parts of Donetsk and Luhansk oblasts where the Russian authorities have instituted a regime that systematically, purposefully and methodically violates internationally recognized human rights.

### **Human Rights Situation in Russian-occupied Crimea**

Since the beginning of Russia's invasion and illegal occupation of Crimea in February 2014, the Russian authorities have instituted a regime of terror against the indigenous Crimean Tatar People, ethnic Ukrainians and anyone who opposes Russia's occupation.

Severe restrictions on and violations of the following human rights that have been documented in Russian-occupied Crimea include but are not limited to:

- Freedom of expression;
- The right to equal protection of the law;
- The right to a fair trial;
- Freedom of assembly and association;
- Freedom from torture, cruel, inhuman or degrading treatment or punishment;
- Freedom from arbitrary arrest, detention or exile;

In April, 2016, the Russian occupation authorities banned the Mejlis, the representative assembly of the Crimean Tatar People, on spurious charges of extremism. The Kharkiv Human Rights Protection Group reported that the Mejlis' "supposed 'extremism' lay in the aim declared as being the reinstatement of the Crimean Tatar people's national and political rights as part of Ukraine."<sup>2</sup>

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<sup>1</sup> Commission on Security & Cooperation in Europe: U.S. Helsinki Commission. *Ending the War in Ukraine: Kurt Volker, U.S. Special Representative for Ukraine Negotiations*, May 8, 2018. <https://www.csce.gov/sites/helsinkicommission.house.gov/files/unofficial-transcript/Volker%20TRANSCRIPT%20unofficial%20scrubbed%20%20final.pdf>

<sup>2</sup> Kharkiv Human Rights Protection Group. *Russia flouts Hague Court order to reinstate the Crimean Tatar Mejlis and education in Ukrainian in occupied Crimea*. April 19, 2018. <http://khpg.org/en/index.php?id=1524091822>

Since the beginning of Russia's occupation of Crimea, the occupation authorities have been carrying out a systematic campaign of targeting Ukrainian institutions in an attempt to Russify the peninsula. Freedom House reported recently:

The Ukrainian language, the Ukrainian Orthodox and Catholic Churches, Ukrainian political parties, Ukrainian-language media, and virtually anything associated with Ukraine are now taboo in occupied Crimea, making it impossible for residents to enjoy a free social, cultural, and political life. Not only is Ukrainian identity suppressed, but a Russian one is being supported in a far-reaching effort to Russify the peninsula.<sup>3</sup>

The Russian occupation authorities have carried out illegal arrests and imprisonments against Ukrainian citizens in Crimea. Over 70 Ukrainian citizens are illegally imprisoned in Russian-occupied Crimea or in the Russian Federation on falsified charges – including Oleh Sentsov, Stanislav Klich, Oleksandr Kolchenko, Volodymyr Balukh, Oleskiy Chirnyi and many others. Many are serving long prison sentences in Russian jails and labour camps in abhorrent conditions.

On June 4, 2018, Ukrainian journalist Roman Suschenko, who was arrested in Russia while visiting close family, was sentenced to 12 years in a strict regime prison on fabricated charges of “espionage.” Russia has ignored repeated calls from the international community to release the Ukrainian political prisoners that it holds in contravention of international law.

On September 12, 2018, Russia's Supreme Court upheld the internationally condemned maximum 12-year prison sentence against Suschenko. This action made no changes to the ruling set out by Moscow's City Court on June 4, 2018, and does not come as a surprise, as courts in Russia and Russian-occupied Crimea have consistently imposed harsh prison sentences against Ukrainian citizens on fabricated charges.

According to the Kyiv-based Media Initiative for Human Rights,

Many detainees are subjected to severe stress and pressure - both physical and psychological - especially in the early stages of investigation, when law enforcement agencies try to force them to confess to offences that they have planned to indict them with.

At least twelve people were, in their own words and in statements provided by their lawyers, subjected to brutal torture. The occupation authorities and the authorities of the Russian Federation refuse to investigate these accusations of torture, thereby actually recognizing their involvement in these violations.

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<sup>3</sup> Freedom House. *5 Ways Human Rights Have Dwindled in Russian-Held Crimea*  
<https://freedomhouse.org/blog/5-ways-human-rights-have-dwindled-russian-held-crimea>

Methods of illegal physical abuse include beatings, electric shocks, and strangulation. Psychological methods includes threatening different relatives, asserting that “Ukraine has abandoned you”, and inflicting different kinds of pressure and humiliation.<sup>4</sup>

The Russian judges, prosecutors, investigators, security services officials, and politicians responsible for these violations of internationally recognized human rights have names. In October 2017, Canada’s Parliament unanimously adopted the *Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)*.

The Act provides “for the taking of restrictive measures in respect of foreign nationals responsible for gross violations of internationally recognized human rights.” The law allows Canada to target foreign officials who are responsible for human rights abuses and corruption by implementing asset freezes and travel bans against them.

Since the adoption of the Magnitsky Act, the Government of Canada has no actions against the Russian officials responsible for the violation of human rights of Ukrainian citizens.

### ***Recommendation #1***

*Use the tools available in the Magnitsky Act to implement sanctions against Russian officials responsible for the violations of internationally recognized human rights of Ukrainian citizens.*

## **Human Rights Situation in Russian-occupied parts of Donetsk and Luhansk oblasts**

A similar situation in human rights exists in the Russian-occupied parts of Donetsk and Luhansk oblasts, where Russia and its proxies have carried out a campaign of terror against the local population. Adding to this campaign is the fact that Russia is waging a hot war that puts civilians directly at risk.

Over 1.5 million people have been internally displaced by Russia’s invasion of eastern Ukraine. Since the beginning of Russia’s invasion, Russian and proxy forces have routinely and systematically targeted civilian areas and infrastructure – a war crime - for artillery and mortar shelling. For example, in January, 2015 Russian forces launched a Grad rocket attack on Mariupol, which murdered over 30 civilians and injured at least 90 more; that same month Russian forces shelled a civilian bus near Volnovakha, murdering 12 civilians and wounding 13.

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<sup>4</sup> Media Initiative for Human Rights. *Ukrainian citizens illegally deprived of their freedom by the Russian Federation on Russian territory and occupied Crimea*. May, 2018.

These shellings of civilian targets by Russian and proxy forces continue today. As do the civilian casualties. On May 28, 2018, for example, a shell fired by Russian and proxy forces killed Daria Kazemirova, a 15-year old girl in Zalizne.

Several reports by human rights groups have documented irrefutable evidence of torture and ill-treatment of both Ukrainian soldiers and civilians held captive in the occupied territories in Donetsk and Luhansk oblasts. Cases have been documented of prisoners being killed or subjected to fake executions. Cases of sexual abuse have also been documented, as has the recruiting of minors into illegal armed formations by Russian and proxy “authorities” in the occupied territories.<sup>5</sup>

On July 17, 2014, civilian Malaysian Airlines Flight MH-17 was shot down over Russian-occupied territory in eastern Ukraine. All 298 people on board, including a Canadian citizen, were killed. On May 24, 2018, the Joint Investigation Team (JIT- Australia, Belgium, Ukraine, Malaysia, the Netherlands) into the downing of MH-17 stated that the JIT is “convinced that the BUK-TELAR that was used to down MH17, originates from the 53rd Anti Aircraft Missile brigade, a unit of the Russian army from Kursk in the Russian Federation.”<sup>6</sup>

Russia’s 53<sup>rd</sup> Antiaircraft Missile Brigade shot down Flight MH-17. The confirmation by the JIT places full responsibility for this act of international terrorism on the Russian government. Since 2014, Russia has attempted to obfuscate and deny its guilt in the purposeful downing of a civilian airliner. The international community must respond strongly to Russia’s threat to international peace and security and ensure justice for the hundreds of innocent victims of MH-17.

In April 2018, United States Senator Corey Gardner introduced Bill S.2780, which would require a determination on designating the Russian Federation as a state sponsor of terrorism. The bill would require the State Department to report to Congress within 90 days on whether the Russian Federation should be designated as a sponsor of state terrorism under United States law.<sup>7</sup>

## ***Recommendation #2***

*Work with allied nations to designate the Russian Federation a state sponsor of terrorism.*

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<sup>5</sup> Kharkiv Human Rights Protection Group. *Russian military ‘overseers’ believed to issue the orders to torture hostages in Donbas.* May 16, 2018. <http://khhpg.org/en/index.php?id=1526430509>

<sup>6</sup> Joint Investigation Team. *Update in criminal investigation MH17 disaster.* May 24, 2018. <https://www.om.nl/onderwerpen/mh17-crash/@103196/update-criminal-0/>

<sup>7</sup> Details of Bill S.2780 can be found at <https://www.congress.gov/bill/115th-congress/senate-bill/2780/actions?r=8>

**Recommendation #3**

*Work with allied nations to declare the so-called Donetsk and Luhansk “Peoples’ Republics” terrorist organizations.*

The egregious human rights violations perpetrated by the Russian occupation authorities in Crimea and Donetsk and Luhansk oblasts are a direct result of Russia’s war against Ukraine. These violations will only end once Russia’s war and occupation of Crimea and Donetsk and Luhansk oblasts ends.

In order to ensure that peace returns to Europe, the international community must exert significantly more pressure on the Russian authorities and economy. If war is more expensive to the Kremlin than peace, Ukraine will have peace.

In April, 2018, the United States Department of the Treasury imposed sanctions on seven Russian oligarchs and 12 companies they own or control; 17 senior Russian officials; a state-owned Russian weapons trading company and a subsidiary Russian bank. The US imposed the sanctions in response to Russia’s continuing international malign activity, including Russia’s invasion of Ukraine and support for the murderous Assad regime.

US Secretary of the Treasury Steve Mnuchin stated, ““The Russian government engages in a range of malign activity around the globe, including continuing to occupy Crimea and instigate violence in eastern Ukraine, supplying the Assad regime with material and weaponry as they bomb their own civilians, attempting to subvert Western democracies, and malicious cyber activities. Russian oligarchs and elites who profit from this corrupt system will no longer be insulated from the consequences of their government’s destabilizing activities.”<sup>8</sup>

The Government of Canada has not imposed any sanctions on Russian officials or sectors of the Russian economy since November 28, 2016.

**Recommendation #4**

*In the nearest possible time, implement mirror sanctions against the Russian officials and companies designated on April 6 by the US Treasury.*

**Recommendation #5**

*Strengthen sectoral economic and individual sanctions on Russia and Russian officials, including the removal of Russia from the SWIFT international payments system. Canada in cooperation with the EU, the G7 and other like-minded nations should strengthen economic sanctions on Russia in order to exert pressure on Russia end its occupation of Crimea and invasion of eastern Ukraine.*

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<sup>8</sup> US Department of the Treasury. *Treasury Designates Russian Oligarchs, Officials, and Entities in Response to Worldwide Malign Activity*. April 6, 2018. <https://home.treasury.gov/news/featured-stories/treasury-designates-russian-oligarchs-officials-and-entities-in-response-to>

# UKRAINIAN PRISONERS IN RUSSIA AND TEMPORARILY OCCUPIED CRIMEA



ASSOCIATION  
OF RELATIVES  
of Political Prisoners  
of the Kremlin

