

# Top legal experts have created a Commission to Investigate Human Rights Violations in Ukraine.

**Well-respected experts in the field of law and former political prisoners are gathering evidence for a Special Tribunal regarding human rights violations during the peaceful protests in Ukraine.**

The organizers of the Commission held a news conference on January 29, 2014 at the press centre of the National Union of Journalists of Ukraine.

The purpose of the Commission is to investigate human rights violations that occurred while citizens were exercising their right to peaceful assembly, beginning on November 30, 2013. The commission is the first step toward establishing a tribunal for criminals guilty of murdering, severely injuring, torturing and kidnapping Ukrainian citizens.

*"With a highest sense of responsibility to the people of Ukraine, expressing deep concern over the status of individual rights and freedoms in Ukraine, taking into account the socio-political situation prevailing in the country and the need for urgent action, today, January 27, 2014 in Kyiv, having been authorized by members of the inaugural assembly, we announce the establishment of the Commission to Investigate Human Rights Violations in Ukraine which will act on an ongoing basis"- states the inaugural document, signed by the founders of the Commission.*

The structure and plans of the Commission were described by the following members at the press conference: **Volodymyr Vasylenko**, Ambassador Extraordinary and Plenipotentiary of Ukraine, Professor, National University of "Kyiv-Mohyla Academy" (NaUKMA), Doctor of Law, Judge of the International Tribunal in the former Yugoslavia 2002-2005, as well as the Ukrainian Representative to the United Nations Human Rights Council in 1989-1991, 1995-1998, 2005, 2006-2010; **Oleg Berezyuk**, president of the Ukrainian Legal Society; **Mykola Siryy**, Doctor of Law, Senior Research Fellow at the VM Koretsky Institute of State and Law, National Academy of Sciences of Ukraine; **Volodymyr Viatrovych**, Doctor of History, activist in the NGO Civic Sector.

The Commission brought together 12 influential lawyers, as well as human rights activists and former political prisoners. Ambassador Extraordinary and Plenipotentiary of Ukraine, Judge of the International Tribunal in the former Yugoslavia, NaUKMA Professor, Doctor of Law Vladimir Vasylenko was elected head of the Commission. Members include: **Volodymyr Vasylenko**, **Oleg Berezyuk**, **Stanislav Shevchuk**, **Joseph Zissels**, **Evhen Sverstiuk**, **Vasyl Kysil**, **Mykola Kozyubra**, **Danylo Kurdelchuk**, **Mykola Siryy**, **Vasyl Ovsyenko**, **Myroslava Antonovych**, **Stanislav Batryn**; secretary of the Commission **Yuriy Kushnir**.

Historian and Civic Sector of the Euromaidan activist Volodymyr Viatrovych opened the press conference of the Commission founders by stressing that the establishment of such an independent commission gives hope to thousands of Ukrainians that massive human rights violations will be recorded and their perpetrators punished.

"I have taken part in the last three revolutions in Ukraine, and even the communist regime of 1989-91 did not commit such actions," said Volodymyr Vasylenko. "We will independently collect and systematize data that will become the basis for the Special Tribunal." He explained that in the European Convention on Human Rights there exists the specific opportunity for one of the Member States to submit a claim to the European Court of Human Rights that crimes against humanity are being perpetrated in another country.

The Commission will work in three main areas - the restoration of violated rights of citizens, a public awareness campaign, and the compilation of a "Black Book of Violations of Human Rights in Ukraine." Working groups will be assigned for each of these projects. Commission members described the nature of each of these projects.

Promoting **the restoration of violated rights of citizens** (team leader Stanislav Batryn, Doctor of Law, Junior Research Fellow at the VM Koretsky Institute of State and Law, National Academy of Sciences of Ukraine): collecting primary data; publishing information about the violations of human rights; monitoring law enforcement's investigation of human rights violations; assessing the adherence to the guarantee a fair trial; preparing reports on human rights violations and referring them to international institutions.

"As citizens, we cannot support the proposal that is currently being discussed in Parliament to release "Berkut" from criminal responsibility - this cannot be allowed to happen in a lawful country. The Commission will prepare an independent opinion for the Parliament on the facts and on the perpetrators of human rights violations to specifically address this subject. Committee Members are not allies of the opposition nor the government - they are allies of their belief in the rule of law , "- explained Stanislav Batryn.

**Public-awareness and outreach** (team leader Oleg Berezyuk, head of the Ukrainian Legal Society, social activist, human rights activist): informing individuals and organizations about their rights and responsibilities and how they are to conduct themselves at massive demonstrations; informing law enforcement authorities how they are to conduct themselves in the face of massive demonstrations; communicating with law enforcement and other government agencies to prevent human rights violations, stop the violations immediately if they occur, and provide unbiased information for the investigation of violations of human rights; communicate with international institutions on the subject of human rights in Ukraine .

"The impotence of law enforcement officials," said Oleg Berezyuk, "resulted in some politicians acting in ways which created an opportunity for declaring a state of emergency."

**Formation of a "Black Book of Violations of Human Rights in Ukraine"** (team leader Mykola Siryy, Doctor of Law, Senior Research Fellow at the VM Koretsky Institute of State and Law, National Academy of Sciences of Ukraine) has plans to collect and systematize information confirmed in accordance with the law about human rights violations in Ukraine, grouping together cases of human rights violations using criteria appropriate for their evaluation by international institutions, public documentation of human rights violations in the form of the creation of a "Black Book of Violations of Human Rights in Ukraine."

"Our key task is to organize all cases of human rights violations, highlight typical cases, outline the trends and patterns that will provide an overall assessment of events." said Mykola Siriy. "What distinguishes the crimes that are now being committed is that they have dual jurisdiction: national and international. Systematization will show general trends and help determine which of the international institutions Ukrainians should seek justice from. Such institutions may not yet exist; they may need to be formed after the fact, as the Nuremburg Tribunal was."

*Contact for media (063) 286-68-69*

*Secretary of the Commission lawyer Yuriy Kushnir (067) 233-81-74*

#### **Addendum:**

#### **Composition of the Commission to investigate human rights violations in Ukraine:**

Chairman: **Volodymyr Vasylenko**, Doctor of Law, Professor, National University of "Kyiv-Mohyla Academy", Ambassador Extraordinary and Plenipotentiary of Ukraine, Judge of the International Criminal Tribunal in the Former Yugoslavia.

#### **Members of the Commission:**

- **Oleg Berezyuk**, head of the Ukrainian Legal Society, social activist and human rights activist.

- **Stanislav Shevchuk**, Doctor of Law, professor, corresponding member of the National Academy of Legal Studies of Ukraine, Judge of the European Court of Human Rights ad hoc.
- **Joseph Zissels**, executive vice president of the Congress of National Communities of Ukraine, social activist, dissident.
- **Evhen Sverstiuk**, writer, Doctor of Philosophy, former political prisoner, member of the Action Committee "The First December Initiative Group".
- **Vasyl Kysil**, Doctor of Law, Professor of International Relations, Taras Shevchenko National University in Kyiv.
- **Mykola Kozyubra**, Doctor of Law, Professor, Judge of the Constitutional Court of Ukraine (1996-2003).
- **Danylo Kurdelchuk**, Honoured Lawyer of Ukraine, vice president of the World Congress of Ukrainian Lawyers, member of the Presidential Council of the Ukrainian Association of International Law.
- **Mykola Siryy**, Doctor of Law, Senior Research Fellow at the VM Koretsky Institute of State and Law, National Academy of Sciences of Ukraine.
- **Vasyl Ovsienko**, member of the Ukrainian Helsinki Group since 1978, human rights activist.
- **Myroslava Antonovych**, Doctor of Law, Chair of International Law, National University of "Kyiv- Mohyla Academy".
- **Stanislav Batryn**, Doctor of Law, Junior Research Fellow at the VM Koretsky Institute of State and Law, National Academy of Sciences of Ukraine.

Secretary of the Commission: lawyer **Yuriy Kushnir**.

ED NOTE: Volodymyr Vassilenko and Danylo M. Kurdelchuk are also associate members of the Ukrainian American Bar Association

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