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U.S. Department of State

Ukraine Country Report on Human Rights Practices for 1998

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UKRAINE

Ukraine is governed by a directly-elected president and a unicameral parliament, the Verkhovna Rada (Supreme Council), which is elected partially according to proportional representation and partially by direct constituency mandate. According to international observers, the parliamentary elections held in March were an improvement over those held in 1994. Despite numerous flaws and irregularities, the elections generally reflected the will of the electorate. The President appoints the Cabinet and controls government operations. Although the Constitution mandates an independent judiciary, the courts are funded through the Ministry of Justice and are subject to political interference and corruption, and are inefficient.

The Security Service of Ukraine (SBU), the Ministry of Internal Affairs (which controls the various police forces), and the Ministry of Defense all have equal responsibility for internal security and report to the President through the Cabinet. The National Bureau of Investigation, established by presidential decree in 1997, was still not funded or fully organized by year's end. The armed forces largely have remained outside politics. While civilian authorities generally maintain effective control of the security forces, institutional government corruption sometimes can lead to their improper use. The SBU and other government agencies have interfered indirectly in the political process through criminal investigations of politicians, journalists, and influential businessmen. The SBU, police, and Prosecutor's Office have drawn domestic and international criticism for their failure to take adequate action to curb institutional corruption and abuse in the Government. Members of the security forces committed human rights abuses.

Ukraine is making a difficult transition from a centrally planned to a market-based economy. The private sector has continued to grow and now represents a substantial portion of the economy. Nevertheless, the country remains in a serious economic crisis. Industrial output has suffered years of sharp decline. Reform, particularly in the agricultural sector, has stagnated. According to official statistics, about half the workforce is employed formally in manufacturing, with the balance divided between services and agriculture; however, in reality many industrial enterprises have reduced or stopped production. Exports are diversified and include metals, chemicals, sugar, and semi-finished goods. Annual per capita gross domestic product for 1998 was approximately \$1,000. However, millions of employees go months without being paid, and most people derive a significant proportion of their income from the shadow economy. The Russian financial crisis adversely affected Ukraine's currency market, leading to a 70 percent devaluation and increased inflation. Investment remains at low levels with many potential investors discouraged by rampant corruption, onerous taxation, and arbitrary licensing practices. Unemployment has affected women disproportionately. Wealth is concentrated among the political elite and directors of state-dominated sectors such as metals, oil, and gas.

Ukraine's human rights record during the year was mixed; there was limited progress in some areas, but serious problems persisted. There were more reports of human rights violations than in the previous year, primarily due to infringements on freedom of the press and reports of government interference in the March parliamentary elections.

The criminal justice system has been slow to reform. Prison conditions are harsh, and police and prison officials regularly beat detainees and prisoners, and there were numerous instances of torture sometimes resulting in death; the beating of conscripts in the army by fellow soldiers was common and sometimes resulted in death. The Government rarely punishes officials who commit such abuses. There were instances of arbitrary arrest and detentions. Lengthy pretrial detention in very poor conditions was common, and detainees often spent months in pretrial detention for violations that involved little or no prison time if convicted. Long delays in trials are a problem. Political interference and corruption continue to affect the judicial process. The judiciary is overburdened, inefficient, and lacks sufficient funding and staff. These factors undermine citizens' right to a fair trial. The State continued to intrude inordinately in citizens' lives. The Government increasingly interfered with freedom of the press, most notably in the context of the March parliamentary elections. There were significant restrictions on freedom of association and limitations placed on nonnative religious organizations. There also are some limits on freedom of movement. Laws governing political party organizations have the potential to limit human rights. Violence against women and children; trafficking in women; discrimination against women; deep-seated societal anti-Semitism; and discrimination against religious, racial, and ethnic minorities are problems.

The 1996 Constitution provides a legal framework for protecting civil and human rights; however, many constitutional provisions still await the passage of enabling legislation. Consequently, actual human rights practices often do not conform to constitutional requirements, and many areas of life still are regulated by Soviet law and practices. Nonetheless, the country has made progress on a number of basic freedoms, including freedom of speech, which is generally respected. In addition, on several occasions, the Government implemented measures to punish officials who committed or abetted mistreatment of detainees and to purge local law enforcement agencies of corrupt elements. These measures do not appear to have had a significant effect, but are a first step. In January the President signed into law the creation of the constitutionally mandated Office of the Human Rights Ombudsman, and the Rada elected the first Ombudsman in April. However, the law does not provide any significant enforcement authority or provide for penalties for obstructing the Ombudsman's inquiries. In addition the 1998 budget contained no funding for the offices and staff of the Human Rights Ombudsman. Despite these hindrances, the Ombudsman's office was active in investigating human rights violations.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings by government agents; however, the pervasiveness of corruption, connections between government officials and organized crime, and the political activities of organized crime figures often blurred the distinction between political and criminal acts. Politicians, politically connected businessmen, campaign managers, and journalists were victims of possibly politically motivated--and sometimes fatal--attacks.

According to official statistics, there were 46 contract killings during the year, some of which may have been politically motivated. In April Vadym Hetman, former Member of Parliament and former director of the National Bank, was murdered outside his home. In February the deputy head of the Crimean government, Aleksandr Safontsev, was killed in a bomb explosion in Simferopol. The mayor of Shakhtersk was murdered in February. The campaign manager of a prominent Kiev mayoral candidate was found strangled in March. At year's end, these cases remained unsolved. In addition several politically active individuals were wounded in violent attacks.

Abuse of prisoners and detainees, and harsh prison conditions, sometimes led to death (see Section 1.c.). For example, a police officer in Kryuyrh beat a person to death; however, he was arrested and prosecuted. One of his colleagues also was arrested for condoning the beating (see Section 1.c.). There were 2,300 deaths in prison and detention facilities during the year.

Members of the military killed soldiers during violent hazing incidents (see Section 1.c.). According to a government official, 10 to 12 military personnel were beaten to death during the year, and a total of 20 to 30 died as an indirect result of injuries sustained from hazing. The Procuracy prosecuted approximately 200 military personnel for violent hazing during the year.

The Government made no known progress in resolving a number of the high profile killings of the past years. There was no progress in resolving the 1997 murders of the governor of the Razoolnensky district; the Crimean Deputy Minister for Tourism and Resorts; and the prominent businessman, Tabachnyk of Odesa; or the bombing of the intensive care unit of a hospital in Simferopol. The Government announced in the autumn that it had identified the killers of Rada deputy Yevhen Scherban in 1996 but did not publicize their names.

b. Disappearance

There were no reports of politically motivated disappearances.

There were no new developments in the 1996 kidnaping of the former speaker of the Crimean legislature or the 1994 disappearance of Myhailo Boichyshyn, a prominent leader of the Popular Movement of Ukraine party.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture; however, police and prison officials regularly beat detainees and prisoners, and there were numerous reports of such abuse. Amnesty International and other human rights groups continued to receive regular reports that Berkut (special militia units or riot police) troops beat

and tortured inmates as part of regular training exercises. The media reports that police subject detainees to the "swallow" where the detainee is placed on his stomach and his feet are tied to his hands behind him, forcing his back to arch. Another abuse is the "baby elephant," where a gas mask is placed on the prisoner's head and the flow of oxygen slowly reduced. Other detainees are beaten until they waive their right to an attorney. There is no effective mechanism for registering complaints about mistreatment or for obtaining redress for such actions. Prisoners may address complaints to the Human Rights Ombudsman and, in the first 5 months of its operation, that office received widespread reports of torture in pretrial detention. However, the Ombudsman has no enforcement authority, and the Government made little effort during the year to end such practices or to punish officials who committed or abetted such abuses. According to the office of the Human Rights Ombudsman, most of the complaints it received centered on human rights violations by law enforcement personnel.

Police also abused Roma, particularly in the Transcarpathian region, and harassed and abused dark-skinned persons (see Section 5).

In April by presidential edict, the Government created a Penal Department to oversee reform of the penal system and to serve as the administrative center of the penal system. The new department originally was placed under the supervision of the Ministry of Interior. Subsequently, however, it was placed under the Ministry of Justice, as requested by international observers. To date there have been no known changes in personnel, responsibilities, or practices from those of the Interior Ministry's penal system administration. The Government also acted to punish some prison and police officials who committed or condoned violence against prisoners. A supervising police officer in Kryvy Rih was arrested for condoning the actions of his colleague, who in 1997 beat to death an inmate of a "sobering center," to which publicly drunken persons are taken. In Sevastopol a court convicted a police officer of the 1996 beating death of a detainee in police custody. Given the scope of the problem, these isolated actions failed to limit abuses. Police corruption also remains a serious problem.

There were continued reports of harsh conditions and violence against conscripts in the armed forces. Senior officers reportedly required malnourished recruits to beg for food or money. Senior conscripts often beat recruits, sometimes to death. Punishment administered for committing or condoning such activities did not serve as an effective deterrent to the further practice of such abuses. Since 1991 450 soldiers have been convicted of violent harassment of their colleagues. Approximately 200 military personnel were prosecuted during the year for violent hazing (10 to 12 conscripts were beaten to death and 20 to 30 died from injuries related to hazing) (see Section 1.c.); sentences for beatings without serious injury were 2 to 3 years in a military penal unit. In May two soldiers were sentenced to 15 years in prison for killing a recruit. In June a court sentenced two soldiers to 15 years in prison and sentenced two others to 2 years in a penal unit for beating a young recruit until he committed suicide in 1997.

There were no developments in the 1996 beating of the Member of Parliament (M.P.) from Kiev (Myroslav Horbatyuk) or the attack on the former M.P. from Zaporizhzhia (Victor Slesarenko) whose car was blown up. They had claimed that the violent attacks against them were linked to their investigations into high-level corruption in the Government. The Government still has not announced the results of its investigations.

There was no improvement in prison conditions, which are very harsh and do not meet minimum international standards. Prison officials intimidate and mistreat inmates. Due in part to the severe economic crisis, prisons and detention centers are severely overcrowded and lack adequate sanitation and medical facilities. Due to overcrowding, the Parliament announced in July a mass amnesty that released 25,000 inmates. Because the country lacks a well-developed system of suspended sentences, and the law does not differentiate between misdemeanors and felonies, at least one-third of inmates were convicted of only minor violations.

According to the law, information on prison and pretrial detention conditions is considered to be a state secret, and no official statistics are available. However, information from diplomatic sources indicated that at the beginning of the year there were 218,085 prisoners in the penal system, 44,300 of whom were in pretrial detention. There were 2,300 deaths during the year, which is more than 3 times the death rate of the general population. Poor sanitary conditions result in deaths from diseases such as tuberculosis and dysentery, and there are frequent incidents of murder by fellow inmates and suicide. According to media reports, in 1997 there were 107 suicides in jails.

The Government continued to allow prison visits by diplomatic representatives and human rights monitors; however, these groups reported that during the year it became more difficult to obtain access to prisons. Cases were reported in which prisoners were not permitted correspondence and family visits were allowed only once per year. Prisoners may complain to the Ombudsman about the conditions of detention, but human rights groups reported that inmates were punished for initiating complaints.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain problems. The law provides that authorities may detain a suspect for 3 days without a warrant, after which an arrest order must be issued. The Constitution stipulates that only courts may issue arrest warrants, but under its transitional provisions, the Prosecutor's Office retains the right to issue search and arrest warrants until 2001. The maximum period of detention after charges have been filed is

18 months, but the law does not limit the aggregate time of detention before and during a trial. The law permits citizens to contest an arrest in court or appeal to the prosecutor. The Constitution requires immediate notification of family members about an arrest, but this action often is not taken in practice.

By law a trial must begin no later than 3 weeks after indictment, but this requirement rarely is met by the overburdened court system. Months may pass before a defendant finally is brought to trial, and the situation did not improve during the year. Complicated cases can take years to go to trial. Although the 1996 amendment to the Criminal Procedures Code provides for bail, it is used rarely. Restrictions on travel outside of a given area sometimes are employed. Accused persons usually are held without bail in pretrial detention for several months. The latest available official statistics (from 1996) indicated that there were 233,000 prisoners, 45,000 of whom were persons held without bail in pretrial detention. The Constitution provides compensation for unlawful or arbitrary arrest, detention, or conviction, but there are no known cases in which this provision was invoked. Reports indicate that this inaction is a result of lack of faith in the judiciary, rather than the absence of unlawful or arbitrary detentions.

The law stipulates that a defense attorney be provided without charge to the indigent from the moment of detention or the filing of charges, whichever comes first. There are insufficient numbers of defense attorneys to protect suspects from unlawful, lengthy imprisonment under extremely poor conditions. Although the concept of providing attorneys from the state system remains in principle, public attorneys often refuse to defend indigents for the low government fee. While in custody, a suspect or a prisoner is allowed by law to talk with a lawyer in private; however, human rights groups report that the client-attorney privilege occasionally is denied by prison or investigative officials. To protect the defendant, each investigative file must contain a document signed by the defendant attesting that the charges against him, his right to an attorney, and his right not to give evidence against himself or his relatives have been explained to him. An appeals court may dismiss a conviction or order a new trial if this document is missing. As defendants increasingly became aware of their rights, they insisted on observance of these procedures. However, many persons still were unaware of these safeguards.

The Government occasionally arrests persons who are openly critical of the Government (usually opposition politicians or editors/journalists from the opposition press) on criminal libel or tax evasion charges (see Section 2.a.). Mykhaylo Brodsky, part owner of the opposition paper *Kievskiy Viedomosti*, was arrested on tax evasion charges related to his "Dendi" financial companies in March. He was released in April following his election to Parliament. However, a fellow Dendi employee is still in pretrial custody. Mykola Syvulskiy, a leading activist of the opposition Hromada party, was arrested in September for illegal financial transactions. Since Syvulskiy was a member of the opposition shadow cabinet and the chief organizer of a referendum drive to unseat President Kuchma, many observers concluded that this arrest was politically motivated. In December an arrest warrant was issued for Oleh Lyashko, editor in chief of the opposition newspaper *Polityka*, for allegedly failing to appear at the criminal libel trial against him (see Section 2.a.)

Official corruption is widespread. The Government apparently enforced anticorruption statutes selectively for political ends. Victor Palyvoda, an aide to the former president, was acquitted of corruption charges after 3 years in pretrial custody. Former cabinet official Petro Shkudun was held in pretrial detention on corruption charges since February. All defendants and their attorneys maintained that they were singled out for their opposition to the current presidential administration.

In August the Government arbitrarily detained several hundred directors of mostly state-owned enterprises in the Kiev convention center where they were meeting. They were allowed to leave only after signing an agreement to repay contributions to the state pension fund (although in many instances the State owed more to the enterprises in terms of back wages and debts on purchases than the enterprises owed the State). Other debtor enterprise directors were sent to compulsory civil defense training at a camp outside of Kiev until they signed the agreement.

Exile as a punishment does not exist in the law, and the Government does not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice, the judiciary is subject to considerable political interference from the executive branch and also suffers from corruption and inefficiency. The courts are funded through the Ministry of Justice, which allows the Government to influence the judicial process. The presidential administration also reportedly continues the old Soviet tradition of weighing in by telephone directly with justices.

The establishment of an independent judicial system provided for in the Constitution awaits the passage of implementing legislation. As a result, the judiciary continues to operate according to Soviet principles. Most judges and prosecutors were appointed during the Soviet era, and court officials are attuned closely to the Government's interests. Human rights lawyers claim that the judiciary is not free from government influence, particularly at the regional and local levels. Court chairmen are, for instance, appointed directly by the executive and wield considerable influence over the outcome of a case through case assignments, control of staff and promotions, and control of social benefits available to judges. Court chairmen reportedly deliberately overburden independent-minded judges with too many cases and then instigate disciplinary actions against them for not completing their casework. There are credible reports that court chairmen regularly followed executive instructions.

The judiciary lacks sufficient staff and funds, which engenders inefficiency and corruption. The court system receives all its funding from the Ministry of Justice. Early in the year, the Prime Minister announced his intention to cut the budget of the arbitration courts drastically because they allegedly too often decided against state interests. Although this cut was not carried out due to the controversy it

created, the action demonstrated clearly the dependence of the court system on the executive, and the Government's willingness to make use of that dependence.

The authority and independence of the judicial system also are undermined by the poor record of compliance with court decisions in civil cases. Provisions calling for criminal punishment for noncompliance with court decisions rarely are used. Compliance is particularly poor if the decision clashes with government interests. The Prosecutor General, Head of the Supreme Court, chairmen of regional courts, and the chairman of the Kiev municipal court (or the deputies of these officials) can suspend court decisions, which leads to interference, manipulation, and corruption.

Although many local and international observers regard the Constitutional Court as the most independent judicial body, the extent to which it is independent in practice from the Government is not yet clear. Some observers construed the July ruling that subordinated the State Property Fund (the body responsible for privatization of state-owned property) to the Government as indicating a pro-presidential bias.

The 1996 Constitution provides for a thorough restructuring of the court system, including the introduction of appellate courts; however, pending the passage of the required enabling legislation, the court system still is organized along Soviet lines, with the exception of the Constitutional Court. The 1996 Constitution provides that the old court system may remain in place for a maximum period of 5 years, until 2001.

The court system consists of the Constitutional Court, general jurisdiction courts, and arbitration/commercial courts. General jurisdiction courts and arbitration courts are organized according to three levels: District courts; regional courts; and the Supreme Court and Supreme Arbitration Court. General jurisdiction courts are divided into criminal and civil sections. Military courts only hear cases involving military personnel.

The Constitutional Court consists of 18 members, appointed for 9-year terms in equal numbers by the President, the Parliament, and the Congress of Judges. It is the ultimate interpreter of legislation and the Constitution and determines the constitutionality of legislation, presidential edicts, cabinet acts, and acts of the Crimean Autonomous Republic. The President, at least 45 Members of Parliament, the Supreme Court, the Human Rights Ombudsman, and the Crimean legislature can request the Constitutional Court to hear a case. Citizens may only apply to the Constitutional Court through the Human Rights Ombudsman.

Under the current court system, cases are decided by judges who sit singly, occasionally with two public assessors ("lay judges" or professional jurors with some legal training), or in groups of three for more serious cases. The Constitution provides for public, adversarial trials, including a judge, public assessors, state prosecutor, defense, and jury (when required by law). With some qualifications, these requirements are upheld in practice. However, implementing legislation establishing juries has not been adopted. Complicated cases can take years to go to trial. In the interim, defendants usually wait in pretrial detention. The 1996 amendment to the Criminal Procedures Code provides for bail, but to date it has been used rarely.

Organized crime elements also are widely alleged to influence court decisions. The Justice Ministry reported that in 1997 135 judges were disciplined, 22 dismissed, and 5 prosecuted for bribery. No higher court judge has been disciplined to date. Criminal elements routinely use intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives. However, it has not yet been formed, and trial

participants are vulnerable to pressure.

Prosecutors, like the courts, are also organized into offices at the rayon, oblast, and republic levels. They are responsible ultimately to the Prosecutor General, who is appointed by the President and confirmed by the Parliament for a 5-year term. Regional and district prosecutors are appointed by the Prosecutor General.

Although by law prosecutors and defense attorneys have equal status, in practice prosecutors are much more influential. The procuracy, in its pretrial investigative function, acts in effect as a grand jury. A prosecutor may initiate investigation through his own office or conduct investigations initiated by the Ministry of Internal Affairs or the SBU.

The Constitution considerably curtails the prosecutor's authority, limiting it to prosecution, representing the public interest in court, oversight of investigations, and implementation of court decisions. However, in the absence of new criminal and criminal procedure codes to implement constitutional restrictions, the Prosecutor's Office continues to conduct investigations and oversee general observance of the law. In November 1997, the Constitutional Court interpreted the Procuracy Law, ruling that citizens can dispute prosecutors' decisions in court.

The Constitution includes procedural provisions to ensure a fair trial, including the right of a suspect or witness to refuse to testify against himself or his relatives. However, pending passage of legislation to implement these constitutional provisions, a largely Soviet-era criminal justice system remains in place. While the defendant is presumed innocent, conviction rates have changed little since the Soviet era. Nearly all completed cases result in convictions.

According to official statistics, in 1997 there were 237,000 convictions and only 1,102 acquittals (83,500 convictions led to jail sentences). In the first half of 1998, there were 125,429 convictions of which 46,144 resulted in prison sentences; 444 defendants were acquitted. However, as judges frequently send cases unlikely to end in conviction back to the prosecutor for "additional investigation" (which usually leads to the dropping of the case), these statistics are somewhat misleading. Additionally, evidence indicates that suspects often bribe court officials to drop charges before cases go to trial, to lessen sentences, or to commute them. However, as courts have become more independent, the number of acquittals has increased each year.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the Constitution requires that courts issue search warrants, this provision has not yet been implemented, and prosecutors continue to issue search warrants. The SBU may conduct intrusive surveillance and searches without a warrant, with the consent of the Prosecutor General, who nominally oversees this function of the SBU. However, the extent to which the Prosecutor General utilizes his authority to monitor SBU activities and to curb excesses by security officials is unknown. The Constitution provides citizens with the right to examine any dossier on them in possession of the SBU and to sue for physical and emotional damages incurred by an investigation. However, this right does not exist in practice, because the necessary implementing legislation has not been passed.

Some remnants of Soviet control mechanisms persist. There are no probable cause statutes, and police officials and militia personnel have the right to stop persons and vehicles arbitrarily to initiate extensive document checks and vehicle inspections. Police may detain a person arbitrarily for up to 3 hours to

verify identity.

All internal passports contain a stamp indicating residence and matrimonial status. Groups must be registered with the government to engage in almost any activity, whether commercial, political, religious, or philanthropic. Unregistered groups are prohibited from opening bank accounts, acquiring property, or entering into contracts.

The Law on Public Organizations prohibits members of the police, SBU, and armed forces from joining political parties. Prior to the March parliamentary elections, mass--perhaps coerced--enrollment of public sector and government employees augmented the ranks of progovernment parties, particularly the People's Democratic Party (see Section 2.b.).

The press and human rights groups reported several cases of abuse of psychiatry for economic reasons, where persons involved in property, inheritance, or divorce disputes were diagnosed wrongfully with schizophrenia and confined to psychiatric institutions. The country still uses Soviet classifications of mental illness and has no law on psychiatric practice. Persons diagnosed with mental illness may be confined and treated forcibly, declared not responsible for their actions, and stripped of their civil rights without being present at the hearings or notified of the ruling.

Section 2 Respect for Civil Liberties, Including:

Freedom of Speech and Press

The Constitution and a 1991 law provide for freedom of speech and of the press; however, in practice the Government partially limits freedom of the press through tax inspections, libel cases, subsidization, and intimidation of journalists that leads many to practice self-censorship. The Government has a virtual monopoly on broadcast media; however, there is a wide variety of newspapers and periodicals available, espousing different political points of view, and individuals can and frequently do criticize the Government without reprisal.

The print media, both independent and government-owned, demonstrate a tendency toward self-censorship on matters sensitive to the Government. Private newspapers have been established and are free to function on a purely commercial basis. However, they are subject to various pressures such as control of access to affordable state-subsidized newsprint; dependence on political patrons who may facilitate financial support from the State Press Support Fund; close scrutiny from government officials, especially at the local level; and politically motivated visits by tax inspectors. In 1997 the President issued a decree on support of the press that requires the Cabinet to draw up a list of publications needing government support, including those whose founders include central and local governments, public organizations, associations, unions, educational institutions, and newspaper employees. The journalistic community believed that this decree was intended to control the press by supporting loyal members. The dependence of the subsidized press and much of the private press on government patronage has particularly inhibited criticism at the local level. The Ministry has warned some periodicals against fomenting ethnic tensions and conducting antistate propaganda and has applied to the Prosecutor's Office to open investigations into those newspapers. However, no newspapers are known to have been prosecuted as a result.

The Committee on Protection of State Secrets enjoys broadly defined powers over all media. According to current law, information on executions, prison and pretrial detention conditions, and centers for the forcible treatment of alcoholics, are considered state secrets (see Sections 1.a. and 1.c.). Journalists report that, in general, the Committee has not interfered with their activities. One journalist, Oleg

Lyashko, editor of the opposition newspaper Polityka, was charged in June with violating secrecy statutes for a series of articles describing covert SBU activities against the West. His case was dropped shortly afterwards; however, in December Polityka was forced to cease publication following an October 6 district court ruling that banned the newspaper for having published these articles that allegedly contained state secrets--the same state secrets from the previously dismissed charge. The newspaper had never been informed that a court case was pending against it and was not given an opportunity to present a defense.

An arrest warrant for Lyashko also was issued by the Kiev Pechersk District Court for allegedly not appearing in court in connection with a summons for a separate libel case, although Lyashko claimed that he never received a court summons. Also in December, the local state printing company in Dnipropetrovsk refused to print the local opposition newspaper Dnepropetrovskaya Pravda, citing technical upgrades. Several observers argued that this action was a political decision, because these technical upgrades did not affect printing of the other newspapers that the company prints, and because Dnepropetrovskaya Pravda is currently the subject of a criminal libel suit.

The Government, both central and local, regularly targeted opposition newspapers with unannounced tax inspections or fire and building code inspections. Three opposition newspapers were forced to cease operations because their accounts were frozen at various points during the year by the Tax Inspectorate: Pravda Ukrayiny; Polityka; and Vseukrayinskiye Viedomosti. These newspapers appealed the decisions of the Tax Inspectorate. Pravda Ukrayiny won its appeal in June, but at year's end the decision was in abeyance pending a decision on the Tax Inspectorate's counterappeal. Although its accounts were frozen in June, Polityka still is being published, having reopened following a court appeal. Vseukrayinskiye Viedomosti went out of business in March due to a court decision that continued the freeze on its accounts and allowed confiscation of income, even while its appeal of the libel suit that had prompted the Tax Inspect