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SUBJECT: UKRAINE: HATE CRIMES CONTINUE

Classified By: Acting PolCouns Robert Scott for reasons 1.4 (b) and (d).

1. (C) Summary: Since the beginning of 2008, human rights NGOs have reported over 40 apparently racially motivated attacks in Ukraine, five of which proved fatal. While the Government introduced new initiatives in 2007 and 2008 aimed at intensifying efforts to combat racism and intolerance, these have not proven effective in countering the negative trend. In a recent report, Amnesty International (AI) claimed that despite the growing number of attacks, authorities were reluctant to acknowledge the existence of intolerance and racial discrimination in Ukrainian society. AI also noted that the Ministry of Interior's Department for Ethnic Crimes released statistics only on the number of crimes committed by foreigners in Ukraine and not on crimes targeting foreigners, making it difficult for the GoU and human rights group to fully assess the scope of this trend. During a meeting with DAS Merkel and the Ambassador on July 25, Interior Minister Lutsenko implied that the problem of xenophobia is a result of illegal immigration rather than the rise of hate groups.

2. (C) Comment: Current government initiatives, which include President Yushchenko's directive to the Interior Ministry and Prosecutor General's Office to take unspecified steps against xenophobic crimes, and the Cabinet's establishment of an interagency working group on xenophobia, have not as yet generated tangible actions or results. The response has tended to focus on post-event law enforcement and not on addressing the social conditions and norms leading to ethnic/racial intolerance and the growing number of racially motivated attacks. Interior Minister's Lutsenko's attempt to paint the issue as a problem of illegal immigration is disappointing as it shifts the blame onto the victims rather than the perpetrators of the violent attacks. Post will continue to monitor general trends, including the government's response to the problem of hate crimes, and strongly encourage it to follow through on its promises to take the problem seriously. End of Summary and Comment.

Update on Hate Motivated Violence



3. (U) Since the beginning of the year, human rights NGOs reported over 40 racially motivated attacks, five of which resulted in the deaths of the victims. While trend projection remains an inexact exercise, it seems that 2008 may match or exceed the 60 attacks and eight fatalities recorded in 2007. The majority of the assaults continue to occur in Kyiv and targets are mainly individuals of African or Asian heritage. This year's five fatal incidents:

- The killing of a Palestinian student in Kyiv on June

19. Kyiv police detained two suspects and launched a criminal case on charges of premeditated murder.

- The purported killing of a Congolese national in Kyiv on June 9. The MOI has announced that the cause of death was a heart attack, while members of the African community insist it was a racially motivated killing.

- The killing of a 40 year-old Nigerian market trader in Kyiv on May 29. Police said the motive for the fatal attack was unknown. On June 3, the UNHCR and International Organization for Migration, joined by some 30 human rights organizations, released a statement condemning the murder and urging Ukrainian authorities to conduct a thorough investigation of the killing, including the possibility that it was racially motivated.

- The killing of a 39 year-old refugee from Sierra Leone in Kyiv on March 8. Police opened a criminal case on charges of premeditated murder and detained a teenager.

- The killing of a 19 year-old Congolese refugee in Kyiv on January 27. Kyiv police detained two young men for the murder. The media reported on July 10 that, despite earlier evidence pointing to skinhead groups, investigators have dropped hate crime charges and are now considering hooliganism as the main motivation for the crime.

Report by Amnesty International Critical of GoU

4. (U) AI recently stated in a report that inadequate provisions in the law, poor police responses, and a failure to acknowledge the gravity of racially motivated crimes have led to virtual impunity for the perpetrators of racist crimes.⁸ According to AI, the victims of hate crimes occasionally find themselves the subject of prosecution for acting in self-defense. For example, a Nigerian market trader who was attacked and knifed in the chest by three young men in Kyiv on February 19, was charged with hooliganism for having reportedly hit the attacker on the head, while no charges have been made against the assailants. Nicola Duckworth, AI's Europe and Central Asia Program Director, called on the government to show clear political will to combat racism, end impunity for racially motivated crimes, combat racism and discrimination in society, as well as end racial discrimination by state officials.

Government Responds but Lacks Effective Follow-Through

5. (U) The Ukrainian government took initial steps to address xenophobic attitudes and actions during the first months of this year. On April 11 President Yushchenko sent official letters to Interior Minister Lutsenko and Prosecutor General Oleksandr Medvedko instructing them to take urgent steps to fight xenophobia and pointing to the increasing number of racist attacks and to the international attention that they raised. On April 2, the Cabinet of Ministers ordered the establishment of an interagency working group on racism,

xenophobia, and discrimination to address this problem through concerted efforts of the Ministries of Justice, Internal Affairs, Foreign Affairs, Education and Science, as well as the SBU, State Committee on Nationalities and Religions, and other relevant offices and NGOs.

6. (U) At the same time, the GoU lacked effective follow-through on its initiatives to combat xenophobia. For example, the MOI's Department for Ethnic Crimes continued to release only statistics on the number of crimes committed by foreigners in Ukraine. On July 9, Deputy Interior Minister Mykhailo Verbenskiy informed Nicola Duckworth, AI's Europe and Central Asia Program Director that 285 crimes were committed against foreign nationals and 1,165 by foreign nationals in the first five months of the year. Human rights advocates claim that references to crimes by foreigners are irrelevant because these incidents mainly involve nationals of the former Soviet republics involved in a wide range of possible criminal activities and do not reflect the growing number of violent attacks against people of non-Slavic heritage. At a press conference on July 25, Minister of Interior Lutsenko called for the Government to focus more on fighting xenophobia and racial intolerance and emphasized the importance of adopting a comprehensive policy on preventing racism and xenophobia. He also encouraged all foreigners who suffered from hate crimes to report all such incidents to the police.

Interior Minister Implies Problem is Caused by Illegal Migrants

7. (C) During a meeting July 24 meeting with DAS David Merkel and the Ambassador, Interior Minister Lutsenko claimed that he was the first Ukrainian senior official to publicly acknowledge the problem of racism and highlighted his decision to establish a special anti-xenophobia unit at the MOI. When asked about violent hate crimes, Lutsenko initially took a constructive approach to the problem attributing them the increase to economic hardships and the influence of Russia-based extremist groups. He claimed that the police had solved almost all murders of foreign nationals but expressed concern that police suppression of extremist movements might backfire and lead to their becoming more popular among youth. As the meeting neared completion, he voiced his views that the problem of racism and xenophobia is not a major human rights concerns in Ukraine and compared it favorably to the problems of discrimination against the Roma in Slovakia and hate-motivated violence in Russia. He attributed the increase in racially motivated attacks to the increased numbers of illegal migrants in Ukraine and expressed hope that assistance from EU will help decrease the level of xenophobia by reducing illegal immigration. These comments seemed to echo recent statements attributed to him by the press about illegal migrants and not letting Kyiv become another "Chinatown", which many human rights advocates felt were inappropriate.

8. (U) Visit Embassy Kyiv's classified website:
www.state.sgov.gov/p/eur/kiev.
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