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USAID HUMAN RIGHTS IN ACTION PROGRAM**

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USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES

HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY

Humanitarian aspects of the Crimean Strategy: dialogue of Ukraine's government and NGOs (links are in Ukrainian)

UHHRU/ USAID Human Rights in Action Program, Media Initiative for Human Rights and Mission of the President of Ukraine in Crimea hosted a thematic event to discuss the novel de-occupation and reintegration strategy, particularly its humanitarian aspects. [The Strategy is a cornerstone document](#) that determines key priorities and principles of the state policy in the context of de-occupation and reintegration of the Kremlin-occupied peninsula; however, as is often the case with such documents, after the Strategy's adoption comes the issue of its implementation. Opinions and key takeaways about this and other specific points of concern can be read [from our publication](#).

СПІКЕРИ:

 <p>АНТОН КОРИНЕВИЧ, Постійний Представник Президента України в АР Крим</p>	 <p>ЕМІНЕ ДЖАПАРОВА, Перша заступниця Міністра закордонних справ України</p>	 <p>ІГОР ЯРЕМКО, заступник Міністра з питань європейської інтеграції, Міністерство з питань реінтеграції тимчасово окупованих територій України</p>	 <p>ЮЛІЯ ТИЩЕНКО, співзасновниця Нацплатформи "Діалог про мир та безпечну реінтеграцію"</p>	
 <p>РЕФАТ ЧУБАРОВ, Голова Меджлісу кримськотатарського народу</p>	 <p>ОЛЬГА КЮРИШКО, співкоординаторка Крим SOS</p>	 <p>ОЛЬГА СКРИПНИК, голова правління Кримської правозахисної групи</p>	 <p>ЮЛІЯ КАЗДОБИНА, голова Української фундації безпекових студій</p>	 <p>МАРІЯ ТОМАК, координаторка Медійної ініціативи за права людини</p>

МОДЕРАТОРКА:

It should be stressed that Ukraine is the first post-Soviet country among those who faced Kremlin's abrupt occupation which adopted a fundamental de-occupation and reintegration document. And our Program would like to point out three main aspects [that we think](#) make Strategy a massively important one: it distinguishes all pillars of transitional justice model which is underway in Ukraine; recognizes the necessity to establish a centralized human rights abuses monitoring and documentation system; lays the groundwork to involve all governance bodies into de-occupation processes, thereby making the whole effort more efficient.

Speaking about human rights abuses monitoring and documentation system, including those violations in breach of IHL and committed amidst Kremlin's armed aggression, we [share a public consolidated position](#) (English version [is included](#)) of human rights organizations aimed at governing bodies to foster the development of such a system in Ukraine – in many opinions, without it Strategy's enforcement may be flawed.



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Some noteworthy events co-organized by UHHRU/ USAID Program as part of the Parliamentary Human Rights Committee's action plan (*links are in Ukrainian*)

- “We will create a register of human rights violations and a register of damages caused to the state, individuals and legal entities as a result of Russia’s military aggression by creating a unified state system. [...] We are working on it together with all those stakeholders which have been doing this for a long time, including non-governmental organizations as well as the government sector, and we will be ready to present the system soon,” Oleksandr Smyrnov, adviser to the Vice Prime Minister of Ukraine – Minister for Reintegration of the Temporarily Occupied Territories, said during a roundtable dedicated to the issue of implementing the principles of transitional justice. Not much to add here, and as for the other issues that were discussed during the event, you can find it [here](#).
- Another event dealt with problems related to the observance of human and civil rights and freedoms in the temporarily occupied territory and near the contact line: for instance, rights of senior people and PWDs, right to medical treatment, how decentralization and other reforms are sometimes disconnected from transitional justice processes, Law of Ukraine “On social services”, needs of people living near frontlines, etc. For further details we recommend [this video](#).

In one sentence: Activities under USAID Program’s and its experts’ participation aimed at overcoming consequences of the armed conflict and occupation

- UHHRU/ USAID Program in cooperation with Kharkiv Human Rights Group NGO kicked off a series of online discussions devoted to the right to truth as one of the transitional justice elements – [here is its opening episode](#) which carries remarks of experts from various fields and organizations to ensure a diversity of opinions (*link is in Ukrainian*).
- Oleksandr Pavlichenko’s [comment](#) on illegal armed formations’ latest initiative to alienate “abandoned/no one’s” property in temporarily occupied Donbas in a suspected attempt to intimidate people who don’t want to link their lives to the so-called “Donetsk Peoples’ Republic” (*link is in Ukrainian*).
- The latest episode of UHHRU’s media initiative *Expertise* [touches upon](#) protection of PWDs, including those who have conflict-caused disability, their rehabilitation difficulties and Program’s developments in that respect (*link is in Ukrainian*).
- UHHRU/ USAID Program continues series of interviews on transitional justice to explain its principles – [new episode](#), starring our legal education coordinator Olga Semenyuk, sheds the light on why it is important that domestic courts apply IHL and how to teach them to do so in case Themis workers lack appropriate skills (*link is in Ukrainian*).
- Ukraine’s Foreign Ministry has [launched](#) *Learn-Check-Act* information campaign aimed at calling on the EU citizens/businesses to adhere to the sanctions regime related to Russia’s armed aggression against Ukraine (UHHRU is a partner of this campaign).



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How can I protect myself and my business from legitimizing Russia's illegal occupation?

If you are an EU citizen, European businessperson or currently living in an EU country, you can:

LEARN - CHECK - ACT

<p>1</p> 	<p>LEARN ABOUT RESTRICTIONS IMPOSED ON RUSSIA BY THE EU AND UKRAINE</p>	<p>You are strongly recommended to:</p> <ul style="list-style-type: none"> ● avoid visiting Crimea if you are an official, a non-governmental delegation, an individual representative of an EU member state government or parliamentarian ● warn your officials not to host a visit of any representatives of the Russian occupying authorities from the temporarily occupied Crimea or parts of Donetsk or Luhansk regions ● refrain from any trade and economic contacts, academic, cultural or information exchange originating from temporarily occupied Crimea and recommend others do likewise ● make sure that Crimea and the temporarily occupied parts of Eastern Ukraine are correctly marked on maps, clearly indicating that they remain Ukrainian territory
<p>2</p> 	<p>CHECK WITH YOUR COUNTERPARTS IN ORDER TO AVOID UNEXPECTED PROBLEMS WITH YOUR BUSINESS WHEN IT COMES TO DEALING WITH RUSSIA.</p>	<p>You are strongly recommended to:</p> <ul style="list-style-type: none"> ● make sure you are not visiting the temporarily occupied territory of Ukraine, especially if you are buying a tour to 'the Russian seaside' ● make sure your business partners from Eastern Europe are not interlinked with individuals and companies mentioned in the sanctions lists ● make sure your counterparts do not represent the Russian occupying authorities, if you plan any academic or cultural exchanges, or if you are launching any civil society initiative
<p>3</p> 	<p>ACT PROACTIVELY TO SAFEGUARD AGAINST FURTHER AGGRESSIVE ACTIONS BY RUSSIA AGAINST UKRAINE AND OTHER EU COUNTRIES</p>	<p>You are strongly recommended to:</p> <ul style="list-style-type: none"> ● ask your politician to cancel a visit to occupied Crimea if you are made aware of one. Ask your government not to support such a visit ● Warn companies about the serious consequences arising from violating the EU sanctions regime, for example if they are engaged in selling goods from Crimea or importing products from the occupied territories ● Engage the support of law enforcement bodies in your country in the event that EU sanctions violations are taking place in your industry or region ● Inform relevant parties in the event that incorrect mapping of Crimea as a Russian territory is identified

For more information about restrictive measures in view of Russia's actions destabilising the situation in Ukraine (sectoral restrictive measures)

<https://sanctionsmap.eu>

For more detailed information and for support with any queries you may have on this issue, please contact us:



Ministry of Foreign Affairs of Ukraine
sitcen@mfa.gov.ua
also:

Embassy of Ukraine in your country (the list of the embassies is available at <https://mfa.gov.ua/en/foreign-diplomatic-institutions-ukraine>)

#NonRecognition



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- To mark the [Remembrance Day](#) for the Victims of the Deportation of the Crimean Tatars on May 18, Media Initiative for Human Rights NGO under Program's support [co-organized](#) (*link is in Ukrainian*) an event to discuss the freedom of expression in the temporarily occupied Crimea.



STRATEGIC LITIGATIONS

Within this direction USAID Human Rights in Action Program supports strategic legal cases domestically and internationally to protect public interests¹, as well as assures their broad media coverage among professional community and public. Total number of conflict-related UHHRU Strategic Litigation Centre's (SLC) cases within the Program equals 165.

Program-attributed strategic litigation lawyer scores victory in court, in a pension case again



To cut the long story short, the Pension Fund of Ukraine refused to take into account our client's employment record issued in occupied territories, and consequently man's aged-based pension was questioned. Our lawyer's key argument was that while documents issued there are not valid, still it is the court who decides whether to put trust in them or not since neglecting may entail disproportionate human rights violations – [link in Ukrainian](#). Here we can refer to the ICJ's "Namibia exception", which are actively promoted by Ukrainian courts through case-law as indicated by European Court of Human

¹ Strategic litigations are one of the most powerful tools of human rights protection; conducted in the interests of a citizen or a group of citizens to achieve systemic changes in the legal field for the benefit of society and used for the purpose of creating the case-law (precedents).



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Rights (ECtHR) in plenty of its cases – the point is that the recognition of documents issued in occupied territories does not therefore automatically legitimize occupational authorities, but in specific circumstances and endorsed by additional evidences brings legal relief to innocent conflict-affected people.

Geographical nuances of getting a war-caused injury must not be the reason for discrimination when deciding on social benefits afterwards

Our litigation lawyer hopes that her recent court judgement in favor of our client will set a precedent to carry weight in similar future cases – and [the essence of this case](#) (*link is in Ukrainian*) is that a person from the temporarily occupied territory was wrongfully denied his injuries, PWD status to be officially linked to war or other military actions (not just a usual peacetime disability). Ukraine's specialized interdepartmental commission sometimes has uncertain motives in mind when deciding on whether to grant the PWD status to persons who got their life-changing injuries in occupied territories, so our goal, among other things, is to show that geographical nuances here must not be the reason for discrimination.

Other related activities by UHHRU in brief:

- **Application to the ECtHR**

In 2015, an activist was abducted in Crimea by Russian law enforcement agents, and to this day there is no information as to his whereabouts. The occupying administration has failed to conduct a thorough investigation of his abduction and disappearance in six years. According to lawyers, there has been a violation here of Article 2 of the European Convention on Human Rights, that is, the right to life.

FREE LEGAL AID

[UHHRU network](#) of legal aid centers (LACs) keeps on delivering free legal aid (including outreach legal consultations in the remote areas), holding information and awareness raising events in the sphere of human rights as well as documenting war crimes and conflict-related human rights abuse. USAID supports activities of the UHHRU's legal aid centers in [Toretsk](#), [Mariupol](#), [Kramatorsk](#), [Pokrovsk](#) of Donetsk oblast, [Stanytsa Luhanska](#), [Sumy](#) and [Dnipro](#) providing legal aid to conflict-affected population, as well as a [Kyiv-based Specialized LAC](#) targeting both Crimean and Donbas residents and IDPs and a Specialized Crimea-oriented LAC in Kherson.

Events to raise people's awareness on how to protect their rights (*links are in Ukrainian*)

- Kyiv-based legal aid center reminds that as long as Moscow takes effective control over temporarily occupied territory of Donbas, and its proxies ignore the principle of humanity as well as IHL, every person who suffered tortures, degrading treatment, unlawful captivity, etc. must seek for justice to keep perpetrators accountable. LAC's [latest publication](#) tells more on how to bring a case to the ECtHR, and why it is particularly important to apply to international-level justice institutions.



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- Our lawyer [checks facts](#) on how Crimeans can get a Ukrainian passport as this is not easy at some points – this especially can be helpful for teenagers as they acquire their first-ever passport.
- UHHRU/ USAID Program is glad to announce the [immediate availability](#) of its *CrimealsUA* bot in Viber (via smartphones only)! To refresh in mind, this online assistant was designed to help all who require a quick consultation on the most topical Crimea-related issues like issuance of passports, registration of birth/death facts, administrative border-crossing procedure, alienation of land plots in the occupied peninsula, getting inheritance, etc.
- Dnipro LAC often receives questions from IDP university entrants, young people from the temporarily occupied territory and people living near the demarcation line regarding benefits and state guarantees for higher education. Check out [this video](#) to find out what new opportunities are out there and what guarantees the state provides.
- USAID Program issued [a memo](#) of how volunteers' families, volunteer combatants, families of duty members killed, went missing in action or died as a result of war-caused health collapse can stand up for their rights and require adequate social protection.





ПОРЯДОК НАДАННЯ ПІЛЬГ І ГАРАНТІЇ СОЦІАЛЬНОГО ЗАХИСТУ ВЕТЕРАНАМ ВІЙНИ ТА ІНШИМ КАТЕГОРІЯМ ОСІБ, ЯКІ МАЮТЬ НА ЦЕ ПРАВО

<h3 style="text-align: center; color: #0056b3;">ХТО МАЄ ПРАВО НА ОТРИМАННЯ?</h3> <p>Сім'ї волонтерів, добровольців, військових та правоохоронців, які загинули (пропали безвісти), померли внаслідок поранення, контузії, каліцтва або захворювання, одержаних під час безпосередньої участі в антитерористичній операції, під час безпосередньої участі у здійсненні заходів із забезпечення національної безпеки і оборони, відсічі і стримування збройної агресії Російської Федерації у Донецькій та Луганській областях, а також сім'ї працівників підприємств, установ, організацій, які залучалися до забезпечення проведення антитерористичної операції, відсічі і стримування збройної агресії Російської Федерації у Донецькій та Луганській областях та загинули (пропали безвісти), померли внаслідок поранення, контузії, каліцтва або захворювання мають право на отримання соціальних пільг, передбачених Законом України "Про статус ветеранів війни, гарантії їх соціального захисту"» https://zakon.rada.gov.ua/laws/show/3551-12#Text</p>	<h3 style="text-align: center; color: #0056b3;">ХТО ВІДНОСИТЬСЯ ДО ЧЛЕНІВ СІМЕЙ ЗАГИБЛИХ, ПОМЕРЛИХ?</h3> <div style="text-align: center; margin-bottom: 10px;"></div> <p>До членів сімей загиблих, померлих (тих, що пропали безвісти) належать:</p> <ol style="list-style-type: none"> 1. утриманці загиблого або того, хто пропав безвісти, яким у зв'язку з цим виплачується пенсія 2. батьки 3. один з подружжя, який не одружився вдруге, незалежно від того, виплачується йому пенсія чи ні 4. діти, які не мають (і не мали) своїх сімей 5. діти, які мають свої сім'ї, але стали особами з інвалідністю до досягнення повноліття 6. діти, обоє з батьків яких загинули або пропали безвісти 	<h3 style="text-align: center; color: #0056b3;">ЯКІ ДОКУМЕНТИ ПОТРІБНО ПОДАТИ?</h3> <div style="text-align: center; margin-bottom: 10px;"></div> <p>Для того, щоб отримати статус ветерана війни, потрібно подати заяву та документи (передбачені пунктом 4 цього Порядку) до структурному підрозділу місцевої держадміністрації з питань соціального захисту населення.</p>
<h3 style="margin: 0;">ЯКИЙ СТРОК РОЗГЛЯДУ ДОКУМЕНТІВ НА ОТРИМАННЯ ПІЛЬГ?</h3>		
<div style="text-align: center; margin-bottom: 10px;"></div> <ul style="list-style-type: none"> • Протягом місяця документи повинні бути розглянуті. • У разі відмови рішення можна оскаржити в суді. 		



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ЯКІ ПІЛЬГИ НАДАЮТЬСЯ?



- ✓ безплатне одержання ліків за рецептами лікарів
- ✓ безоплатне забезпечення санаторно-курортним лікуванням або одержання компенсації вартості самостійного санаторно-курортного лікування. Порядок надання путівок, розмір та порядок виплати компенсації вартості самостійного санаторно-курортного лікування визначаються Кабінетом Міністрів України
- ✓ 50-процентна знижка плати за користування житлом
- ✓ 50-процентна знижка плати за користування комунальними послугами (газом, електроенергією та іншими послугами)



- ✓ позачерговий безплатний капітальний ремонт власних жилих будинків і першочерговий поточний ремонт жилих будинків і квартир
- ✓ виплата допомоги по тимчасовій непрацездатності в розмірі 100 процентів середньої заробітної плати незалежно від стажу роботи
- ✓ позачергове забезпечення жилою площею осіб, які потребують поліпшення житлових умов, у тому числі за рахунок жилої площі, що передається міністерствами, іншими центральними органами виконавчої влади, підприємствами та організаціями у розпорядження місцевих рад та державних адміністрацій. Особи, зазначені в цій статті, забезпечуються жилою площею протягом двох років з дня взяття на квартирний облік



- ✓ одержання позики на будівництво, реконструкцію або капітальний ремонт жилих будинків і подвірних будівель, приєднання їх до інженерних мереж, комунікацій, а також позики на будівництво або придбання дачних будинків і благоустрій садових ділянок з погашенням її протягом 10 років починаючи з п'ятого року після закінчення будівництва. Зазначені позики надаються в порядку, який визначається Кабінетом Міністрів України
- ✓ вступ поза конкурсом до державних та комунальних закладів вищої та фахової передвищої освіти на спеціальності, підготовка за якими здійснюється за рахунок коштів відповідно державного та місцевих бюджетів

ДЕ ЗНАЙТИ БІЛЬШЕ ДЕТАЛЬНУ ІНФОРМАЦІЮ?



Більш детальна інформація – в Постанові Кабінету Міністрів від 23.09.2015 № 740 Про затвердження Порядку надання статусу особи, на яку поширюється чинність Закону України "Про статус ветеранів війни, гарантії їх соціального захисту", деяким категоріям осіб
<https://zakon.rada.gov.ua/laws/show/740-2015-%D0%BF#Text>



Цю пам'ятку підготовлено в рамках Програми USAID «Права людини в дії», яку впроваджує УГСПЛ. Представлені погляди та інтерпретації не обов'язково відображають погляди USAID або Уряду США; відповідальність за вміст несе виключно УГСПЛ. Детальна інформація про діяльність USAID в Україні доступна за тел. (+38 044) 521-57-53, на вебсайті: usaid.gov/ukraine, або на сторінці у Фейсбук: www.facebook.com/USAIDUkraine.



- LAC in Kramatorsk [points out](#) that despite registration of birth and non-combat death facts which occurred in the temporarily occupied territories of Ukraine has been eased recently, still the only option for people to get a standardized death/birth certificate is to undergo a court procedure (skipping now-abolished interim stage involving civil status registration body).

While the out-of-court (administrative) one is still way from being established, our lawyers help people in need with their legal paperwork and to endure bureaucracy that comes with it. For starters, one needs to prove his/her family bonds with a dead person. But what if a third-party person (or a non-immediate relative) was trusted to take care of this instead? – [Sumy LAC can explain all the nuances](#) as their latest case emerged victorious in court.

Latest infographics to illustrate performance of USAID-sponsored legal aid network of UHHRU

USAID Program continues regular reporting on the LACs' legal aid delivery in conflict-affected regions. Here is the data for [March](#) and [April](#) 2021 with thematic, regional and gender disaggregation.



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HUMAN RIGHTS EDUCATION AND AWARENESS RAISING

UHHRU keeps on organizing human rights training events as well as formulating a comprehensive national human rights education policy. This activity is implemented under Ukraine-wide Educational Program “[We Understand Human Rights](#)” (WUHR)², which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

International Law Talks initiative³ proceeds: fresh episodes speak to specifics of a fair trial during wartime and universal jurisdiction as a way to prosecute international criminals

- War and justice: [how to use](#) OSINT (open source intelligence) effectively and what to do about decisions delivered by “courts” in occupied territory. Our guest speakers were Prof. Yvonne McDermott Rees, Swansea University (the UK); Dr. Gaiane Nuridzhanian, senior lecturer at Faculty of Law, NaUKMA; and Judge Arkadiy Bushchenko, Criminal Court of Cassation within Ukraine’s Supreme Court system.
- In response to the Kremlin's military aggression, Ukraine has initiated criminal proceedings at the national level, as well as filed complaints with regional and international courts. However, since Ukrainian law enforcement has limited access to many of those involved in crimes, and given that international trials may take years, Ukraine, in its quest for justice, is also counting on other states and proceedings they could initiate in regards to Crimea and Donbas based of the universal jurisdiction principle. This time [our guests were](#) Almudena Bernabeu, Co-head, Guernica 37 International Justice Chambers, Wolfgang Kaleck, General Secretary, European Center for Constitutional and Human Rights, and Giunduz Mamedov, Deputy Prosecutor General of Ukraine.

UHHRU/ USAID Program co-organized webinar to boost journalists’ professional skills (*links are in Ukrainian*)

Our Crimea-oriented lawyer, jointly with the USAID-funded Media Program in Ukraine by Internews, [delivered a webinar](#) for journalists on what they should know about IHL. This event continues a series [started in 2020](#) with the aim to raise understanding of Ukraine’s armed conflict and occupation terminology and specifics. Participants got acquainted with the basics of IHL, learned the differences between types of armed conflict and occupation and how to determine the status of their participants, as well as learned about specifics of collecting and reporting information on war crimes and crimes against humanity. One of the main ideas behind this event was that correct media coverage of events helps to form undistorted, term-correct understanding of what is going on in Kremlin’s warfare against Ukraine globally and domestically, counteract fake information and manipulations. Keep an eye out for new announcements and join our future webinars!

² Launched in 2007, the Program envisages development of informal human rights education, contributing to cultivating a human rights culture, strengthening respect for the rule of law in Ukraine, promoting intercultural understanding and principles of peaceful conflict resolution. The Program currently counts more than 3,500 alumni from all regions of Ukraine.

³ Hosted jointly with Media Initiative for Human Rights NGO.



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MAIN EVENTS IN HUMAN RIGHTS AREA

Draft law No 2689 endured final voting in Parliament, paved way to reverse climate of impunity for war criminals

Being a novel piece of legislation for Ukraine, this [now-law](#) “On amending certain legislative acts of Ukraine concerning implementation of the norms of international criminal and humanitarian law” (*link is in Ukrainian*) is of high salience for Ukraine’s justice system, as plenty believe. The law is considered a tool for securing criminal and legal prosecution for international crimes committed during the armed conflict caused by the RF’s armed aggression (such as genocide, crime of aggression, crime against humanity, war crimes), ensuring compliance with international obligations to prevent legal and actual impunity for the commission of such crimes to bring war criminals to justice.

Leveling up reintegration of children and youth from the temporarily occupied territory (*links are in Ukrainian*)

- New procedure for admitting persons from the temporarily occupied territories to higher and vocational educational institutions has been approved by order of the Ministry of Education and Science of Ukraine No 271 of 1 March 2021; see [this link](#) for a brief summary.
- Law of Ukraine No 1414-IX “On fundamentals of youth policy” [took effect](#) on May 22. It defines purpose, objectives, principles, directions and mechanisms of youth policy in Ukraine, sets out the rules for promoting reintegration of young people from the temporarily occupied territories and IDPs into the Ukrainian socio-cultural space.

Amendments to the Criminal Procedure Code of Ukraine to prosecute suspects in absentia were given green light

Corresponding draft law No 2164 “On amendments to the Criminal Procedure Code of Ukraine to improve certain provisions in connection with the conduct of a special pre-trial investigation” has been adopted by the Parliament and signed by the President – [link in Ukrainian](#). The law [ensures](#) the inevitability of punishment for persons who have committed a criminal offense and, in order to avoid criminal liability, have left for other countries or occupied territory.⁴

⁴ To have a better grasp of underlying issues, the in absentia mechanism’s lasting way to perfection since its first introduction in 2014 and law’s connection to ongoing armed conflict in Ukraine, we unofficially suggest paying attention [to this post](#) (in Ukrainian) of Program’s former lawyer.



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