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ANTI-SEMITISM IN UKRAINE IN 2010

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Introduction

Some acts of anti-Semitism in Ukraine (2008-2010)

Nationalism and Anti-Semitism in Western Ukraine

Anti-Semitism in the 2010 Ukrainian Presidential Election Campaign

About Some Anti-Semitic Actors in Ukraine

Recommendations

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Anti-Semitism in Ukraine

The Constitution declares in Article 11 that "The State shall promote the consolidation and development of the Ukrainian nation, its historical consciousness, traditions, and culture, as well as development of ethnic, cultural, linguistic, and religious identity of all indigenous peoples and national minorities of Ukraine."

Similarly the Law "On National Minorities in Ukraine" guarantees its citizens, irrespective of their nationality, equal political, social, economic and cultural rights and freedoms, supports development of national identity and self-expression.

In order to guarantee the observance of the rights of minorities, a State Committee of Ukraine for Nationalities and Religions has been put in place.

In 2001, a nationwide census registered a 10.9 million ethnic minority community representing more than 130 nationalities (22.2% of the overall number of persons living in Ukraine). The 8.3 million Russian population forms the most numerous national minority in Ukraine.

Sixteen ethnic groups range from 30,000 to 300,000: Armenians, Azeris, Belarusians, Bulgarians, Gagauzians, Greeks, Georgians, Germans, Gypsies, Hungarians, Jews, Moldovans, Poles, Romanians, Slovaks and Tatars (Crimea).

The Jewish population in Ukraine amounts to about 100,000 people. Most of them live in Kyiv (18,000), Dnipropetrovsk region (13,800), Odessa region (13,400), Kharkiv region (11,600) and Donetsk region (8,800). In sixteen other regions, their communities range from 1000 to 4000 people. 3.1% of the Jews regard Hebrew as their mother tongue while those regarding Ukrainian and Russian as their mother tongues account for 13.4% and 83% respectively. Hebrew falls in the category of non-territorial languages protected by law.

According to the 2009 US Department of State report, anti-Semitic violence continued to be a problem and was part of an overall increase in violent hate crimes during the reporting period. There were several incidents involving hate speeches against Jewish persons and institutions as well as against other groups. Synagogues, Jewish cemeteries, and memorials were vandalized on several occasions.

Some Acts of Anti-Semitism in Ukraine (2008-2010)

2010

In April 2010, twenty-six graves in the old Jewish cemetery of Ternopil (western Ukraine) were vandalized with anti-Semitic and other graffiti.

On April 20, 2010, on Hitler's birthday, Aryeh Leib Misinzov, a 25-year-old former student in the Chabad Yeshiva¹ at the historic Brodsky Synagogue in Kyiv, was kidnapped and murdered by a criminal gang member. A few months earlier, Misinzov had left the Yeshiva and tried his luck in business.

¹ Rabbinical school of the Chabad-Lubavitch movement.

On April 21, 2010, unknown people painted "Death to the Jews" and "The Holocaust Continues" on the walls of a Jewish school in Kyiv.

On June 6, 2010, anti-Semitic graffiti and a swastika were spray-painted on the Jewish house building in the city of Zaporizha (south central Ukraine).

On September 20, 2010, the day of Yom Kippur, some anti-Semitic graffiti were found on the statue of the "Sorrowful Mother" with the words "Death to the jews" written on the stone in Poltava (central Ukraine).

On September 25, 2010, an Israeli Breslov Hassid² was stabbed to death and his brother was beaten late at night in the Ukrainian city of Uman (central Ukraine). Shmuel Toubul, 20, and his older brother Rafael were in Ukraine to assist Jews making the pilgrimage to the grave of Rebbe Nachman of Breslov, a prominent Hassidic rabbi. The three assailants fled the scene but hours later, two of them were stopped by the police.

2009

On February 2, 2009, a homemade bomb, consisting of a large bottle with white powder and a timer, was discovered in the basement of a synagogue in Lutsk (western Ukraine). The staff was evacuated and the explosive device was successfully neutralized by the police. The Jewish community called for a full investigation.

On February 26, 2009, a monument that honors the late Lubavitcher Rebbe³ was vandalized. The granite plaque was damaged apparently with hammers, and the perpetrators also attached xenophobic fliers to the memorial.

On May 25, 2009, unidentified attackers painted swastikas on the walls of the Jewish Charity Center in Feodosia (southern Ukraine). Representatives of the Center attributed lack of progress in investigation of the case to the lax attitude of local police toward previous anti-Semitic incidents.

On June 11, 2009, four unknown vandals threw cans of brown paint on the walls of a synagogue in Kremenchug (central Ukraine).

On August 30, 2009, vandals painted swastikas and anti-Semitic slogans on the main entrance of a Jewish charity's building in Melitopol, southern Ukraine. Similar graffiti appeared as well in nearby towns. During World War II, Melitopol was in the part of Ukraine that fought against Nazi invasion.

In August 2009, Serhiy Ratushniak, mayor of Uzhhorod (western Ukraine) and candidate in the 2010 Ukrainian presidential elections, was accused of anti-Semitism after the beating of a female campaigner of Arseniy Yatseniuk, also Presidential candidate. Ratushniak was accused of hooliganism, abuse of office and violation of racial and national equality of citizens. He denied the claims. But after his

² Breslov is a branch of Hasidic Judaism founded by Rebbe Nachman of Breslov. Its adherents strive to develop an intense, joyous relationship with God and receive guidance toward this goal from the teachings of Rebbe Nachman.

³ Lubavitcher Rebbe Manachem Schneerson was a prominent hasidic rabbi who was the seventh and most recent Rebbe of the Chabad-Lubavitch Movement.

nomination, he told a local paper that "Jews were to blame for all his country's troubles".

On September 13, 2009, the front door of the Hebrew Immigrant Aid Society (HIAS) offices in Kyiv was defaced with Nazi symbols. Responding to suspicious noises in front of the building, a guard saw three young men leaving the area.

On October 26, 2009, vandals splattered black paint on the monument marking the home and birthplace of Lubavitcher Rebbe Menachem Schneerson in Nikolayev, southern Ukraine. It was the second time vandals struck at the site that year.

2008

On 19 January 2008, stones were thrown at a building, which houses a synagogue and Jewish Chabad-Lubavitch school in Kyiv. Several windows were broken.

On the night of 25 January 2008, a man attempting to paint anti-Semitic graffiti on the main synagogue in Kyiv was caught by police and told them that he was promised payment for painting the graffiti.

On 24 January 2008, a group of 4 persons beat Rabbi Dov-Ber Baitman, a teacher at the Jewish educational center Shiurey Torah in Dnepropetrovsk (east central Ukraine), when he walked out of the central Golden Rose synagogue after evening classes. The attackers also shouted anti-Semitic insults. In March 2008 it was announced that the attackers were caught.

In late January 2008, swastikas, "Achtung Jude", "Hitler" and other insults were discovered on the building and fence of the Jewish charity organization Khesed in Krivoy Rog (south central Ukraine).

On 5 February 2008, the Ukrainian Antena cable channel broadcasted an interview with Kostya Zarudny, head of the "Historical Truth" organization. Zarudny said that "We see how the lie of the Holocaust continues in Ukraine, how once again the fantastic figure of six million is brought out, and that in Ukraine one and a half million kikes were supposedly killed... How long is this kike lie going to brainwash us?" Zarudny has a PhD in history on "the distorted history of Ukraine."

On 13 February 2008, the Ukrainian Antenna cable channel broadcasted an interview with political analyst Igor Mazur on the partial rehabilitation of Ukrainian nationalists who fought with the Nazis against the Soviets during World War II. In response to a press conference held in Russia the previous day, during which the speakers criticized Ukrainian activity on this subject, Mazur said that "the kike-lovers and other freaks gathered in Moscow" in order to criticize Ukrainian politicians who "for the kike's money" betray their nation. According to Mazur, "the task that the Jews have is not to allow the foundation of truly independent and strong states in Europe by healthy national forces ... Otherwise, their power will come to an end".

On 29 February 2008, anti-Semitic and racist statements were made during a meeting of Ukrainian Cossacks in Lviv (western Ukraine). The Cossack leader Nikolai Pantelyuk said that "we have a state, but it is not Ukrainian". He also mentioned Russian and Jewish oligarchs and other examples of "the non-state forming ethnic groups" that should be ignored by Ukrainians. Another speaker, Taras Chuk,

historian and director of the Cossack Research Center at the Institute of History of the National Academy of Sciences of Ukraine, condemned "the dominance of enemies of Ukraine, the betrayers of Christ in the government, business and culture who destroy both the state and the nation."

On 3 March 2008, swastikas were painted at the 18th century burial site of Rabbi Levi Itzhak and on other gravestones at the Jewish cemetery in Berdichev (west central Ukraine). On 12 March 2008, the police arrested a 21-year-old suspect, who is a leader of a local skinhead group. He was released after 3 days, but not allowed to leave the area, and came to the local synagogue promising to pay for the damage. In June 2008 he was sentenced to a year and a half imprisonment for desecration of graves.

In late March 2008, posters warning that Jews murder children and use their blood to make Matza for Passover appeared in Sumy (north eastern Ukraine). The posters also accused Jews of a series of recent disappearances and murders of children in the region.

During the night of 15 April 2008, the memorial to Rabbi Aaron at the Jewish cemetery in Zhitomir (north western Ukraine) was set on fire. The perpetrators also painted swastikas, "Satan is come" and other anti-Semitic and satanic graffiti. The same grave was desecrated in November 2007. Local Jewish leaders called the police to put an end to the repeating anti-Semitic incidents and the European Jewish Congress condemned the incident. A week after the incident, the police claimed that three teenagers were playing soccer near the cemetery and lit a fire there in order to warm up. The fire got out of control and burned down the memorial. The police did not mention the graffiti.

On 24 April 2008 it was discovered that 11 gravestones were broken at the Jewish cemetery in Bolgrad, in the Odessa region.

In mid-May 2008 anti-Semitic graffiti appeared on several advertising boards in the center of Kiev. On one of the boards the perpetrators painted a Star of David with the word "death" in Russian under it.

On 23 May 2008 Dmitro Groisman, a Jewish human rights activist, was beaten near his apartment building in Vinnitsa (west central Ukraine).

In June 2008, a swastika and "Yids and Churki go away from Crimea" were painted on the wall of a building in Feodosia (Crimea) where the local Jewish charity organization "Yakhad" is located. "Churki" is a derogatory name for Caucasians.

In June 2008, tourists from France discovered a Star of David on gallows on a memorial plaque at the Kleparov train station in Lviv. The plaque marks the place from where the Nazis shipped 500,000 Jews to the Belzec death camps in Poland during 1941-1943.

On 11 June 2008, the Union of Young Orthodox Ukrainians, a previously unknown group, held a press conference in Kiev during which its representatives said that "Ukrainians have the right to any action in defense against the kike occupation and immigrants". The group's platform also calls for the banning "from Ukrainian television screens of all Rabinoviches" and to struggle against whoever is aiming to "destroy the Ukrainian culture, religion and nation".

On 1 July 2008 Oleg Tiagnibok, former member of the "Our Ukraine" party, said that "kikes and moskali and their minions have seized power, and without a tough, merciless purge, there is nothing we can do about it". "Moskali" is a derogatory name for Russians. This statement was part of a speech against Ukraine's president Viktor Yushchenko.

On 14 July 2008, for the 5th time in a year, a Holocaust memorial and the "Mourning Mother" memorial, located on a mass grave in Poltava, were desecrated with paint, Ukrainian national symbols and racist and anti-Semitic graffiti, including a Star of David on gallows and "Death to the Jews". The Holocaust memorial is dedicated to more than 3000 local Jews who were murdered by the Nazis on 23 November 1941. The other memorial is in honor of about 5000 Red Army prisoners of war and partisans murdered during World War II in the region.

On 29 July 2008, a gang broke into the offices of the Jewish youth program "Stars", located at the Shalom Chaverim Center for Religious Jewish Youth in Lviv, broke several windows and beat two workers of the center with metal rods. The perpetrators also shouted anti-Semitic insults, such as "Kikes leave Ukraine", "Ukraine is occupied by Kikes", etc.

In the summer of 2008, the Security Service of Ukraine (SBU) exposed a plot by a group of ultra-right extremists led by a former policeman in Kirovograd (central Ukraine) to blow up Kirovograd's Choral Synagogue. Representatives of the local SBU branch stated leaders of the group studied literature on Nazi Germany and Hitler and planned to attack local Jews. Members of the group were detained but later released after law enforcement officials threatened to prosecute further criminal activity. On October 7, 2008, the media reported the SBU forwarded the case to the Kirovograd prosecutor's office for further investigation.

On 7 August 2008, swastikas and "Long live the Nazis" were discovered on a memorial to Holocaust victims of the Janovska concentration camp near Lviv.

On September 13, 2008, a group of youths shouting anti-Semitic abuse assaulted Vinnytsya Rabbi Shaul Horovitz, his young son, and a friend. Police arrested the attackers. A local court ordered the attackers to pay a fine for committing an act of "hooliganism."

On October 15, 2008, a group smashed the windows of the offices to the Jewish Agency in Chernihiv (northern Ukraine). The police investigation was ongoing at the end of the reporting period.

On December 4, 2008, vandals smashed windows in a synagogue in Rivne (west northern Ukraine). The vandals were not identified, and the police investigation was ongoing at the end of the reporting period.⁴

⁴ Source of the 2008 incidents: European Jewish Press (A report on anti-Semitism in Ukraine in 2008, by Irena Cantorovich, from the Tel Aviv University's Stephen Roth Institute for the Study of Contemporary Anti-Semitism and Racism).

Nationalism and Anti-Semitism in Western Ukraine

The Holocaust and several waves of Jewish emigration from Western Ukraine have left many once numerous communities virtually without Jews but not without xenophobia and hatred.

In spite of a small group of Jews still living in the region (Lviv, Ivano-Frankivsk and Rivne), xenophobia is on the rise and anti-Semitism is at «stable» high level, according to Boris Komsky, Jewish activist and editor of Lviv Jewish publication «Shofar».

On the eve of WWII, there were hundreds of thousands of Jews in Galicia but only a few hundreds survived in the Holocaust organized by the Nazis and local collaborators. After the war, Jews from different regions returned slowly to Western Ukraine and mostly supported Soviet power. The roots of anti-Semitism in Galicia lie partly in the identification of Jews with Bolsheviks by the local population because, in their eyes, they destroyed their nascent statehood. Anti-Soviet sentiments are still strong in this part of the country that was annexed by the Soviet Union in 1944 and thus Jews are still not wholly accepted. Moreover, Ukrainian Jews have lost their Jewish language, mainly speak Russian and publish newspapers in Russian.

Anti-Semitism is also stimulated by the MAUP (Interregional Academy of Personnel Management, the largest private university in Ukraine, funded by some Muslim countries) and by ultra-nationalist political parties like the Ukrainian Conservative party⁵, Svoboda and Kostenko-Plyusch Ukrainian People's Party⁶ which respectively won 1 percent, 0,4 percent and 1,9 percent of the votes during parliamentary elections in 2006, their best scores being in the western region.

Many Jews say Yuschenko's reign was not without tensions with Ukraine's Jews. A fierce opponent of Russian influence in Ukraine, Yushchenko gave posthumous awards of "Hero of Ukraine" to several Ukrainian nationalists who fought the Soviets during World War II but also collaborated with the Nazis: Roman Shukhevich, commander-in-chief of the Ukrainian Insurgent Army (UPA)⁷ from 1943 to 1950 and battalion Nachtigal⁸; and Stepan Bandera, head of the Organization of Ukrainian Nationalists (OUN-B)⁹.

The Jewish community also became anxious about the Ivano-Frankivsk decision to grant members of the SS Galichina division¹⁰ rights equal to those of Soviet Army veterans.

⁵ This party was founded at the constituting assembly held on June 27, 1992 as a result of Ukrainian National party (UNP) and Ukrainian Public - Democratic party (UPDP) unification. At its origins, the party wanted the creation of a Ukrainian Independent state.

⁶ It's a conservative, nationalist, right-wing Ukrainian party that split from "The People's Movement of Ukraine" party in 2001.

⁷ The Ukrainian Insurgent Army (UPA) was a Ukrainian nationalist partisan army that engaged in a series of guerilla conflicts during WWII against Nazis, the Soviet Union, Czechoslovakia and Poland.

⁸ It was one of two military units formed on February 25, 1941 by head of the Abwehr Wilhelm Franz Canaris, which sanctioned the creation of the "Ukrainian Legion" under German command.

⁹ The OUN-B takes its origins in the splitting of the Organization of Ukrainian Nationalists of 1940. This part is the more radical one. It came to control the nationalist movement in western Ukraine including the OUN's military wing, and the Ukrainian Insurgent Army (UPA), which was the major Ukrainian armed resistance movement.

¹⁰ The Galichina division was an SS division of Ukrainian Nationalist volunteers who took their oath to Hitler and Germany during WWII.

At the site of the Lviv's Lychakivske cemetery, great memorials and monuments have been erected, all devoted to the SS Galichina Division, the Ukrainian Galytska Army, the URA¹¹ and other combat units who also killed Jews and Russians up until 1953.

In spring 2006, Ukrainian rabbis called on authorities to ensure the safety of Jews in the country and to adopt legislation against anti-Semitism. «Unfortunately we do not see any adequate or unequivocal response toward manifestations of xenophobia from the Ukrainian authorities», said JTA rabbi Azriel Chaikin, Chief rabbi of Ukraine. «And this worries the Jewish community most of all».

Anti-Semitism in the 2010 Ukrainian Presidential Election Campaign

The presidential elections in Ukraine in January 2010 came at a time of political, social and economic instability. President Viktor Yushchenko's policy of de-Sovietization, undisguised rivalry with Russia and closer relations with the West did not gain the support of most of the population which, moreover, was suffering from the effects of the global economic crisis.

Eighteen candidates ran in the elections, including Yushchenko, who chose to play the nationalist anti-Russian card. Other strong contenders were the pro-Russian Viktor Yanukovich (Party of Regions); Yulia Tymoshenko (Yulia Tymoshenko Bloc – BYuT, prime minister at the time of the elections), who supports good relations with Russia and a Ukrainian nationalist line; the pro-modernization technocrats Arsenii Yatseniuk (Front of Changes Initiative) and Sergeii Tigipko (Labour Ukraine, former head of the Ukrainian Central Bank). Another candidate, **Oleg Tyagnibok** (All-Ukrainian Union Svoboda "Freedom"), who is known for his anti-Semitic views.

Election campaigns in Ukraine usually tend to trigger a rise in anti-Semitic propaganda. Two explicitly anti-Semitic and racist parties, for example, took part in the March 2006 parliamentary elections: the Ukrainian Conservative Party (UKP) and the abovementioned All-Ukrainian Union Svoboda. The campaign for the presidential elections of January 17, 2010 was no exception. In mid-November 2009 the Ukrainian Central Elections Committee confirmed the candidacy of the mayor of Uzhgorod, **Sergey Ratushniak**, as an independent candidate, despite his reputation for anti-Semitic statements and violent behavior. Indeed, no presidential candidate in Ukraine had ever conducted such a blatantly anti-Semitic campaign. Sergey Ratushniak engaged in smear tactics against another candidate, Arseniy Yatsenyuk (Frontier for Change), over his alleged Jewish roots. He portrayed him as a "brazen Jew" serving "the interests of thieves who dominate Ukraine" and using money obtained from criminal activities to capture the presidency.

Although Ratushniak's candidacy and behavior were condemned by many, there was no reaction from the authorities or from other candidates – not even from president Viktor Yushchenko who himself was a candidate.

Anna German, speaker of the Party of Regions (headed by Viktor Yanukovich), declared on November 23, that use of "the anti-Semitic card" during the elections was a "strong blow" to the Ukrainian wish to be part of the European community.

¹¹ URA (Ukrainian Revolt Army) was a sub-division of OUN. During WW II, it took control of significant parts of Valyn, Polissya and Galychina under cover of the German invasion of Ukraine.

She also demanded, to no avail, that the Central Elections Committee revoke Ratushniak's candidacy.

Despite all the protests, Ratushniak took part in the first round of the elections, but won only 0.12 percent of the vote.

Anti-Semitism was present even during the campaign for the second round. Now, it was Yulia Tymoshenko who was accused of being Jewish. During the first week of February 2010 anti-Semitic leaflets were distributed in mailboxes and on the streets in cities of Western Ukraine, with a photo of Tymoshenko and a call not to vote for a Jewess (using the derogatory word for a female Jew – *Zhidovka*).

About Some Anti-Semitic Actors

Interregional Academy of Personnel Management (MAUP)

In the wake of the Orange Revolution, Ukraine witnessed a substantial growth in organized anti-Semitism. Central to this development was an organization, known as the Interregional Academy of Personnel Management, better known by its Ukrainian acronym MAUP. MAUP is the largest private university in Ukraine, with 57,000 students at 24 regional campuses. Funded by Saudi Arabia, Libya and Iran, MAUP's printing house publishes about 85% of the anti-Semitic literature in Ukraine. Until very recently, Ukrainian President Yushchenko and Foreign Minister Tarasiuk served on its board; former President Kravchuk still does.

The Interregional Academy of Personnel Management (MAUP, which in previous years had accounted for nearly 90 percent of the country's anti-Semitic print media) but sharply reduced its output in 2009 thanks to the intervention of Feldman Foundation.

All-Ukrainian Union Svoboda

Oleg Tyagnibok, MP from the Lviv oblast, and leader of the political party Svoboda was expelled in 2004 from the parliamentary faction "Our Ukraine", after he addressed a meeting at the grave of the URA Commander in the Ivano-Frankivsk region using anti-Semitic slogans.

Tyagnibok denies his anti-Semitism. «I personally have nothing against common Jews and even have Jewish friends but rather against a group of Jewish oligarchs who control Ukraine and against Jewish Bolsheviks (in the past)», he said to the Jewish press agency JTA in an interview in Lviv. However, at the meetings in Lviv and Ivano-Frankivsk, he openly stated that «Kikes and the Russian Mafia», - who now rules Ukraine», are to be blamed for Ukraine's problems.

«Svoboda» accuses Jews of promoting the Russian language and culture in Western Ukraine.

Sergeii Ratushniak, mayor of Uzhgorod

In August 2009 a criminal investigation was opened against Ratushniak for attacking a 21-year-old woman who was distributing leaflets for Arsenii Yatseniuk near the Faculty of Chemistry of Uzhgorod National University. According to eyewitnesses, he

grabbed the woman by the throat and pushed her to the ground. She was treated for various injuries and concussion.

In an interview he gave on August 7, 2009 to the newspaper *Ukrainskaya Pravda*, Ratushniak said that Yatseniuk (who is not Jewish) was an "insolent little Jew" who was "successfully serving the thieves who are in power in Ukraine and using criminal money to forge ahead toward the Ukrainian presidency."

Ratushniak was charged in August with incitement of ethnic hatred, as well as hooliganism and exceeding his authority, for making anti-Semitic insults and perpetrating the assault. He was interrogated several times and banned from leaving Ukraine till the end of the investigation.

An interview with Ratushniak published on the news site www.from-ua.com on December 4, 2009 contained many virulently anti-Semitic statements. For example, he claimed that Zionism was a form of Nazism, and that,

"All their lives they were Yids and they are Yids. The word Jew was invented by the Yids' clique headed by Blank [the surname of Lenin's maternal grandfather], nicknamed Lenin, and Bronshtein [Trotsky's original surname], nicknamed Trotsky, who in 1917 made a Jewish state revolution... They controlled the finances, mass media, prisons, shootings... We must clearly explain to them that the titular nation here [is] Christian Slav... They know that Israel will be exterminated by the Arabs and they are looking for a territory for relocation... The 2000 [years] era of Jewish rule of the world is coming to an end."

Serhiy Kyrychenko

Jewish community leaders in Kherson repeatedly complained that Serhiy Kyrychenko, a member of the city council, was spreading anti-Semitic propaganda. Kyrychenko made frequent appearances on the local radio show "Vik," accusing Jews of robbing the Ukrainian people and plotting to enslave Ukrainians and exterminate Slavs.

UNA-UNSO

The UNA-UNSO (Ukrainian National Assembly – Ukrainian Nationalist Self Defence Organization) is the most prominent nationalist political organization in Ukraine. It was created in 1990 in Lviv. It was led by a maverick politician and nationalist writer: Dmytro Korchytsky¹².

After having taken part in some local conflicts, between 1994 and 1997, UNA-UNSO members gained prominence in Ukraine through a number of anti-Russian actions. UNA-UNSO deputies for example destroyed a Russian flag in Ukrainian parliament; then some fighters joined the Chechen rebels in the First Chechen War and fought against the Russian army.

¹² Dmytro Korchytsky is a Ukrainian writer, public figure, poet and publicist. He is a leader of a public movement "Brotherhood", which became a party during the election campaign of 2004. Before 1997, he was a vice chair of the party Ukrainian National Assembly (UNA) and the chair of the nationalistic association UNA-UNSO. He was a self-nominated candidate during the 2004 Ukrainian Presidential Elections.

Ideology of the organization combines radical Ukrainian nationalism, anti-Semitism, support for an authoritarian form of government and "national-oriented" economy.

In 1997, the government of Leonid Kuchma banned the Ukrainian National Assembly — Ukrainian National Self Defence. Members of UNA-UNSO responded with a number of violent street protests, resulting in over 250 arrests. Dmytro Korchynskyy himself was arrested and soon after left the ranks of UNA-UNSO.

In 1998, UNA-UNSO re-appeared as a more moderate strictly nationalist rather than a neo-Nazi organization. The organizations new leaders were Andriy Shkil and Yuriy Shukhevych, the son of the prominent Ukrainian nationalist Roman Shukhevych.

During the 2002 parliamentary elections, Andriy Shkil won a single-mandate constituency in the Lviv Oblast province and thus a seat in the Verkhovna Rada. The party itself won 0,04% of the votes. In 2003, Shkil left the party, he has become a close aide to Yuliya Tymoshenko.

The party did not participate in the 2007 elections.

Print media outlets

In 2008, researchers recorded 53 anti-Semitic publications in major print media outlets, compared to 542 in 2007. The Association of Jewish Organizations and Communities of Ukraine attributed the sharp decrease to several factors: political, administrative and social pressure on MAUP by NGOs, political parties, politicians, and the Government; many court decisions against MAUP; and the loss of students due to MAUP's deteriorating reputation.

Ultra-nationalist publications in Western Ukraine, «Za Vilnu Ukrainu plus»¹³, «Idealist»¹⁴ are known to publish anti-Semitic articles.

Conclusions

Under the Convention on Racial Discrimination states parties are obliged to ensure that all crimes committed on the basis of race or ethnic origin are prosecuted. Furthermore, the European Court of Human Rights has pointed out that racial violence is particularly destructive to fundamental human rights, and for this reason governments have a **special duty to establish whether or not ethnic hatred or prejudice may have played a role in criminal acts, and not to treat racist crimes on an equal footing with other crimes** (European Court of Human Rights, *Nachova and Others v Bulgaria*, Judgment, 6 July 2005, p.30).

Ukrainian authorities prosecute racist crimes as ordinary crimes. The **two articles of the Criminal Code which refer specifically to racist crimes, Article 161 and Article 67, are rarely used and many racist crimes are prosecuted as "hooliganism" leaving the racist motive unrecognized and unrecorded.**

¹³ "Za Vilnu Ukrainu plus" (for a free Ukraine) is an ultra-nationalist journal published by UNA in western Ukraine.

¹⁴ "Idealist" is the name of the journal published by the nationalist group known as the Ukrainian Idealist.

According to the **Diversity Initiative**, a group of local NGOs and Inter-governmental organizations in Ukraine, **out of the 11 investigations into racist incidents opened in 2009, nine were classified as "hooliganism"**.

In November 2009 changes were made to six articles of the Criminal Code including Article 115 (murder), Article 121 (grievous bodily harm) and Article 127 (torture) to include a reference to racial motivation as an aggravating factor. The maximum punishment under Article 161 (Violation of citizens' equality based on their race, nationality or religious preferences) was also increased from five to eight years.

However, the true extent of racist crimes in Ukraine remains hidden. There are **no accurate statistics on the number of racially motivated crimes and racist incidents reported**, nor are there any statistics about how many of those complaints were actually prosecuted and under what charges. In November 2009, the Ministry of Internal Affairs replied to an enquiry from Amnesty International stating that **only two racist crimes had been recorded during the first nine months of 2009**. This figure refers only to those crimes qualified under **Articles 161 (Violation of citizens' equality based on their race, nationality or religious preferences) and 180 of the Criminal Code (Interference in Religious Ritual)**, and gives no indication of the scale of the problem.

Recommendations

The Interior Minister

- should ensure that the ministry's special unit responsible for combating ethnic crimes has clear guidelines to address such crimes;
- should develop an internal protocol mandating police officers and investigators to record anti-Semitic crimes;
- should charge law enforcement forces to investigate allegations of bias motives in specific violent crimes committed against Jews;
- should commit to publicizing data on the incidence of violent hate crimes against Jews and provide regular public updates into the investigation and prosecution of such crimes.

The Ukrainian authorities

- should work to pass legislation to strengthen the criminal law on violent hate crimes. In particular, consideration of racial motivation under Article 67 should be mandatory rather than discretionary. The article, which regrettably has never been invoked, allows for a motive of "racial, national, or religious hatred" to be considered an aggravating circumstance by a judge in determining the sentence. The systematic use of such penalty enhancement provisions in appropriate cases will send a strong message of condemnation of hate crimes.

- should provide training for police and prosecutors in identifying and recording anti-Semitic motivations, and in bringing evidence of such motivations before the courts.
- 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.
- should commit to take advantage of training opportunities available by 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.
- 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, State Committee for Nationalities and Religion, the Foreign Ministry's special envoy and the recently created Interministerial Commission on combating racism, xenophobia, and discrimination.
- should entrust the Commission with adequate authority and sufficient resources to address the problem.

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