



July 21, 2021

Dr. Amanda L. Sloat
Special Assistant to the President and Senior Director for Europe
National Security Council

Ambassador Philip T. Reeker
Acting Assistant Secretary, Bureau of European and Eurasian Affairs
U.S. Department of State

Re: Amnesty International USA calls on President Biden to raise human rights concerns with President Zelensky during White House visit

Dear Dr. Sloat and Ambassador Reeker:

On behalf of Amnesty International USA, we are writing to draw your attention to the human rights situation in Ukraine ahead of President Zelensky's visit to the White House on August 30. We appreciate the U.S. government's support for human rights-oriented reforms in Ukraine in recent years and urge the Biden administration to continue these efforts. During his meeting with President Zelensky, President Biden should highlight the following human rights issues which, unless visible and timely progress is achieved, raise profound concerns about Ukraine's future.

Impunity for abuses by the Security Service of Ukraine

July 2021 marks five years since Amnesty International and Human Rights Watch [exposed](#) the practice of arbitrary detention, enforced disappearance, torture and other ill-treatment of civilians by the Security Service of Ukraine (SBU) in the context of the armed conflict in eastern Ukraine. Our joint report documented that the SBU was secretly and unlawfully holding people in its premises in Kharkiv and elsewhere, without access to lawyers. The SBU did not inform family members of these individuals' fate and whereabouts, and held them without acknowledging their custody, for months and in some cases for over a year. These individuals were targeted as alleged separatist sympathizers and apparently held as currency to be used in prisoner swaps between the Ukrainian authorities and Russia-backed separatists.

Victims of these human rights violations, who were all covertly released from secret detention by the end of 2016, are still waiting for justice to be served while the SBU continues to insist, despite compelling evidence to the contrary, that the abuses ever took

place. Amnesty International is not aware of any new cases of prolonged secret detention by the SBU since, but we are concerned about the protracted nominal investigation into the alleged practice which has produced no tangible results, despite compelling evidence being available, and the SBU's continued denial of past abuses. The impunity enjoyed by members of a powerful security agency raises serious concerns regarding the Ukrainian authorities' commitment to respect and protect human rights, and the country's future in which this agency will continue to play an important, if not growing, role.

Hate crimes against LGBTI people and other marginalized groups

Ukraine has made considerable progress in terms of protecting LGBTI persons' rights to freedom of peaceful assembly and expression since the country's first LGBTI Pride in 2013. Recently, annual Pride marches were held in Ukraine's biggest cities and, in most cases, were effectively protected by the authorities.

While we welcome these efforts, we are concerned with the Ukrainian government's systematic failure to address the rising number of hate crimes against LGBTI people by homophobic groups. These groups are carrying out physical attacks on LGBTI people in broad daylight, usually issuing prior public threats on their social media and planning and doing it with near total impunity.

Sphere, an LGBTI NGO from Kharkiv, have suffered 28 incidents of attacks, obstruction, and intimidation, including physical violence, by homophobic groups since 2017. Out of all these incidents, investigations were opened only in relation to three, and little progress was made.

In March 2018, members of an anti-LGBTI group threw paint at LGBTI activist [Vitalina Koval](#), causing chemical burns on her eyes. Her attackers were eventually released on the grounds of an expired statute of limitations. Koval's case exemplifies the systematic failure of Ukrainian authorities to hold perpetrators of hate crimes accountable. In her case and many others, courts fail to take into account the discriminatory motive of the crime, creating an atmosphere of impunity that emboldens homophobic groups to carry out attacks.

Gender-based violence in the context of the armed conflict

The ongoing armed conflict in eastern Ukraine is having an [aggravating effect](#) on domestic and sexual violence. Damaged infrastructure, proximity to hostilities, presence of the military in residential areas, deeply-rooted gender stereotypes, poor economic circumstances, and low police capacity to react and investigate instances of domestic and sexual violence against women and girls all contribute to the deepening of the problem, which is now further exacerbated by the COVID-19 pandemic.

Over the last three years, Ukraine has adopted new legislation and institutional frameworks relating to gender-based violence, generally in line with international human rights law. Yet, the new laws and initiatives are often poorly implemented. Police are still reluctant to register complaints of survivors of domestic violence which, alongside the widespread impunity enjoyed by the perpetrators, deters many victims from speaking out. In 10 out of the 27 cases of domestic violence documented in a [2020 Amnesty report](#), women did not report the violence they had suffered to police because they believed the authorities would not respond adequately, if at all.

Further, Ukrainian police rarely use their authority to issue emergency protection orders to protect survivors of abuse from perpetrators, and when they do, these orders are not effectively enforced. In one emblematic case, [Oksana Mamchenko](#) suffered physical, psychological, and economic violence from her ex-husband, the father of her 12 children, for 20 years. After she left home with her children, the court issued temporary protection orders three times, barring the ex-husband from being in the same house with Oksana and their children or being in close proximity to them. Between January 2019 and January 2020, Oksana obtained three restraining orders and one emergency protection order against her ex-husband and lodged multiple complaints with the police. Her ex-husband ignored these orders, and authorities failed to adequately enforce them. In May 2020, he was given a one-year suspended sentence for the failure to comply with restraining order but was not held accountable for domestic violence.

Recommendations – President Biden should:

- Call on President Zelensky to take every step necessary to ensure that the investigation into the SBU's alleged practice of secret detention is promptly completed, that all existing evidence is fully and effectively examined, and that all persons allegedly complicit in this practice, including officials and politicians who have knowingly supported or condoned this practice, are identified and promptly brought to account in fair trial proceedings.
- Offer technical and other U.S. assistance to support a human rights-oriented reform of the SBU with the goal of ensuring full accountability for violations of human rights.
- Express support for Ukrainian authorities' initiative to reform several articles of the criminal code dealing with violent crimes to explicitly include "intolerance" towards individuals based on their sexual orientation and gender identity as aggravating circumstances.
- Offer financial, technical, educational, and other support to build the capacity of Ukrainian police to investigate hate crimes against LGBTI people and other marginalized groups; urge a prompt, effective, and impartial investigation into all

reported hate crimes; and call on authorities to take necessary steps to prevent gender-based violence.

Please do not hesitate to contact me at (202) 509-8132 or dbalson@aiusa.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Balson', written in a cursive style.

Daniel Balson
Advocacy Director for Europe and Central Asia
Amnesty International USA