

UA 81/21

AI Index: EUR 50/4473/2921 of 19 July 2021

**UKRAINE
INVESTIGATE ATTACK AGAINST LGBTI ACTIVIST**

Ukrainian LGBTI activist Vitalina Koval has been waiting for justice for more than three years after surviving a homophobic attack in March 2018 for organizing an event on International Women's Day. The investigation is now at risk of being permanently closed on 31 July, which would deny her access to justice and set a damaging precedent.

On 8 March 2018, six members of the anti-LGBTI group Karpatska Sich shouted homophobic slogans and doused Vitalina Koval and other activists with paint during a public action marking International Women's Day at Teatralna Square in Uzhgorod. As a result, Vitalina Koval received chemical burns to both her eyes.

Vitalina Koval was featured in the 2018 edition of [Amnesty International's Write for Rights campaign](#) alongside other prominent women human rights defenders from five continents. During Write for Rights, more than 380,000 actions were taken around the world expressing support for Vitalina Koval's work in defence of women's and LGBTI rights in Ukraine, calling for justice in connection with the violent attack she suffered in 2018.

Please ask the Prosecutor General to:

- Ensure the investigation is extended beyond 31 July and that it is swift, thorough and effective in ensuring the protection of Vitalina Koval's human rights;
- Ensure the discriminatory motive of the attack is taken into consideration throughout the criminal process;
- Ensure that all those responsible for the attack are held accountable in fair trial proceedings.

Write to:

Iryna Venediktova
Prosecutor General of Ukraine
Vul. Riznytska 13/15
01011
Kyiv, Ukraine
Email: public@gp.gov.ua
Twitter: @GP_Ukraine
Salutation: Dear Prosecutor General

Please copy:

His Excellency Andrii Shevchenko
Ambassador for Ukraine
310 Somerset Street West
Ottawa ON K2P 0J9
Phone: 613 230 2961
Fax: 613 230 2400
Email: emb_ca@mfa.gov.ua

Additional Information

Vitalina Koval is an active member of the LGBTI and feminist community in Ukraine. On 8 March 2018, she organized a public action to mark International Women's Day in her hometown Uzhgorod, in western Ukraine. When the public action was coming to an end, six members of a local anti-LGBTI group "Karpatska Sich" doused Vitalina Koval and other participants with paint. She received chemical burns to both her eyes as a result.

The assailants were immediately detained by the police, however, only two female members of the group who threw the paint were subsequently charged with causing minor bodily harm (Article 125 of the Criminal Code of Ukraine). The remaining four male members of the group were not included in the investigation. Moreover, the police did not qualify the attack as hate crime under Article 161 of the Criminal Code of Ukraine, ignoring the homophobic messages that were spread by the group on social media before and after the attack, as well as the homophobic leaflets that the six assailants were throwing at participants during the attack.

The trial against the two female assailants began in December 2018 and was marred with delays. Eventually, on 5 March 2021, the judge declared that the two assailants were no longer criminally liable due to the expiration of the statute of limitations for the criminal offence. While the decision is lawful, it violated Vitalina Koval's right to a fair trial, leaving her without justice and reparations.

Vitalina Koval's lawyer was able to successfully challenge the fact that the investigators did not initially qualify the attack as hate crime and in November 2018 the court ordered the police to open another criminal case investigating the attack under the Article 161 (hate crime). The investigation under Article 161 started in December 2018. However, this investigation must be completed before 31 July 2021, or it will be closed according to regulations set in the Criminal Procedure Code.