

Motion 3: Urgency Resolution - DEMAND TO STOP POLITICAL REPRESSIONS AGAINST YOUNG CIVIL RIGHTS ACTIVISTS AND TO RESTORE THE RULE OF LAW IN UKRAINE

Submitters:	Artur Kharytonov (LDLU)		
State:	accepted		
Category:	Chapter 9 - External Relations and Foreign Affairs		
Motion block:	Resolutions		
On the Urgency of the resolution	Yes:	(95.395 %)	145
	No:	(0 %)	0
	Abstain:	(4.605 %)	7
	Valid votes:		152
Vote on the resolution	Yes:	(100 %)	170
	No:	(0 %)	0
	Abstain:	(0 %)	0
	Valid votes:		170

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2 **Sponsored by:** Liberal Democratic League of Ukraine (LDLU), European Youth of Ukraine
3 (EYU), Lithuanian Liberal Youth (LLY), Uppreisn, Junge Liberale NEOS (JUNOS),
4 Venstres Ungdom (VU), Jongerenorganisatie Vrijheid en Democratie (JOVD),
5 Centerpartiets Ungdomsförbund (CUF), Joves Liberals d'Andorra (JLA), Joventut
6 Nacionalista de Catalunya (JNC), Young Liberals Greece (YLG), Radikal Ungdom (RU),
7 Centerstudenter (CS), Nowoczesna Youth (NY), Vesna Youth Democratic Movement (Vesna),
8 Young Liberals (YL), Jong VLD (JVLD), Junge Liberale (JuLis), Norges Unge Venstre
9 (NUV), Youth Movement for Rights and Freedoms (YMRF), Istrian Democratic Youth (IDY),
10 Liberal Youth of Sweden (LUF), Momentum TizenX (TizenX), Jungfreisinnige Schweiz
11 (JFS), Liberale Hochschulgruppen (LHG), USR Tineret (USRT), Mladé ANO, Jonk
12 Demokraten (JDL), Fédération des Étudiants Libéraux (FEL), Christine Marry Khomyk
13 (IMS Delegate)

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17 **Noting that:**

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- 19 • Deep-rooted high-profile corruption is one of the most harmful threats on the
20 way to the integration of Ukraine with the European Union and NATO.
- 21 • The reform of the Ukrainian judiciary and law enforcement system was among the
22 key demands of the people of Ukraine, fighting for freedom, democracy, and human
23 rights during the Revolution of Dignity.
- 24 • A complete deterioration of the justice system of Ukraine has been observed

25 since 2017.

- 26 • The police officers have been involved in a number of controversial illegal
27 actions carried against anti-corruption activists and civil rights campaigners,
28 especially in Ukraine's regions outside the capital.
- 29 • In early 2014, Ukrainian oligarch Arsen Avakov was appointed to the position of
30 the Minister of Internal Affairs of Ukraine; as of April 2021, Arsen Avakov has
31 held the respective office for 7 years and served in 4 governments, formed by
32 parties with completely different backgrounds.
- 33 • The civil society of Ukraine accuses Arsen Avakov of the illicit police actions
34 against Ukrainian civil society activists and the perpetuation of the top-level
35 corruption in Ukraine.
- 36 • On 31 July 2018, a prominent anti-corruption campaigner and civil rights
37 activist, Kateryna Handziuk (born 1985), was attacked with sulphuric acid
38 following the campaign condemning criminal activity of the police and the
39 responsible minister Arsen Avakov.
- 40 • On 4 November 2018, Kateryna Handziuk died as a result of the injuries received.
- 41 • In 2018, the Initiative "Who is Behind The Attack on Katia Handziuk?" published
42 the so-called "Handziuk List", including 55 names of the activists attacked and
43 assassinated owing to their anti-corruption activity (and whose cases have been
44 never duly investigated by the Ukrainian law enforcement agencies), to draw the
45 attention of the Ukrainian government and international community to the issue.
- 46 • One of the activists placed in the "Handziuk List" is a well-known Ukrainian
47 civil rights campaigner and pro-liberal YouTuber Serhii Sternenko (born 1995)
48 from the city of Odesa.
- 49 • During his anti-corruption activity, Serhii Sternenko became an assassination
50 target at least 3 times; Sternenko believes that the physical attacks were
51 ordered as a result of the investigation he carried out and subsequent
52 disclosure of the alleged corrupt activities of the Odesa mayor and his
53 surrounding, including a number of police officers.
- 54 • At least 4 criminal cases against Serhii Sternenko have been opened by the
55 Ukrainian police services with a lack of transparency and apparent political
56 motivation, as stated by the major civil and human rights organisations.
- 57 • On 23 February 2021, Serhii Sternenko was sentenced to 7 years and 3 months
58 imprisonment with ordered confiscation of half of his property; the respective
59 conviction is a consequence of the persecution that started in 2015 with
60 violation of the Ukrainian national law and international legal standards,
61 including decisions of the European Court of Human Rights.
- 62 • The absence of a fair trial for Serhii Sternenko, open infringement of the rule
63 of law by the Ukrainian judiciary and law enforcement bodies, and a systemic
64 stagnation of law and democracy in the country have led the youth of Ukraine and
65 civil rights stakeholders to join the leaderless pro-democracy movement to
66 demand judicial and police reforms, the resignation of officials involved in

67 political corruption at the top level, and the restoration of the rule of law in
68 other ongoing politically motivated cases against civil society activists
69 (Andrii Antonenko, Yuliia Kuzmenko, etc.).

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72 **Considering that:**

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- 74 • After the victory of the “Servant of the People” party in the 2019 presidential
75 and parliamentary elections in Ukraine, the political impact on the judicial
76 system of Ukraine has significantly increased.
- 77 • The Prosecutor General Iryna Venediktova, former top-advisor to Volodymyr
78 Zelensky’s presidential campaign and member of the Verkhovna Rada (Parliament)
79 of Ukraine from the “Servant of the People” party, was personally involved in
80 the prosecution process against Ukrainian activists, threatening Serhii
81 Sternenko and other civil rights campaigners with “guaranteed” notifications of
82 suspicion.
- 83 • A group of members of the Ukrainian Parliament with strong pro-Kremlin views
84 from the “Servant of the People” party have repeatedly demanded criminal
85 punishment for Serhii Sternenko, ignoring principles of non-interference in the
86 justice system and the presumption of innocence (among them were Alexander
87 Dubinsky, Maxim Buzhansky, Daniil Hetmantsev, etc.).
- 88 • The interference in the criminal process against Serhii Sternenko was strongly
89 supported by the pro-Russian political forces of Ukraine (“Opposition Platform —
90 For Life”, “Party of Shariy”) and politicians formerly affiliated with the
91 Yanukovich regime (Nikolai Azarov, Olga Bondarenko, Elena Lukash, Andrey
92 Portnov, etc.).
- 93 • On 23 March 2021, a Deputy Minister of Internal Affairs, Anton Herashchenko,
94 published a video on his personal Facebook page showing faces and personal data
95 of the activists to be punished by the police after the March 20 protest,
96 neglecting due legal procedures and in violation of the European standards of
97 personal data protection.
- 98 • On 25 March 2021, the “Voice” party (a full member of ALDE) published a
99 statement condemning the political persecution of activists taking part in the
100 March 20 protest and urged the government to provide for a transparent judicial
101 reform instead of imposing disproportionate punishment (criminal sentence) on
102 those against the current political stands.
- 103 • On 26 March 2021, Alexey Arestovich, adviser to the Head of the Office of the
104 President of Ukraine on Strategic Communications in the field of National
105 Security and Defense, publicly affirmed that Serhii Sternenko, Andrii Antonenko,
106 and other imprisoned activists are political prisoners.
- 107 • On 30 March 2021, the Parliament of Ukraine passed the resolution “On

108 Condemnation of the Events that Took Place on 20 March 2021 Outside the Office
109 of the President of Ukraine”, initiated by over 130 members of the “Servant of
110 the People” and with 237 votes in favor (214 - “Servant of the People” Party, 9
111 - “For Future” Party, 9 - “Dovira” Group, 5 - self-nominated) and 11 votes
112 against (10 - “The Voice” Party, 1 - self-nominated), calling upon the law
113 enforcement bodies to examine the participation of political parties and
114 associated individuals in organizing the protests and to ensure that accused
115 activists are brought to justice, even though their guilt has not been proven.

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118 **Stressing that:**

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- 120 • On 23 March 2021, activists of the street protest art movement “Gonor” Serhii
121 Filimonov (age 26) and Oleksii Bilkovskyi (age 24), who also participated in the
122 March 20 protest, received notifications of suspicion of committing criminal
123 offences without clear evidence: the police demand up to seven years of
124 imprisonment for both; both activists were sentenced to house arrest on 1 and 2
125 April 2021.
- 126 • On 23 March 2021, a pro-liberal activist and anti-corruption campaigner Roman
127 Ratushnyi (age 23) received a notice of suspicion of committing criminal
128 offences without clear evidence: the police demand up to seven years of
129 imprisonment for Roman Ratushnyi.
- 130 • On 29 March 2021, the Pecherskyi District Court of Kyiv sentenced Roman
131 Ratushnyi to a house arrest with a 24/7 watch and electronic tagging, confirming
132 in its decision "the fact of the existence of a serious crime"; at the same
133 time, the only evidence examined by the court was a black-and-white photo taken
134 during the night protest and reflecting a black square with small white spots.
- 135 • A group of liberal members of the Ukrainian Parliament from the “Voice” party
136 (Roman Lozynskyi, Yaroslav Zhelezniak, Yaroslav Yurchyshchyn, Solomiia
137 Bobrovska, etc.) tried to stand surety for the arrested activists, but their
138 petition was denied by courts.
- 139 • The total number of young activists arrested after the March 20 protest on the
140 grounds that lack evidence is 7.

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143 **Acknowledging that:**

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- 145 • On 21 February 2021, Ukrainian civil society organisations (Human Rights Center
146 ZMINA, DEJURE Foundation, Anti-Corruption Action Center, Association of
147 Ukrainian Military LGBT veterans, Crimean Human Rights Group, Ukrainian
148 Association of War Veterans and Participants in the Anti-Terrorist Operation,

- 149 Liberal Democratic League of Ukraine / Free Hong Kong Center, etc.) introduced
 150 the statement “We demand justice for Serhii Sternenko: the statement of civil
 151 society organizations” - a joint position expressing concern over the political
 152 motivation of repressions against Serhii Sternenko and other civil rights
 153 activists and sabotage of the justice system reform on the part of the
 154 government.
- 155 • On 27 March 2021, the human rights organisation Open Dialogue Foundation
 156 published a joint statement “On the unacceptability of political pressure on the
 157 investigation into attacks on public activist Serhii Sternenko” (co-signed by
 158 Association of Ukrainian Monitors on Human Rights Conduct in Law Enforcement,
 159 Charity foundation “East-SOS”, Rights Education House – Chernihiv Information,
 160 Centre for Civil Liberties, Transparency International Ukraine, etc.), urging
 161 the Minister of Internal Affairs, members of the Ukrainian Parliament, and
 162 representatives of other authorities to refrain from political pressure on the
 163 case investigation, and calling upon the Security Service of Ukraine and the
 164 Prosecutor General’s Office to ensure a fair and impartial investigation into
 165 the circumstances of the attacks on Serhii Sternenko.
 - 166 • On 29 March 2021, Ukrainian civil society organisations presented a joint
 167 statement “On persecution of activist Roman Ratushnyi by law enforcement
 168 agencies” regarding the political motivation of repressions and groundless
 169 criminal prosecution against pro-liberal activist Roman Ratushnyi (co-signed by
 170 Human Rights Centre ZMINA, Human Rights Initiative, NGO “Kharkiv Anti-Corruption
 171 Centre”, Media Initiative for Human Rights, NGO “Centre for Development and
 172 Democracy”, Human Rights Centre ACTION, Civic Initiative “Protect Forest”, Open
 173 Dialogue Foundation, Liberal Democratic League of Ukraine / Free Hong Kong
 174 Center, etc.).
 - 175 • On 30 March 2021, the Center for Civil Liberties introduced a position on the
 176 Roman Ratushnyi case, recognizing that both the chosen precautionary measure and
 177 the correctness of the categorization of the actions of the participants of the
 178 March 20 protest outside the President's Office are questionable; the Center
 179 also acknowledged the existent risk of political persecution in Ukraine.
 - 180 • The report of the civic monitoring group "OZON" has come to the conclusion that
 181 the case of Roman Ratushnyi does not reflect the features of such classification
 182 of criminal offences as "the use of firearms or melee weapons or other objects
 183 specially adapted or pre-prepared for infliction of bodily harm”, utilized by
 184 the police to sentence Roman Ratushnyi and other activists.
 - 185 • On 30 March 2021, the U.S. Department of State published an executive summary on
 186 Ukraine within the 2020 Country Reports on Human Rights Practices, pointing out
 187 significant human rights issues in Ukraine, including, inter alia, unlawful or
 188 arbitrary killing; torture and cases of cruel, inhuman, or degrading treatment
 189 or punishment of detainees by law enforcement personnel; harsh and life-
 190 threatening conditions in prisons and detention centers; arbitrary arrest or
 191 detention; serious problems with the independence of the judiciary.

- 192 • On 6 April 2021, the Netherlands Helsinki Committee introduced the Statement
193 “Ukraine: Uphold Fair Trial Rights of Anti-Corruption Activist, Serhii
194 Sternenko”, calling on the Ukrainian authorities to ensure that Sternenko’s fair
195 trial rights are respected throughout the appeal process (begun on 5 March 2021)
196 and to seek proportionate alternatives to his current terms of detention.

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199 **Believing that:**

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- 201 • Every person is entitled to fully enjoy inalienable human rights and civil
202 liberties, equal treatment before the law, and the right to a fair trial.
- 203 • Political corruption has no justification within the European, open,
204 transparent, and democratic society.
- 205 • A fair and transparent judicial system is an undeniable part of the liberal
206 democratic order and a core European value.
- 207 • The controversial past background of an individual fighting for freedom shall
208 not be subjected to prejudice.
- 209 • The fundamental principle of impartiality is one of the key pillars of European
210 liberalism.

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213 **Taking into account all the above, LYMEC:**

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- 215 • Calls on the Ukrainian authorities to stop politically motivated persecution of
216 civil society activists in the country.
- 217 • Calls on the Ukrainian authorities to ensure a full, impartial, fair, and
218 independent trial of civil society activists (Serhii Sternenko, Anatolii
219 Antonenko, etc.) in Ukraine in compliance with the principles of international
220 law.
- 221 • Calls on the “Servant of the People” party to stop political interference in the
222 justice system of Ukraine.
- 223 • Urges to condemn actions taken against the civil society of Ukraine by Iryna
224 Venediktova, Arsen Avakov, Anton Herashchenko, Alexey Arestovich, and other
225 Ukrainian officials, affiliated to the “Servant of the People” party, at the
226 European Union level.
- 227 • Calls on the “Servant of the People” party to cease obstruction of the justice
228 reform in Ukraine.
- 229 • Calls on the Ukrainian authorities to duly investigate crimes and illegal
230 actions committed against civil society activists in Ukraine.

- 231 • Calls on the LYMEC Bureau to support the people of Ukraine on their way to
232 restoring the rule of law in the country;
- 233 • Calls on the LYMEC delegation to the ALDE Congress to raise the issues of
234 political persecution of young civil society activists and violation of the rule
235 of law in Ukraine at the upcoming ALDE Congress.
- 236 • Calls on the LYMEC member organisations to share the raised concerns with their
237 mother parties and other liberal stakeholders at the national level.

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239 Chapter 9 – External Relations and Foreign Affairs

Reason

Dear LYMEC Member Organisations,

The draft resolution "**Demand to stop political repressions against young civil rights activists and to restore the rule of law in Ukraine**" should be deemed as an urgent one because of the following facts.

1. The deadline for submitting general LYMEC resolutions was on 26 March 2021.
2. On 30 March 2021, the Ukrainian "**Servant of the People**" Party carried out an **extraordinary parliamentary session** to adopt the resolution "On Condemnation of the Events that Took Place on 20 March 2021 Outside the Office of the President of Ukraine". Within the resolution, Ukrainian MPs called upon the law enforcement bodies to examine the participation of political parties and associated individuals in organizing the protests outside the presidential office and to ensure that accused activists are brought to justice, even though their guilt has not been proven. **In fact, the "Servant of the People" resolution aimed to terrify the civil society of Ukraine when it comes to demanding democracy, freedom, justice, and rule of law.** The adoption of the respective resolution has been strongly opposed by the "Voice" Party (which is a full ALDE member) in the Parliament.
3. From 1 to 5 April 2021, the mass arrests of civil rights activists, that participated in the pro-democratic protests, had been taken place. **The police seek up to 7 years imprisonment of such activists, despite the total lack of evidence.** Moreover, Ukrainian courts have started to put activists under house arrests using illegal ways.
4. From 27 March to mid-April 2021, dozens of human rights organisations (Open Dialogue Foundation, Centre for Civil Liberties, Transparency International Ukraine, Netherlands Helsinki Committee, etc.) and stakeholders published statements with the **demand to stop politically motivated prosecution** of Ukrainian civil rights activists.
5. On 30 March 2021, the U.S. Department of State published an executive summary on Ukraine within the 2020 Country Reports on Human Rights Practices, pointing out significant human rights issues in Ukraine, including, inter alia, unlawful or arbitrary killing; torture, and cases of cruel, inhuman, or degrading treatment or punishment of detainees by law enforcement personnel; harsh and life-threatening conditions in prisons and detention centers; arbitrary

arrest or detention; serious problems with the independence of the judiciary.

6. From 20 March to 16 April 2021, the Liberal Democratic League of Ukraine had been in contact with numerous human rights organisations, lawyers, experts, and liberal politicians in order to evaluate the situation in the most objective way. **The final decision to submit the resolution was adopted on 16 April 2021, after systematic violations of the rule of law principles by the Ukrainian government, courts, and law enforcement bodies.**

Taking into account all the above mentioned, we do believe that the submitted resolution provides for strong urgency grounds. After the main protest in Kyiv on 20 March 2021, we needed time to evaluate the situation and to investigate what actually happened on Bankova street (at least 3 LDLU members took part in the protest, including me).

At that time, we did not plan to submit any resolution on the matter.

However, when the “Servant of the People Party” announced the plan to submit and to pass the resolution to punish the members of the Ukrainian civil society, we have realized **how critical is the case**. Prior to 30 March 2021, we had a hope the only ruling party in Ukraine will step down. Instead, they passed the resolution condemning democratic actions of the Ukrainian civil society activists (votes in favor - 214 - “Servant of the People” Party, 9 - “For the Future” Party, 9 - “Dovira” Group, 5 - self-nominated MPs).

We have tried to impact the situation internally in Ukraine after the events that happened on 30 March 2021. However, in April, the government started to arrest young people with a total lack of transparency.

The human rights experts warmly met our idea to submit this draft resolution on the issue to LYMEC. Although they also asked to wait until the last moment, giving the space for the “Servant of the People” Party to use some time to remedy their approach to the situation and to stop the destruction of the rule of law in Ukraine. **Unfortunately, the regime has heard neither the civil society members nor the people of Ukraine.**

Thus, we do believe that the resolution "Demand to stop political repressions against young civil rights activists and to restore the rule of law in Ukraine" should be submitted at the European level. And we hope for your understanding that we required time to take into account all the aspects, issues, and general political tendencies in Ukraine.

On behalf of the Liberal Democratic League of Ukraine, I am calling you to vote in favor of the urgency status of this draft resolution. The freedom-fighting youth of Ukraine needs the support of LYMEC now more than ever before.

Kind regards,

Arthur Kharytonov

LDLU President