

AMNESTY INTERNATIONAL

Public Statement

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Ukraine: Authorities must protect right to freedom of assembly and expression

Amnesty International today urged the Ukrainian authorities to ensure that the rights to freedom of expression and assembly and the principle of proportionality of force is respected by law enforcement officers at all times and that demonstrators are not ill-treated or detained for exercising their right to peaceful assembly.

Tensions are mounting in the capital, Kyiv, as opposition supporters from all over Ukraine continue to gather in Independence Square to protest the results of the second round of the presidential elections. Viktor Yanukovich has been declared the winner by the Central Election Commission, but the opposition candidate Viktor Yushchenko has declared the results to be falsified and, quoting the example of Georgia, has called on his supporters to continue a non-violent struggle to overturn the results.

Amnesty International recognizes that the Ukrainian authorities have both a responsibility and an obligation to ensure the safety and security of local inhabitants and property. However, it is also their duty to ensure that people can peacefully exercise their right to freedom of assembly and expression.

Amnesty International is reminding the Ukrainian authorities of their obligations under international treaties such as the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms. The organization is also asking for assurances that human rights standards relating to the use of force and firearms are fully observed during policing operations. Amnesty International does not oppose the lawful use of reasonable force by police officers. However, the government must ensure that police officers act in accordance with international standards and use force only when strictly necessary in accordance with the Article 3 of the United Nations Code of Conduct for Law Enforcement Officials which states: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty".

Background

The first round in the presidential elections in Ukraine was held on 31 October and resulted in a narrow win for the opposition candidate Viktor Yushchenko. According to the Organization for Security and Cooperation in Europe (OSCE) the election campaign was marked by overwhelmingly biased media coverage in favour of the government candidate Viktor Yanukovich. There were reports of pressure on voters to vote for particular candidates and irregularities at polling stations. The authorities failed to take remedial action between the two rounds of voting and the International Election Observation Mission reported that "State executive authorities and the Central Election Commission (CEC) displayed a lack of will to conduct a genuine democratic election process."

In the months before the second round of elections, on 21 November, Amnesty International received reports that the Ukrainian authorities violated the rights of freedom of expression and assembly and the right not to be subjected to arbitrary arrest or detention. These included reports that members of the youth opposition organization PORA were subjected to arbitrary arrest throughout Ukraine, and in Sumy election observers and members of the public who gathered at a polling station to demand the results of the elections on 31 October were subjected to arbitrary arrest.