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Joseph Biden
Vice President of the United States
Eisenhower Executive Office Building
1650 Pennsylvania Avenue, N.W.
Washington, DC 20504

July 16, 2009

Dear Mr. Vice President:

I am writing in advance of your upcoming visit to Ukraine to urge that you raise with your Ukrainian counterparts the growing problem of violent manifestations of racism and xenophobia and encourage the Ukrainian government to take concrete steps to combat these crimes. Progress on this important human rights issue would strengthen Ukraine's commitment to the rule of law and to the values that underpin European and Euro-Atlantic institutions.

Over the last three years in Ukraine, there has been a rising tide of violent crimes with a suspected racist motivation. In one recent tragic example, on June 26, Julius Azike, a Nigerian citizen, was shot in the head three times outside his house in Kyiv. He died before medical services could reach him, leaving behind a Ukrainian wife and three children. The police are investigating the possibility that the murder was motivated by racism, although have yet to identify any suspects. There have been hundreds of incidents of apparently bias-motivated violence in the past three years. Civil society organizations, which to date have been the only ones monitoring hate crimes in Ukraine's major metropolitan areas, report a six-fold increase in the number of such attacks during 2006-2008.

President Yushchenko and other senior government officials have publicly condemned such violence and have shown a willingness to work with international and domestic organizations toward developing solutions to this problem. Indeed, international engagement encouraged the Prosecutor General to issue an Instruction in February 2009 (No. 11/121) that for the first time requires an accounting of crimes committed on the basis of racial, ethnic and religious intolerance. This is an important step, but much remains to be done. Hate crimes in Ukraine are more often prosecuted as hooliganism rather than as bias-motivated crimes, and perpetrators are rarely brought to justice.

HEADQUARTERS
333 Seventh Avenue
13th Floor
New York, NY 10001
Tel: 212.845.5200
Fax: 212.845.5299

WASHINGTON D.C. OFFICE
100 Maryland Avenue, N.E.
Suite 500
Washington, DC 20002
Tel: 202.547.5692
Fax: 202.543.5999

www.humanrightsfirst.org

Human Rights First urges you to encourage the Ukrainian government to take the following concrete, practical steps, several of which could be advanced through cooperative efforts with the United States and multilateral bodies:

- Law enforcement agencies should publicly commit to investigate allegations of bias motives in specific violent crimes committed against people of other races and creeds, including foreigners and migrants, and to provide regular public updates into the investigation and prosecution of such crimes. A list of some of the murders committed in 2008-2009 with a suspected xenophobic motive—for which no one has yet been held accountable—is included below.
- The Ukrainian authorities should train police and prosecutors to identify and record bias motivations and to bring evidence of bias motivations before the courts. They should take advantage of training opportunities available from international organizations, e.g., the OSCE's Law Enforcement Officer Program on Combating Hate Crimes, and on a bilateral basis, e.g. through the United States Department of Justice, as well as through international and local nongovernmental organizations working in Ukraine.
- Ukrainian law enforcement officials should reach out to community and other nongovernmental groups to encourage hate crime victims to report crimes to the police. The authorities should ensure that reports of police harassment of hate crime victims are investigated and, if appropriate, prosecuted.

As a follow-up to steps already taken by the government, including the action plan adopted last year by the Interministerial Commission on Combating Racism, we further recommend the following:

- In implementing the instruction to collect data on bias-motivated violence (No. 11/121), law enforcement and criminal justice authorities should draw on the experience of other countries who engage in such monitoring—particularly the FBI in the United States—seeking to institute the most efficient and up-to-date monitoring systems, as well as best practices for the investigations into and prosecutions of attacks.
- The Ukrainian authorities should reach an agreement with the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), identifying specific areas in which ODIHR would provide technical support and assistance to combat violent hate crimes, including through expanded law enforcement training.
- The Ukrainian authorities should ensure regular public reporting of the concrete actions, achievements, and shortcomings of the special units on combating racism and xenophobia created in the Interior Ministry and the State Security Service, the State Committee for Nationalities and Religion, the Foreign Ministry's special envoy and the recently created Inter-Ministerial Commission on combating racism, xenophobia, and

discrimination. The Inter-Ministerial Commission should be entrusted with adequate authority and sufficient resources to address the problem.

- ◉ These bodies should formalize their outreach to civil society, including by meeting on a regular basis with nongovernmental organizations, including through the Diversity Initiative, a coordination group of organizations based in Ukraine and dealing with the problem of hate crimes.
- ◉ The Ukrainian authorities should work to pass legislation to make mandatory the use of penalty enhancements in cases where prosecutors have demonstrated that a violent act was motivated by bias. The systematic use of such penalty enhancement provisions in appropriate cases will send a strong message of condemnation of hate crimes.

We welcome Ambassador Taylor's efforts, as well as those of U.S. Embassy personnel and State Department officials in Washington, to raise the hate crime issue with Ukrainian authorities. We believe that it is important for the U.S. administration to continue to stress that progress on these issues is important to the U.S.-Ukraine bilateral relationship and to Ukraine's efforts to more deeply integrate into European institutions.

I would be glad to provide your advisers with additional information or material that may be useful to you in advance of your visit.

Sincerely,



Elisa Massimino
CEO and Executive Director
Human Rights First

Murders in 2008 and 2009 with a suspected bias motivation

- On June 26, 2009, a 38-year-old Nigerian immigrant Julius Igbodunu Azike was shot in the head three times outside his house in Kyiv, where the victim lived with his Ukrainian wife and three children. Azike died before medical services could reach him. He worked at the Kyiv Shuliavska Market, which has become a site of frequent violent hate crimes and other abuses in recent years.
- On January 19, 2009, 24-year-old Nigerian national was stabbed at a tram stop in Lviv. The victim died, leaving behind a Ukrainian wife and two children.
- On June 9, 2008, a Congolese immigrant Atonga Luilu was found dead with visible head injuries and a broken neck on a residential neighborhood street in Kyiv, in what local monitors believe may have been a racially-motivated murder. The police preliminarily concluded however that Luilu's death was accidental, resulting from his falling down after an epileptic fit.
- On May 29, 2008, in Kyiv, a Nigerian national was found dead in the Solomenskiy district of the city with multiple knife wounds. Police initially stated that the motive in the murder was unknown. The UNHCR, the IOM, and some 30 other members of the non-governmental Diversity Initiative urged the authorities to conduct a thorough investigation of the murder, including the possibility that it was racially-motivated.
- On March 8, 2008, in Kyiv, Gbenda-Charles Victor Tator, a 39-year-old refugee from Sierra Leone, was walking with his wife near the “Obolon” market when he was set upon by two youths who stabbed him some ten times. He died on the spot. Four days after the incident Interior Minister Yuriy Lutsenko announced that police detained a minor in connection to the murder. The youth was reportedly a member of a skinhead group.

Tator’s funeral turned into a march against racism. In an act of protest over the worsening conditions for foreigners in Ukraine, friends and family of the victim as well as antiracist activists – as many as 100 people – walked in procession through the streets of Kyiv from the morgue to the cemetery. Victor Tator was a graduate (with honors) of the Kyiv State University and planned to marry his longtime Ukrainian girlfriend, with whom he was raising a child from her previous marriage.

- On January 27, 2008, in Kyiv, the body of Joseph Bunte, a 19-year old asylum seeker from the Democratic Republic of the Congo, was found with 17 knife wounds in the head, chest, and back. In response, the UNHCR and the IOM expressed grave concern and urged the authorities to investigate the possibility that it was motivated by racism. The police investigation culminated with arrests of two 16-year-old skinheads suspected of murdering the Congolese immigrant.