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INTERNATIONAL**



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Dear Prosecutor General

#### **SEARCH OF PREMISES AND CONFISCATION OF FILES OF VINNYTSYA HUMAN RIGHTS GROUP**

I am writing to you to express Amnesty International's concern about the recent search and inspection carried out in the home of Dmytro Groysman, the Chair of the Vinnytsya Human Rights Group, and in the office premises of the group. The Vinnytsya Human rights group is unable to continue its human rights activities as a result of the actions of the police, Amnesty International is concerned at possible violations of freedom of expression in this case, that Dmytro Groysman may have been targeted because of his lawful human rights work, and furthermore, that the police may have acted in violation of the Criminal Procedural Code.

At 11am on 15 October, 10 police officers arrived at the home of Dmytro Groysman, the Chair of the Vinnytsya Human Rights Group and his partner Svitlana Poberezhets at ul. Kozitskogo 54/1 in Vinnytsya. Dmytro Groysman was absent on business in Kyiv. They showed a court order dated 22 September 2010 authorizing them to search the flat for pornographic material because of a link on Dmytro Groysman's personal blog to a video (originally shown on Russian television and posted on news websites in Ukraine) showing Russian opposition politicians and others engaging in sexual acts. The search warrant stated that the search was being carried out under Article 301 Part 2 of the Criminal Code which refers to the importation, making, sale or distribution of pornographic items. Dmytro Groysman has not been charged with any offence. The police officers searched the flat and confiscated paper files, computer discs, memory sticks and a laptop relating to the work of the Vinnytsya Human Rights group. The search of the flat continued until 7pm when the police officers asked to see the office premises which are located in a separate flat nearby. Svitlana Poberezhets initially refused entry on the grounds that the police officers did not have a search warrant for the office premises, but at 8pm, after being told that the police would break the door down, Svitlana Poberezhets opened the door. The police carried out an inspection of the office premises until 2am. Again files and electronic media relating to the work of the Vinnytsya Human Rights Group were confiscated and removed.

#### **FREEDOM OF EXPRESSION**

Amnesty International is concerned that Dmytro Groysman's right to freedom of expression may be being violated in this case. In so far as Dmytro Groysman was commenting on material that is widely available in the public domain, and to which he posted a link to one of the many possible sites hosting this material, any charges resulting from the investigation would represent a violation of his freedom of expression. The fact that Dmytro Groysman appears to be the only person under investigation in connection with this video would suggest that he may have been singled out because of his human rights activities with the purpose of preventing the activities of the Vinnytsya Human Rights Group.

#### RIGHTS OF HUMAN RIGHTS DEFENDERS

Amnesty International is concerned that during the search of the flat and the inspection of the office a large number of files not related to the investigation. These files relate to the work of the Vinnytsya Human Rights Group on behalf of victims of human rights violations and asylum-seekers. The confiscation of these files has effectively paralysed the work of the human rights group and could harm their clients. Among the items confiscated were a number of files, the property of the UN Refugee Agency (UNHCR), relating to the cases of asylum-seekers who had been receiving legal assistance from the human rights group, which is a partner organization of the UNHCR. The files contain confidential information relating to the asylum claims of the asylum-seekers including sensitive information about threats to their personal safety in their countries of origin.

I would like to take this opportunity to remind you of the provisions of the *UN Declaration on the Right and Responsibility Of Individuals, Groups and Organs of Society to Promote And Protect Universally Recognized Human Rights and Fundamental Freedoms* (Human Rights Defenders Declaration) according to which governments are called on not only to ensure that human rights defenders are able to carry out their activities unhindered, but also to protect them against any "violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action" as a consequence of their human rights activity. Amnesty International is concerned that the current actions of the Vinnytsya police could be viewed as a violation of the principles of the Human Rights Defenders Declaration.

#### POSSIBLE UNLAWFUL ACTIONS BY THE POLICE

Furthermore, Amnesty International is concerned that the inspection of the office premises was carried in violation of the Criminal Procedural Code. The search of the flat belonging to Dmytro Groyzman was carried out on the basis of a court order; however the inspection of the office was carried out without a court order. According to Article 190 of the Criminal Procedural Code an inspection of property may be carried out on the basis of a court order except in urgent situations when the written consent of the owner may suffice. Urgent situations are defined as being connected to the saving of life and property or with a prosecution of a suspect. The police in this case did not have written permission and so far no suspects have been declared in this case.

Amnesty International urges you to:

- ✉ Investigate the legality of the police actions with regard to the inspection of the office premises of the Vinnytsya Human Rights Group, and in particular whether the police were acting according to Article 190 of the Criminal Procedural Code in carrying out an inspection of the office without a court order or written permission of the owner;
- ✉ Ensure that all files not connected with the accusation of importing, making, selling or distributing pornographic items, are returned forthwith, particularly the asylum-seekers' files which are the property of the UNHCR;
- ✉ Ensure that the Vinnytsya Human Rights Group is able to continue its lawful activities in defence of human rights unhindered.

We look forward to your response at your earliest convenience.

Yours sincerely



Nicola Duckworth

Director

Europe and Central Asia Programme