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MOSCOW FOR REFUGEE COORDINATOR

E.O. 12958: DECL: 03/24/2016

TAGS: PHUM PGOV PREF UP

SUBJECT: UKRAINE: FAMILY OF SLAIN JOURNALIST IHOR

ALEKSANDROV CLAIMS PERSECUTION

REF: A. 03 STATE 326248

B. 07 STATE 54846

Classified By: Ambassador for reasons 1.4 (b) and (d).

1. (C) Summary: The son of journalist Ihor Aleksandrov, killed in 2001 for his critical reporting on officials in Donetsk Oblast, told EmbOffs that he and his family continue to seek justice in his father's case and that he now fears for his and his family's safety. Both the lawyer of Myroslava Gongadze, wife of another slain Ukrainian journalist, and the director of a local media watchdog group agreed that the Aleksandrov family may face risks from Donetsk Oblast figures, but were not able verify if Aleksandrov's specific claims of persecution were true. Aleksandrov told Emboff that there was no place in Ukraine where he and his family can be safe and requested asylum. Post has reviewed his claim and determined that the family does not meet the threshold to qualify for refugee status for the reasons given in paragraphs 11-13. At his request, Post promised to keep the meeting confidential. End summary.

Gongadze's Widow advises Aleksandrov to Contact Embassy  
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2. (C) Post was recently contacted by Valentyna Telychenko, the attorney for Myroslava Gongadze, the widow of well-known journalist Georgiy Gongadze, who was murdered in 2000. Telychenko relayed Gongadze's request that Post meet with Aleksey Aleksandrov, son of Ihor Aleksandrov, an investigative journalist slain in Donetsk in 2001. During two separate meetings on May 16 and June 4, Aleksandrov told Emboff about persecution and threats by local authorities because of his family's continuing efforts to bring all those responsible for killing his father to justice.

Journalist's Killing Important 2001 Human Rights Case  
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3. (U) Journalist Ihor Aleksandrov, the director of a



television station in Donetsk Oblast, was well known for his fearless reporting on the corruption of Donetsk-based politicians and local law enforcement. His 2001 murder received high level attention and was mentioned in subsequent

State Department Human Rights Reports. In July 2006, the Luhansk Court of Appeals sentenced five people to between two and fifteen years for their involvement in the killing and awarded Aleksandrov's family \$80,000 in compensation for moral damages. The convictions were praised by human rights groups and mentioned in the State Department's 2006 Human Rights Report.

#### Family Says Justice in Father's Case Unfulfilled

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4. (C) Aleksey Aleksandrov told Emboffs that the five men convicted in 2006 were thugs who carried out orders of senior Donetsk officials to silence his outspoken father. He said that the initial investigation was flawed and that the subsequent lengthy court proceedings failed to fully investigate and reveal those who ordered the killing. He explained that the convicted killers had no clear personal motives to kill his father and Aleksandrov believes that senior officials close to former Prime Minister Yanukovich at the Donetsk Oblast Prosecutors Office and Ministry of Interior ordered the killing. Despite repeated appeals to the Prosecutor General's Office (PGO), Security Service of Ukraine (SBU), and the President to bring the instigators to justice, he and his family believe the GoU will not pursue a broader investigation nor enforce the court decision to award his family financial compensation. He said he has lost all faith in the Government, noting that high level officials, such as Prosecutor General Medvedko, may have something to hide and will not allow the investigation to move ahead.

#### Persecution Claim

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5. (C) Aleksandrov told Emboffs that Donetsk law enforcement and PGO officials have made threats and told him and his family to keep "quiet" about the case. He said that surveillance, cut phone lines, and disappearing mail had been a problem during publicized court proceedings. They have taken their concerns to the Kyiv-based Institute for Mass Information (IMI), a media freedom NGO, and Reporters Without Borders but fear that making their case too high profile could lead to reprisals. Aleksandrov said that both his family, and a journalist who recently wrote an article about their legal battle, experienced pressure from local officials

in Donetsk after the article appeared in a local newspaper on May 16. Aleksandrov concluded that there was no place in Ukraine where he and his family can be safe and requested political asylum.

6. (C) On June 4, Aleksandrov described several examples of harassment by authorities and anonymous threats beginning in the summer of 2007. He said that the persecution increased after Ukraine's Supreme Court ruled to enforce a lower court's order to compensate his family for damages and after his mother made public statements and sent letters to a court and the PGO in Luhansk complaining about how the case was handled. Aleksandrov said that he has received anonymous threatening phone calls on a monthly basis since mid-2007 - the most recent in June 2008 - warning that pursuing their case could be "costly" to the family. He said that his neighbors, and later his own family, noticed suspicious strangers near their home or traveling on public transportation, who appeared to be following them.

Aleksandrov complained that the local police did not respond to their complaints about the threats and apparent surveillance. Although the family has not received written threats since 2003, recent threats have become more subtle according to Aleksandrov. For example, he said that the family is called in on a quarterly basis by the SBU in Slavyansk, where they are questioned by officers in what he characterized as a threatening manner about their continued effort to investigate the senior Aleksandrov's murder and warned that the SBU knows where the Aleksandrovs work and live. He said that his mother is currently living in Russia with friends because of fear for her safety, but that the rest of the family does not consider moving to Russia a viable option.

#### Stifled Media Response/Legal Support

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7. (C) Aleksandrov claimed that mainstream local and national media refused to cover their story after the 2006 convictions of the henchmen. He said that local journalists were discouraged by powerful interests from carrying the story and claimed one outspoken journalist was threatened with the same fate as the senior Aleksandrov if he continued to investigate the case. He complained that his family's lawyer had been discouraged by local police and colleagues from actively defending the family's interest beginning in the fall of 2007. He noted that his lawyer had chastised him about meeting with Post, although Aleksandrov claimed he did not inform his lawyer of his meetings with Emboffs.

#### Aleksandrov Says No Response from Government to Threats

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8. (C) Aleksandrov left several documents with Emboff including press articles, court papers, and letters from his mother to senior Ukrainian Government officials about the case. In a 2007 letter to President Yushchenko, Lyudmila Aleksandrova, wife of the slain journalist, described the family's efforts to seek justice and appealed for help with the constant threatening phone calls and appearance of unknown persons at their home. She complained of being called in constantly by the local prosecutor's office and SBU for questioning and expressed fear of law enforcement agencies, which she believed could at any moment commit an act of violent retribution and explain it away as a common crime. She wrote that the family remains a political "bomb" that can expose the real violence against Ukrainian journalists. According to Aleksey Aleksandrov, there has been no response to this and a similar letter sent to the PGO last year.

#### Myroslava Gongadze's Lawyer Believes Fears Justified

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9. (C) Valentyna Telychenko, Myroslava Gongadze's attorney, told Emboff on May 20 that she had spoken with Aleksey Aleksandrov by telephone and he had raised the same concerns with her. She noted that there were similarities between the Aleksandrov and Gongadze murders, and that in both cases the principal planners behind the murders have not been brought to justice. When asked if the threat to Aleksandrov is real, she explained that although she would like to think Ukraine had made progress, she believed that harm could come to Aleksandrov - especially in Donetsk Oblast where politics, business, and organized crime are closely intertwined. She added that although conditions in Donetsk Oblast had improved somewhat in recent years, unexplained killings and disappearances still occur. She could not rule out the possibility that a petty criminal could be ordered by senior

local officials to silence the Aleksandrov family, and noted that Gongadze faced the same fear and uncertainty about threats against him, but decided to stay on thinking the worst outcome would be a beating, before he was actually killed in 2000.

#### Media Watchdog Confirms Legal Support

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10. (C) Victoria Syumar of the Institute for Mass Information (IMI), a media watchdog group, confirmed that IMI had provided legal assistance to the Aleksandrov family. However, she doubted that the family would succeed in its efforts to get the European Court of Human Rights to hear its appeal for the monetary compensation ordered but not enforced by the Ukrainian court system. She confirmed that the family had expressed fear of reprisals from criminal elements deeply embedded in Donetsk Oblast's power structure but provided no confirmation of Aleksandrov's claims or examples of similar incidents in Donetsk Oblast in recent years.

#### Comment - Claim Does not Meet Threshold

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11. (C) The fact of his father's murder and the general consensus among human rights observers that those behind his father's killing likely held important Government positions and have resorted to intimidation and violence in the past, compelled us to take Aleksandrov's claims seriously. The problem described by Aleksandrov, corruption combined with violent removal of business competitors and journalists, appears to be worse in Donetsk than in other parts of Ukraine. His claim of political persecution is based on the assertion that he and his family are regularly called in by the local prosecutor's office and SBU, where they are discouraged from investigating his father's murder, and threatening phone calls and the appearance of unknown persons at their home.

12. (C) Post notes the family does not appear to be in immediate danger and that Aleksandrov's specific claims could not be verified by any other source. We also note that there have been few reports of politically motivated killings in recent years and the Aleksandrovs have not exhausted all their options to remain in Ukraine while continuing their fight for justice. For example, his claims that the media and human rights organizations are no longer willing to report his family's case and threats against them, is far-fetched. There are examples of internet-based journalists and credible human rights activists in Ukraine, who have frequently criticized senior government officials - including their handling of the Gongadze case - without violent reprisal. In the limited number of recent incidents involving attacks or acts of intimidation against reporters or human rights activists, most appeared to be the result of disputes with local authorities. There have been no recent reports by credible human rights groups of senior officials involved in persecution, as had been the case during the Kuchma era.

13. (C) Post also notes that the family has decided to remain in the city of Slavyansk, where Ihor Aleksandrov was murdered and where they continue to be called in by authorities. Although the family explained that they would feel unsafe in other parts of Ukraine, their decision to remain in Slavyansk, where the risk is probably highest, seems to indicate that they feel there is little immediate danger. We also note that there is no way to verify Aleksandrov's specific claims that these threats are from Donetsk-based Government officials close to Viktor Yanukovych. Because of

these considerations, Post has determined that the Aleksandrov family does not meet the threshold to qualify as refugees. We will continue to follow the case and reevaluate claims if the family brings forward more credible and compelling proof of political persecution.

14. (U) Embassy Kyiv point of contact is Human Rights Officer Mark 490-4501, woodme@state.gov, woodme@state.sgov.gov.

15. (U) Visit Embassy Kyiv's classified website:  
[www.state.sgov.gov/p/eur/kiev](http://www.state.sgov.gov/p/eur/kiev).  
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Website pages 