

HRC 37 - Agenda Item 6 – Adoption of of UPR Outcome of Ukraine

Geneva 19 March 2018

Oral statement by the International Fellowship Of Reconciliation

Speaker: Derek BRETT

The International Fellowship of Reconciliation wishes to draw the attention of this Council to the case of journalist and conscientious objector Ruslan Kotsaba, which raises severe concerns regarding freedom of expression, freedom of conscience and independence of judges and lawyers in Ukraine.

Kotsaba, who had been active in the Euro-Maidan movement, subsequently condemned the civil war and the reintroduction of conscription. He was arrested in February 2015 and was sentenced to three and a half years imprisonment for “obstruction of the Ukrainian armed forces”. In July 2016, the Court of Appeal overturned the conviction.

However, on 1st June 2017, the superior High Specialized Court of Ukraine for Civil and Criminal Cases decreed that the case must be reopened. It was first referred to the Bohorodchany District Court, but the judge recused himself on the basis of previous connections to Kotsaba, and the case was referred to the Dolyna District Court.

A hearing was to be held on 19th February, but on the application of Kotsaba's lawyer, the charges were sent to the Public Prosecutor in Ivano-Frankivsk, who ruled that the indictment had not yet met the rules of the code of criminal procedure. Kotsaba thus remains free and awaits further developments.

It seems that the legal community at the grassroots level is generally unconvinced by this case. The insistence at a higher level on reopening it raises fears that political interference may be involved.