

EUROPEAN ROMA RIGHTS CENTER

# THE MISERY OF LAW

---

THE RIGHTS OF ROMA IN THE  
TRANSCARPATHIAN REGION OF UKRAINE

Country Reports Series, No. 4.  
April 1997

The Roma (Gypsies) remain to date the most deprived ethnic group of Europe. Almost everywhere, their fundamental civil rights are threatened. Disturbing cases of racist violence targeting Roma have occurred in recent years. Discrimination against Roma in employment, education, health care, administrative and other services is common in many societies. Hate speech against Roma deepens the negative stereotypes which pervade European public opinion. The *European Roma Rights Center* is an international initiative for monitoring the human rights situation of Roma and providing legal defense in cases of human rights abuse.

BOARD OF DIRECTORS:

*Chair:* ANDRÁS BÍRÓ (Hungary)

ISABEL FONSECA (UK)  
NICOLAE GHEORGHE (Romania)  
DEBORAH HARDING (USA)  
RUDKO KAWCZYNSKI (Germany)  
KHRISTO KYUCHUKOV (Bulgaria)  
LORD LESTER OF HERNE HILL QC (UK)  
EDGAR MORIN (France)  
INA ZOON (Czech Republic/Spain)

*Executive Director:* Dimitrina Petrova

This report was written by Claude Cahn and edited by Dimitrina Petrova.  
*Graphic Design:* Createch Ltd./Judit Kovács

Copyright © April 1997, *European Roma Rights Center*. All rights reserved.  
ISBN 963 04 8213 4  
ISSN 1416-7409  
For information on reprint policy, please contact the *ERRC*

---

## ACKNOWLEDGMENTS

---

The *European Roma Rights Center* is grateful for the time, effort and assistance provided by the following people, without whom this report would have been impossible:

Roma in Transcarpathia consented to be interviewed by the *ERRC* despite fear of police retribution. The *ERRC* sincerely hopes that this report will help improve their situation.

Aladar Adam and Ernest Buchko acted as guides and interlocutors during the *ERRC* missions in Transcarpathia. István Fenyvesi acted as translator.

Andriy Bihun, The Honourable Herb Gray, Myron Hlynka, Michael Humphreys, Orest Jowyk, Evhen Ladna, Jennifer Levine, Ustina Markus, Olena Mazirko, Serhii Mirnyi, Olga Nagush, Halyna Polozova, Niko Rergo, Jitka Ryndová, Olena Sidorenko, Oleksander Sydorenko, István Szikinger, Taras Szmaga and Marta Tarnawsky provided advice and materials on Ukrainian history, culture, police in Ukraine, and Soviet and Ukrainian law.

James Goldston, Nikolai Gughinski, Stephen Humphreys, Sineša Nikolin and Veronika Leila Szente read one or more drafts of the report and provided stylistic and substantive commentary on it.

---

**TABLE OF CONTENTS**

---

1. Introduction .....	p. 5
2. Roma in Transcarpathia .....	p. 8
3. Crime Prevention and Crime Investigation: Dubinka Ubiquitous.....	p. 14
4. Roma in the Criminal Justice System.....	p. 25
4.1. Velyki Bereznii 1 .....	p. 25
4.2. Velyki Bereznii 2 .....	p. 26
4.3. Velyka Dobron.....	p. 29
4.4. Ruski Komarovtzi and Mukachev .....	p. 31
5. The Effect of Land Reform on Roma.....	p. 36
6. Inequality Before the Law: Roma and Other Minorities in Transcarpathia...	p. 39
7. Uzhorod School 13.....	p. 42
8. Transcarpathian Roma in Regional Perspective.....	p. 44
9. A Just Settlement: Recommendations of the <i>European Roma Rights Center</i> to the Ukrainian Government.....	p. 46
10. Bibliography .....	p. 47
11. Appendices .....	p. 49
Endnotes.....	p. 51

“What can we do in our one little office against police brutality when some wretched Rom beaten by police takes the money they offer him and signs a declaration saying he has no legal claims against them? We can jump around and yell, Ernest even slapped a guy once, but really, what can we do? How can we convince a Rom to sue a policeman?”

Aladar Adam, Chairman of *Romani Yag*  
and Deputy of the City Council of Uzhorod

---

## 1. INTRODUCTION

---

*Dubinka* means “stick” in Russian and Ukrainian. It has been a penal tool for centuries. The updated version of *dubinka* in contemporary Ukraine is the rubber truncheon. The new *dubinka* is approximately 60 centimetres long, usually black or dark blue and is gently but definitely weighted toward the tip-end, making it easy to swing with only minimal exertion. With the help of a *dubinka*, one can inflict intense pain in a relatively leisurely fashion. The *dubinka* is the preferred weapon among the Ukrainian police.<sup>1</sup>

Although the rubber truncheon may have been in use in the Soviet Union, before 1985 most people there had never seen it except on television, where beatings with rubber truncheons were shown as a distinguishing trait of policing techniques in capitalist countries. Police brutality outside the prison system was not common in the Soviet Union during the Brezhnev era; in Eastern European communist societies like the Soviet Ukraine in the 1960s and 1970s where individuals had no civil rights in the first place, physical brutality outside the police station, the prison or the labour camp was not necessary because the police were self-confident and ubiquitous. Supported by the powerful secret services and thick networks of informers, they were able to move violent outbursts away from the public eye.

Following the introduction of the *Perestroika* and *Glasnost* reforms in 1985, police self-confidence began to be undermined. By 1987, discussion of past crimes had opened a space for a keen awareness of new ones. The policing function entered a deep crisis with the appearance of new forms of crime in the late 1980s. By 1988, the word “mafia” had been imported to describe a range of new phenomena, all of which the police were powerless to combat.

The border between social reform and the new or newly acknowledged species of crime was often fuzzy. On the one hand, the lack of clear division between “mafia” and groups demanding economic reform or national independence was exploited by those apparatchiks who feared anarchy and a loss of status; numerous phenomena were described as mafia which had little to do with organised crime. On the other hand, anarchy seemed to be breaking out.

In Summer and Autumn of 1988, the Soviet leadership reacted to these developments by creating new special riot police called “OMON” or “Special Purpose Militia Department”.<sup>2</sup> According to a decree approved July 28 by the Presidium of the Supreme Soviet, Ministry of Internal Affairs troops were given broad powers, including the right to enter homes and businesses while chasing criminal suspects, seize cars and communication, and use new weaponry. Previously, Ministry of Internal Affairs units had been used only for guarding prisons and labour camps and protecting government installations and special shipments.

The new OMON troops were recruited preferentially from the Soviet Air Force—already a form of elite division within the army. Before beginning service, over 1000 hours of intensive drill and mock-combat had to be completed, far more than for regular police service. Wearing khaki uniforms with no insignia, heavy black boots, and black berets with Interior Ministry markings, the OMON “black beret” troops were armed with plastic shields, bullet-proof vests, helmets, tear gas and rubber truncheons. Because of the circumstances in which it emerged into the public sphere, the new *dubinka* earned the nickname “The Democratiser”.<sup>3</sup>

At the time of the break-up of the Soviet Union in 1991, OMON had gained significant notoriety on the basis of its extensive public record. OMON troops had suppressed demonstrations in Yerevan, Armenia where crowds were demanding the annexation of Nagorno-Karabakh; beaten individuals in Moscow in attendance at a Democratic Union commemoration of the 20<sup>th</sup> anniversary of the Soviet invasion of Czechoslovakia; forced their way into the Latvian Interior Ministry and killed five civilians in Riga; physically assaulted a Russian parliamentary delegation; seized control of the Central Telephone Exchange in Lithuania, cutting off the republic for two days; and were accused of setting fire to at least 20 border posts in the

Baltics. According to Andrew Wilson and Nina Bachkatov, “Without any clear indication as to who gave them orders, the existence [of OMON] became a menace to every attempt to solve the problem of separatism by negotiation.”<sup>4</sup>

On August 24, 1991, the Ukrainian Parliament declared the independence of Ukraine from the Soviet Union. Following the collapse of the Soviet Union, the OMON units in Russia were disbanded. Although OMON were despised as a leading force against separatism in the other republics, some of the successor states to the Soviet Union found the Interior Ministry troops useful and retained them as new elite police units. Ukraine was among the states which kept their OMON troops. The new state wanted new state symbolism, however, and the name of the OMON units was changed to *Berkut* (Ukrainian for “golden eagle”). Little about the institution changed other than its name. *Berkut* are presently well-equipped with arms bought on the world market, and they can be seen driving expensive American 4-wheel drive cars.

At the same time, the special units are increasingly seen to perform functions which exceed their original intended role of combating civil disturbances and organised crime. They join the actions of the regular police, probably also because the latter are severely understaffed; at a police-to-public ratio of three officers per 10,000 people, Ukraine is far below Western standards.<sup>5</sup>

In response to reports of systematic maltreatment of Roma by regular as well as special police in the Transcarpathian region of Ukraine, the *ERRC* visited Transcarpathia<sup>6</sup> in June and August 1996 and in March 1997, and interviewed victims and witnesses of human rights violations there. “OMON”, “Berkut” and “dubinka” were among the most common words heard during *ERRC* interviews. The Interior Ministry special units seem to dominate the law enforcement atmosphere in Transcarpathia.

A comprehensive report on the human rights situation of Roma in Transcarpathia is a long-term research project of the *ERRC*. The present report is limited to focusing primarily on police abuses and the failure of the judicial system, in cases involving Roma, to censure and remedy such abuses.

A great difference between Ukraine and other post-communist countries of the region is the lack of international attention concerning Roma and anti-Romani activity. Bulgaria, the Czech Republic, Hungary, Romania and Slovakia have all been the subject of one or more book-length reports focusing specifically on the human rights situation of Roma. Human rights issues in each of these countries have also been addressed in the international media. This cannot be said of Ukraine. Due to the country’s sprawling diversity, dramatic separatist issues in Crimea and a continuous and evolving relationship with its large Russian minority, as well as the five-year-long struggle to adopt a constitution, Roma in Ukraine have been largely ignored. As a consequence, there has been little or no impetus for police reform, nor any general attention to the plight of local Roma.

This report portrays only a narrow sliver of the human rights concerns of Roma in Transcarpathia. More work in Transcarpathia is sorely needed, including evaluations of topics less dramatic than violence by representatives of the state. However, police brutality and the inability of Roma to attain even the pretence of justice are significant hindrances to progress in all other areas. The *ERRC* therefore describes areas of necessary emergency intervention by the state. The legal remedies sought by the report constitute the bare minimum necessary to repair the torn fabric of social life between Roma and non-Romani society in Transcarpathia.

This report is organised as follows: First of all, there is a brief discussion of the demographic and historical situation of Roma in Transcarpathia. The report then describes police policy vis-à-vis Roma and a regular pattern of police abuse of Roma. The chapter “Roma and the Criminal Justice System” describes the difficulty marginalised groups such as Roma have in gaining access to the legal system, and the near-impossibility of achieving a just settlement when the rights of

Romani individuals have been violated. Chapters 5, 6, and 7 sketch some of the laws and social practices which displace Roma or render them legally vulnerable in Transcarpathia. Chapter 8 attempts to place the situation of Roma in Transcarpathia in regional perspective. Finally, Chapter 9 makes specific recommendations to the national and regional authorities for changes which might begin to alleviate the dire conditions of Roma life in Transcarpathia.

Where requested, or where the *European Roma Rights Center* believes there is a danger to the victim or witness, initials or pseudonyms have been used in place of names. Names and other personal information will be released if the interests of justice so require.

---

## 2. ROMA IN TRANSCARPATHIA

---

Transcarpathia is a mountainous, rural region whose largest town is Uzhorod which, according to the 1989 Ukrainian census, had 118,101 inhabitants in that year. Other large towns include Mukachev, Khust, Chop, and Berehiv (Beregszász<sup>7</sup>). The region has often been home to hunger and plagues; it has been generally one of the poorest regions in whichever country it happened to be included. Perhaps as a result of this repeated marginalisation, much writing about the region has tended to glorify the general misery by portraying Transcarpathia as a home of wild bandits and Central European Robin Hoods.<sup>8</sup> It is an historic borderland whose infrastructure and economy are intimately entwined with borders, across-the-border cultures, and other countries' cities. It is again extremely poor today.

Transcarpathia displays nowadays an evident gap between rich and poor. Huge new brick barrack houses with discs for satellite television reception are being built on the edge of every major town in Transcarpathia. The gap in wealth can be geographic as well; whole villages in Transcarpathia seem richer than villages in neighbouring countries such as Hungary or Slovakia. The building boom is variously ascribed, in local legend, to "mafia" or to "customs officials". At the same time, average official monthly salary is between 50 and 60 dollars and the official tax rate is around 60%. It seems that a significant portion of economic activity takes place in total or partial illegality<sup>9</sup>; those with inside access to business possibilities or tax evasion leave the national average by such a wild margin that the gap between rich and poor in Ukraine is presently African. That this wealth differential affects not only Roma should be self-evident. Roma are rarely to be found, however, among the rich.

The Transcarpathian region has historically changed hands repeatedly. It began the 20<sup>th</sup> century as part of the Hungarian half of the Austro-Hungarian dual monarchy. As a result of Czechoslovak Foreign Minister Eduard Beneš's successful arguments at the 1919 Paris Peace Conference, it was made the third section of the newly established Czechoslovakia.

Although promised considerable autonomy by the Czechoslovak government, first in Paris, then in the 1919 Minority Treaty, and then in the 1920 Czechoslovak "General Statute", "Subcarpathian Rus"<sup>10</sup> remained dependent and mired in poverty and illiteracy during this period<sup>11</sup>; the Ruthenes<sup>12</sup> had not been included in the 90-odd year-old Czechoslovak idea<sup>13</sup> and the Czechoslovak government was quite surprised in any case to have received the unexpected extra 12,617 square kilometres of territory. It was far from Prague, cut off from traditional trade routes to Budapest, and economically marginal to both. Dissatisfaction with the new Czechoslovak arrangement, with the unfulfilled promise of autonomy, and especially with the unfavourable internal border with Slovakia, led to political fragmentation; there were Czechoslovakists, Hungarophiles, Ukrainophiles, Russophiles and radical autonomists in approximately equal proportions among the Transcarpathian interwar political elite.<sup>14</sup>

In 1938, following the Munich Agreement, Hungary took back the territory, reversed the widespread land reforms that had taken place during the Czechoslovak period, began reinstating the large estate system and attempted another wave of the interrupted Hungarianisation of the local peasantry. At the end of World War II, in June 1945, Transcarpathia was ceded to the Soviet Union by Czechoslovakia and became a part of the Ukrainian Soviet Socialist Republic. Sovietisation followed, and the large estates became state property. Since 1991, Transcarpathia has been a part of independent Ukraine.

In the Soviet period and especially following 1989, the local majority Ukrainians/Ruthenes began to look to the Czechoslovak period with considerable nostalgia, hoping to reassociate Transcarpathia with the politically more healthy and economically more prosperous Czechoslovak state. This was greeted by several approving articles in the Czech press, although the only domestic party to take up their cause was the extreme right-wing (and violently anti-Roma) *Republikány*. Following the break-up of Czechoslovakia, however, political demands

have become more autonomist, imitating the demands made in Crimea in southern Ukraine. In the words of one Prague-loyal Ruthenian activist, after the split of Czechoslovakia, “We kind of lost our point-of-reference.”<sup>15</sup> Recent political stirrings in the area occurred in December 1995 when a conference of Ruthenian intellectuals drafted a petition to President Leonid Kuchma demanding autonomy within the framework of the Ukrainian Republic.

Roughly 1,252,000 people presently live in the Transcarpathian region. Between 12,000 and 30,000 or 0.9–2.5% of these are Roma.<sup>16</sup> According to the 1989 census, the ethnic backgrounds of the rest of the population were (in 1989) as follows: Ukrainians/Ruthenes, 970,000 (77%);<sup>17</sup> Hungarians, 170,000 (14%); Russians, 60,000 (4.8%); Romanians 27,000 (2.3%); Slovaks 10,000; Germans, 10,000; Jews 2000.<sup>18</sup> The Ukrainian/Ruthenian, Hungarian and Romani cultural influences are the most visible; whole towns such as Berehiv are primarily Hungarian speaking. Eastern Chasidic Jewish and Orthodox Jewish cultural influences, which were previously much more keenly felt, vanished as a result of the Holocaust.<sup>19</sup> There has been steady emigration from Transcarpathia of Germans, Hungarians and Jews since the end of the Soviet Union.

The uncertainty about the size of the Romani minority, common to most of Europe, is even more pronounced in Transcarpathia since it is common for Roma from this area to go on “seasonal work” into inner Ukraine or to Russia.<sup>20</sup> Nevertheless, the Roma of Transcarpathia comprise a prominent and visible portion of the population. Emets and Dyachenko claim that the impression of the visitor to Transcarpathia is that every fourth or fifth person in the region is Roma. They explain this misleading impression by (i) the fact that Roma are engaged in manual work in public places, such as city parks, construction sites, etc.; (ii) their intensive migration; and (iii) the very high number of unemployed Roma who spend their time in public view.<sup>21</sup>

Roma have lived in Transcarpathia since the 15<sup>th</sup> century.<sup>22</sup> In the 18<sup>th</sup> century, Transcarpathian Roma were cruelly persecuted. The regulations of Austrian empress Maria-Theresa demanded Roma to call themselves Neo-Banatians or Neo-Hungarians; prohibited nomadic way of life; arranged taking away Romani infants to be raised by Catholic families; and introduced mandatory draft for Romani men, as well as mandatory apprenticeships for Romani boys. The victimisation of Roma culminated during World War II, when many of them were murdered by the Nazis.<sup>23</sup> For the most part, the Roma of Transcarpathia are trilingual, speaking the local dialect of Romanes, the local dialect of Ukrainian as well as the local dialect of Hungarian. There are around 50 Romani *tabors* in the region.<sup>24</sup>

The majority of Roma in Transcarpathia today are not nomadic in the traditional sense, having been forcefully settled by the Soviet authorities. A 1956 decree criminalised what was termed “vagrancy” (*brodyazhnichestvo*) and the “parasitic way-of-life” of the Roma, and ordered the administrative organs of all Soviet republics to settle and give jobs to all Gypsies within three months. For those Gypsies who did not cooperate, the decree specified penalty: five years of forced corrective labour in prison camp. The decree was in force for six years. In the early 1960s, the penal codes of the Soviet republics codified vagrancy as an offence of a general character (not based on nationality).

Today, the traditional nomadic *tabors* have almost entirely vanished. New post-communist pressures have, however, turned Roma out on the roads once again, this time to practice the neo-nomadism of the outcast. Roma travellers, practically if not in law, are a special category in the police vision of reality.

The largest *tabors* visited by the *ERRC* were in Berehiv (over 1250 inhabitants); in the mountain town of Velyki Berezni (750–1000 inhabitants); the rural *tabor* in Serebne (500-750 inhabitants); the *tabor* in Velyka Dobron (400–600 inhabitants); Radvanka and Thälmann (750–1000 and 200–300 inhabitants respectively) in Uzho-rod, and Franka Ulica *tabor* in Mukachev (over 1250 inhabitants). According to Mukachev City Counsellor Ivan Lukych Shaketa, who lives just outside the *tabor* and acts as a mediator between the city government and Starosta<sup>25</sup> Zoltan Federovych Olakh, 110 of the Roma in the Franka Ulica *tabor* are pensioners,

400 children receive support from the state, ¼ of the men are in prison and 80 people have jobs, mainly as street sweepers and hospital cleaners. The main source of income of most of the Roma there seems to be scrap metal collection, paper recycling, and other small, travel-oriented trades.

The Baptist church is very active in the Franka Ulica tabor; many of the Roma of the tabor, including the starosta, are “saved”. The church is the newest and wealthiest building in the tabor. Another religious tabor is Pidvinogradovo, where, the *ERRC* was told, there are “no televisions and no problems”. At least half of the houses in Pidvino-gradovo were handsomely painted, apparently by the same artist, with nature scenes adorning the outside walls. The houses themselves are, like many of the houses in the Vinogradovo District, large, new, handsomely-built and well-adorned red brick buildings with stucco facades. There are a number of expensive western cars in the driveways. The wife of the starosta at Pidvinogradovo told the *ERRC* that all conflicts between the tabor and the surrounding communities are resolved by direct meetings between community leaders.

Most tabors, however, are not like that of Pidvinogradovo. When asked to describe the daily lives of Roma in the Franka Ulica tabor in Mukachev, Starosta Zoltan Fedorovych Olakh told the *ERRC*:

The people here are starving and they eat trash. When Roma here die, there is no money for a coffin. We put them in sacks to bury them. Of course, absolutely anything can be arranged with money, but since we have no money, we have nothing.

To be sure we had not misunderstood, Starosta Olakh held up the wooden log he was taking to be cut and said, “Do you see this piece of wood? I am going to cook it and eat it.”<sup>26</sup>

The tabor at Berehiv, approximately 20 kilometres from Pidvinogradovo, is also typical. Like the other urban tabors visited by the *ERRC*, the Berehiv tabor is big, sprawling and beset by problems with electricity, running water and sewage. Like the other urban tabors, these problems are aggravated by poor relations with the police and municipal authorities; the Berehiv tabor knows systematised harassment, discrimination and the occasional large public event such as a police raid or episode of community violence.

The starosta of the Berehiv tabor, Kalman Kalmanovych Sabo, explaining the circumstances of the tabor for the past several years, told the *ERRC*:

There is big hatred against Gypsies here. I am a deputy in the city council and I am the starosta for all of the Gypsies here in Beregszász. I am a believer, and I believe in justice; that’s why I am talking to you now. But there is a serious risk that there will be retaliations for the things I am going to tell you about. I want it to be clear that I understand this risk, and I want you to print my name in your report, because everything I am going to tell you is absolutely true.

As a result of a 170 million kupon (roughly 1000 US dollars) debt of the tabor to the electric company, our electricity was cut off in November 1995. We haven’t had electricity for 9 months. When the electricity was first cut off, a delegation of Gypsies went to the directors of the electric company to find out why the electricity was cut off and to try to negotiate some sort of settlement.

When we got there, however, we were told that our debt was almost 1 billion kupons (roughly 6000 US dollars). Then the head of the electric company said, “If you don’t pay, the commandos (*dessant*) will come and take all of your valuables.”

I told him, “The *dessant* will have to take our skins, because that is the only thing we have now.”

The head of the electric company replied, “OK, then we will take your valuables and we will bring bulldozers and pull down the tabor. Then we will take you away like the Jews.” I was horrified, because I saw what had happened when the Nazis came when I was 9 years old in 1941.

So I went to the civil authority for the region (*Hetman*). This was the same Hetman Tibor Tiborovych whom we all had voted for in 1995, because he promised us a road and a water system and a new electrical system. Now he didn’t agree to meet with me.

About one month later, a religious group from Holland came. They wanted to know all about our religious practices and whether the children were in school or not. I explained to them that the children were in school, but that the school was a complete catastrophe.

The Dutch group promised to give us food and asked some more about religion. I told them we sometimes pray here in the tabor. Then one of the women from the group gave us 500 German marks for food.

We held a meeting about the money, and the community decided that they would rather use the money for the electricity debt than for food. Some other men from the tabor had brought back 53 million kupons from begging in Moscow and we got 55 million kupons for the German marks. So we paid this money (roughly 650 US dollars) and they took it—not at the bank, but at their office—and told us that we could have our electricity back when we paid another 850 million kupons (5000 US dollars). We received no receipt for the money we paid.

The authorities wanted a contract with us and they put in an electricity meter, telling us that if we paid by December 20, we would get our electricity back. Now a man comes every month to read our electricity meter, and every month, he reads more—in June it was 30 million kupons, in July it was 39 million. This is absurd, since we haven’t had any electricity since last November.<sup>27</sup>

According to Starosta Sabo, since Ukrainian independence the situation of the tabor has steadily worsened and he has come to feel increasingly like an outsider to the proceedings in local politics and the local administration. The marginalisation of both Romani leaders and Roma in general has taken place at the same time as corruption has soared, and as the economic situation has become desperate. The result is that Romani leaders like Starosta Sabo are convinced that they are being robbed by the local bureaucracy, but that this is taking place in ways they are only vaguely able to understand:

I don’t know what goes on at the authorities here anymore. I have gone to the post office and seen a signature which is supposed to be mine on documents I know I haven’t signed. Most people here work as street cleaners, but they get their salaries very irregularly. Sometimes nothing, sometimes 60% now, the rest later. When they complain, people swear at them and tell them to get lost. Unemployed people are told that they can’t receive unemployment benefits because “there are no unemployed people in the tabor.” It is the same with retired people.<sup>28</sup>

Meanwhile, the increasing discrimination by the local authorities means that Roma are unable to secure documents such as identity cards and local residence permits which are crucial for travel and for receiving the social benefits they are due:

About half the tabor does not have identity cards and they can’t get them. When they go to the police station, they are told, “Get out of here, you stinking Gypsy.”<sup>29</sup>

Those Roma whose papers are in order are not, however, exempt from harassment by the police;

About half this tabor is now in Moscow. Whenever Gypsies get together to travel in groups, the police take documents and it costs 1 million kupons (between 6 and 7 US dollars) to get them back.<sup>30</sup>

The police also occasionally raid the tabor. The last time was in late summer of 1995. 35-year-old Chaba Horvat described the event:

The police have been here a few times. The last time was the time they shot all the dogs. First they circled the tabor. Then four or five cars and a huge group of policemen came into the tabor. These were local policemen from Berehiv—we recognised a lot of them, but some of them were in civilian clothes.

They told us to bring out all our dogs. They shot all the dogs in the tabor—maybe fifty dogs. If somebody tried to hide a dog in their house, they went in and got it and brought it outside and shot it.

They didn't show any papers. They never show any papers. Everybody was terrified. One of the policemen said, "Try to pick up that stick and you'll see what happens."

Six men were arrested that time, and kept there for eight hours. They were beaten at the police station.<sup>31</sup>

Most frustrating for Starosta Sabo was the fact that raids were completely divorced from justice:

I've been starosta of the Berehiv Gypsies since 1960-- that's 36 years. The police never contact me when they are looking for someone. They get two false witnesses and they put people in prison on the basis of it. There are ten people from this tabor in prison right now on the basis of such kinds of testimony.<sup>32</sup>

The complaints of the Berehiv tabor were typical for the urban tabors visited by the *ERRC*. The statements made by the various inhabitants of the Berehiv tabor were, however, the most mild complaints heard by the *ERRC*. There have been, for example, no regular collective arrests in Berehiv and relations with the surrounding community have thus far remained peaceful.

The situation is different in Mukachev. There, as in Berehiv, the Roma of the Franka Ulica tabor have had no major problems with non-Roma living in the area, and all the non-Roma with whom the *ERRC* spoke claimed that relations between the two groups were good. The tabor has, however, experienced a five-day war with what was described to the *ERRC* as one of eight local mafia groupings in September 1994. The episode began when members of the mafia came into the tabor looking for the Romani man they believed to be responsible for causing trouble at a party. According to local Roma, the mafia went from house-to-house, attempting to extort 50 US dollars per household, and threatening to burn down the whole tabor if the Romani man in question was not turned over to them.

The episode eventually degenerated first to the beating of one Romani man and then shooting by the mafia in the tabor; the Franka Ulica Roma then rebelled, and barricades were erected. It is unclear when, exactly, the police arrived, but by the second day of the conflict, *Berkut* units were patrolling a war-like front-line barricade which surrounded the besieged tabor. The conflict was finally resolved five days later through negotiations mediated by the mayor of Mukachev. According to city representative Ivan Lukych Shaketa, "The mayor was afraid that the conflict would spread and become a full-scale regional conflagration."<sup>33</sup>

The situation is even worse in the rural tabor at Velyki Bereznii in the mountains North of Uzhorod. Here, relations between the police and the tabor degenerated quickly during the collapse of the Soviet Union. In 1991, following a fight in a local disco, police and OMON units

invaded the tabor in what was, essentially, a siege. The young men fled to the woods, while the police broke into houses, ransacked the tabor and beat everyone remaining.

According to a videotape of interviews with Roma recorded several days after the incident, the police beat old men, set dogs on children and, “pushed dubinkas between the legs of women.”<sup>34</sup> Dogs were shot, sacks of corn meal spilled out, and bottles of wine smashed. Numerous Roma, including old women, display fresh wounds and bruises in the video. Roma claimed that the ambulance would not come to take the wounded to the hospital. Men complained of being beaten with chains and *dubinkas* at the police station. A woman interviewed at the bedside of her husband in the Velyki Bereznii hospital reported:

We were at my brother’s. Suddenly we heard a loud noise and yelling coming from the direction of the bridge. We ran out and saw that they were shooting with machine guns. Some people escaped into the woods. Then the commandos started breaking into the houses and beating people. I went to the prosecutor and complained, but they told me that they understood my sorrow and that they were sorry for my husband, but as long as there were some bad people in the tabor, there would be no mercy for the whole tabor.<sup>35</sup>

Aladar Adam, the head of the local Romani organisation *Romani Yag* organised a meeting of competent authorities the next day to discuss disciplinary action and possible strategies for avoiding a recurrence of such incidents, but most of the authorities invited did not show up.

Over the intervening six years since the police raid in 1991, relations between the tabor and the town have not improved. Community relations are presently so bad in Velyki Bereznii that Roma will not cross the river and go into town after dark for fear of being beaten up. One woman from the tabor told the *ERRC* that in Velyki Bereznii:

When we have problems and a woman goes to the police, they are treated badly and the police call us bad words like “whore”. Recently I took a bag of food and cigarettes to my brother, who was going to be taken to court and when I went there to the police station, the police told me that I should “serve” them [sexually]. I don’t know if my brother ever got the food I left. A man who was in jail for 15 days told us that the policemen gave the food to the dogs and the guards smoked all the cigarettes.<sup>36</sup>

The marginalised position of Roma in Transcarpathia has tangible implications for relations between Roma and non-Roma, as well as for relations between Roma and government authorities. First of all, the *ERRC* found that Roma are subject to illegal treatment by the police to which non-Roma are not subject, and the police regard such discriminatory treatment as correct. Secondly, the criminal process often reinforces, rather than corrects, this illegal treatment. All too often, Romani victims of abuse become defendants charged with crimes in a system as yet unable to produce consistently just outcomes. Third, when the rights of Roma are violated by either the police or by non-Roma, Roma have little prospect of obtaining redress through the legal system. Finally, this life at the fringe of justice leaves Roma vulnerable to further abuse—Roma can be attacked with impunity. The next chapters address each of these aspects of the misery of law vis-à-vis Roma in greater detail.

---

### 3. CRIME PREVENTION AND CRIME INVESTIGATION: DUBINKA UBIQUITOUS

---

The police spoke freely with the *European Roma Rights Center* on their special policies concerning Roma. There is presently a deep economic crisis in Ukraine and most of the police officers with whom we spoke believed that this had caused a deep social crisis as well. They therefore had formulated and implemented emergency measures for “dealing with Roma”. While these measures often produced a result opposite of that which the police hoped would follow, the police officers with whom we spoke felt they contained enough common sense to share the details of their Roma policy in full.

Gypsy criminality is widely held to be higher than that of the non-Romani population. Major Viktor Chepak, deputy chief of police of Mukachev claimed that 25–28% of all crimes reported in the city were committed by Roma.<sup>37</sup> As a result, the police have devised a so-called “prophylactic” policy to prevent crime. Roma are the sole targets of this policy, although every police officer we talked to hastened to assure us that ethnic background had nothing to do with it; Roma were, they claimed, targeted as potential criminals and therefore as a social problem, not for being Roma.

A recently retired prosecutor and senior Justice Ministry official in Uzhorod acknowledged that the criminal justice system generates disparate outcomes for Roma and non-Roma. On average, he said, Romani defendants receive more severe sentences for similar offences than non-Roma. However, the former official hastened to add that the disparity is caused not by ethnic prejudice, but by the fact that many Roma have “anti-social characteristics” which warrant different treatment. He concluded that “the Gypsy problem is a problem of the Gypsies themselves.”<sup>38</sup>

Everywhere, the *ERRC* was told that “there is no discrimination in Ukraine.” Nevertheless,

The Gypsy population is a special category and those measures which can be applied to normal people just don’t work on Gypsies. So special measures are necessary.<sup>39</sup>

The first element of the police prevention policy involves Roma with criminal records; all Roma who have been in prison in the last three years are kept on a special list for observation and monitoring. In Mukachev, for example, we were told:

People who have been in prison are on a special list. Those on the list have to come here, or the police go to their houses. There are restrictions on these Gypsies.<sup>40</sup>

Secondly, all over Transcarpathia, many Roma, and especially young Romani men living in tabors, have recently been subjected to forced registration and fingerprinting, often following collective arrests:

There is a list of people inclined to crime and a list of people with a criminal record. We often go to Gypsies’ homes and see if they are at home, what they are doing, etc...

We make group arrests. We load them into trucks and bring them in. This is part of our prophylactic work—so they will be in a database.<sup>41</sup>

The police are now assembling records—to be kept in computer files—of Roma living in Transcarpathia. This suggests that discriminatory practices developed in Western Europe for monitoring the movement of Gypsies are being adopted by police departments in Ukraine with the aid of the latest computer technology.<sup>42</sup>

The notion of “prophylactic” arrests—arrests undertaken allegedly to prevent crime or to obtain information, absent reasonable suspicion that the arrested person has committed a crime or is about to do so—runs afoul of international norms.<sup>43</sup> Similarly, forced registration and fingerprinting of all male members of an ethnic community where there exists no reasonable suspicion of criminal activity, impermissibly infringes upon the right to respect for private life as delineated by the ECHR, Article 8 and the ICCPR, Article 17(1,2).<sup>44</sup>

Third, monitoring raids are carried out on whole tabors for a variety of purposes: searching for specified or unspecified suspects, checking up on the Roma, checking local residence permits (*propiski*), or for simple intimidation:

We go into the tabors and check for local residence permits. We make sure their papers are in order. We try to keep Gypsies from other regions from coming here because having more Gypsies leads to higher criminality.<sup>45</sup>

Finally, ghettoisation is promoted, the ghettos are raided and collective arrests are made:

There are special troops for controlling Gypsies. What we have achieved is that Gypsies live in camps—concentrated. But the big problem is that Gypsies move around. This is a big problem. It is practically impossible to force someone to live in one place, but we try to make them do so in the interest of lowering criminality.<sup>46</sup>

This last aspect of the prevention policy, ghettoisation, seems counterintuitive since, according to Major Styepan Matitzo of the Uzhorod Regional Police Department, “There is a much higher crime rate among Gypsies living in the tabors than among those living outside the tabors.”<sup>47</sup>

Elements of the “preventive” policy delineated above were evident in varying degrees in all urban and most rural tabors that the *ERRC* visited. More disturbing still is the fact that they are mandated by Ukrainian law; among the duties delineated under Article 10 of the Law on the Police, police are required to perform “administrative surveillance” of “people inclined to commit crimes”.<sup>48</sup> In combination with the widespread belief that Roma are inherently criminal, this duty can be seen as a blank check to the constant harassment and violations of the fundamental rights of Romani persons by the police.

The policy of prevention spills over into the sphere of criminal investigation. Here the same tactics are used, but with less tact:

We make collective arrests because they [Roma] commit crimes in groups. There are often instances where criminals who are wanted hide in another camp. If we have information that says that there is a Gypsy in a particular house in a tabor, then we go in and get him.

And how do they get this information?

[smiling] I’m not obliged to tell you that. Our methods are secret. We can make searches and arrests without a warrant from the prosecutors office, but if we do so we have to report to the prosecutor’s office within 24 hours. If we see some drugs or weapons, we only need two witnesses and then we can go in without a warrant.<sup>49</sup>

The practical result of these prophylactic measures and disregard for international norms on liberty and security of person and home is that actions which the police undertake in the name of crime prevention are experienced as a state of siege by the various Roma communities. So, for example, 24-year-old Sasha Edik, the son of the starosta of the Thälmann tabor in Uzhorod, told the *ERRC*:

Whenever anything happens in the city, 10 or 15 policemen come and take 20 or 30 Roma to the police station. We are powerless; they come here into the tabor early in the morning, bang on all the doors and turn everybody out. They take invalids and old women as well.

When they get us to the police station, the Roma are beaten with pistols and dubinkas and sprayed with gas. Some Roma are taken to the woods and beaten there instead.

Certain rooms at the Uzhorod city police department are legendary among the Roma at Thälmann. Mr. Edik was the first of several Roma from the tabor who, independently of each other, identified for the *ERRC* offices 17 and 18 as the administrative epicentres of police beatings of Roma in Uzhorod:

Offices 17 and 18 are the most dangerous in Uzhorod. They once took a 9-year-old boy up there, put him in handcuffs and hung him from the pipes. Another man from here came back into the tabor drunk and the police got him right there at the entrance to the tabor. They took him in and beat him on his shoulders and knees with an iron pipe. My cousin lives next to the police station and they once arrested him and beat him on the kidneys.<sup>50</sup>

Edik himself had, on two occasions, been the victim of the abuse of power by the police:

Last December they came here and took me to the police station and brought me up to office 17. I had just had an operation. They kept me there for 4 or 5 hours. Three or four policemen beat me with dubinkas and kicked me for 2 or 3 hours. In the end they took my identity papers. They came in one at a time to beat me. One of them told me, “All Gypsies must be shot.” They didn’t get me to sign anything though.

I was beaten another time more recently by the police in Chop. This happened two months ago—I was on a local train to Chop. While I was on the train, I got in a fight, but by the time we got to Chop, the whole thing was over. In Chop, the police arrested everybody and beat them all. They held us for two hours at the station and beat five of us with dubinkas. After that they got bored and let us go. We were not accused of any crime.<sup>51</sup>

27-year-old Ernest Bukov, also a resident of the Thälmann tabor, reported similar personal experiences with the Uzhorod police, and with offices 17 and 18:

One time I was coming home exhausted from work when the police stopped me. They didn’t say anything. They just put a gun to my head and accused me of stealing a chicken. I told them I hadn’t done anything, but they didn’t believe me and they took me down to the police station. I was there all night and all of the next day. They beat the hell out of me.

They took me to office 17-- it is always the same room at the Uzhorod City Police Station—office 17 on the third floor. They took turns beating and interrogating me—three policemen at a time. They called me “Gypsy” (*Tzigan*) and “faggot” (*Pederast*).

In the end I signed their document of interrogation. I didn’t read it—I think it said that I stole the chicken. In the morning I told them I had to go to work, but they didn’t believe me, so they kept me until evening.<sup>52</sup>

According to Mr. Bukov, such beatings are not isolated events, but rather are part of a systemised law enforcement methodology:

They come to the tabor about five times a month. It has been quiet lately, but up until two months ago it was about five times a month.<sup>53</sup>

Roma were forcibly settled at the Thälmann Tabor 28 years ago. It is a squalid mud flat next to the railroad tracks and the city is currently digging up nearly all of the surrounding neighbourhood. Roma reported that there is often no electricity for up to seven months at a time and only as a result of strenuous lobbying by the local Roma organisation *Romani Yag* was a well put in by the city; prior to that the Roma living in Thälmann had been forced to beg from locals for water.

Tuberculosis is widespread and almost all of the roughly 300 Roma living in Thälmann have some kind of disease. At the time of the visit of the *ERRC*, a baby had just died and the local Roma could not afford the cost of a proper burial, over one month's salary in Ukraine. The Roma in Thälmann claimed to be so hungry that they were eating the local dogs and raiding the dump for garbage. The *ERRC* was told that if we found dogs in the Thälmann Tabor the next time we came, it would mean the situation had improved because they would no longer be eating them.

Nevertheless, the police raided up to five times a month looking for weapons, checking local residence permits and making group arrests, on the basis of no evidence, for local crimes. According to Mr. Bukov, this brutal treatment only began recently, around the time of the collapse of the Soviet Union:

It was much better before the change of system. Now there are young, cruel policemen. Also there are all different types of policemen now: commando units with masks and names like "OMON" and "Berkut".<sup>54</sup>

Shakhta Street is a less poor area of Uzhorod which does not look like a Romani tabor; it is not physically contained or segregated and the street is paved. Unlike the other two Romani neighbourhoods in Uzhorod, one of which (Radvanka) sits directly on the river bank, Shakhta Street is not awash in mud. There is no way to derive the ethnicity of the inhabitants of the houses on Shakhta Street simply by driving by. This does not protect the Roma living there from being singled out for special treatment by the Uzhorod City Police, however:

The police hate us; if a Gypsy commits some crime, everybody gets taken in. They make us put our hands up and then they beat us with dubinkas. The last time they came was about one and a half months ago. It was three policemen who came in one car. That time they came and got everybody out of the houses. They went inside and pulled people out without showing any papers. They weren't in uniform and they weren't wearing badges.

After the police had got everybody out into the street, they took everybody's fingerprints and put them into a computer. Then they told us that if one Gypsy does anything bad, they will take all the young men away to the police station.

Nobody got beaten that time, but some people had things in their house broken since the police were in there banging all around.<sup>55</sup>

39-year-old Yosef Karlovych Surmaj is a Romani man who does not live in either of the two Uzhorod tabors. He was, nevertheless, picked up in his apartment and beaten in the Uzhorod City Police Station by officers who wanted him to confess to breaking in to a restaurant. Mr. Surmaj showed the *ERRC* eight-day-old dubinka bruises on his arms and legs. He told the *ERRC*:

I was arrested at home last Wednesday in my flat on Dekabristov Street. I was asleep. My sister and niece were at home too. Someone knocked on the door. When I opened it, there were three men there. They pulled out guns. They took me to the Uzhorod City Police Station. They photographed me. They said I destroyed a restaurant and robbed it with my relatives. Then they bent me over a table and beat me on my arms and legs and

ears. It was two men. They took turns holding me and beating me. I signed the confession—they were killing me. They let me go on Friday and told me to come back the next Wednesday. I got sick after they let me go. Even now I piss blood. I still have a fever now. I didn't go back on Wednesday. I was too frightened they would beat me again.

I've been out of prison for four years and I haven't done anything. If they put me in prison again it would be for nothing. I am afraid they will come and kill me.<sup>56</sup>

Although he was never actually charged with any crime, Yosef Surmai had been too frightened to go back to the police for his identification card until he was accompanied to the police station by representatives of the organisation *Romani Yag*.

Reports of general round-ups of Roma and beatings for confession were not confined to Uzhorod. In the Franka Ulica tabor in Mukachev, the home of 1700 Roma, Starosta Zoltan Fedorovych Olakh told the *ERRC*:

They disregard my authority. They come and beat people without asking what they did and they never work with me to catch criminals. These times are like the times of World War II. Back then, the SS just came and put you in prison. It is the same now. The police come at night and beat people without asking any questions. They come every day; they were here yesterday. And they never ask me, as judge and starosta of the tabor, who is guilty and who is innocent. The police chiefs change every year in Mukachev and they can't imagine any sort of co-operative work with a Gypsy starosta of a Gypsy camp.<sup>57</sup>

Statements by the police in Uzhorod confirm Starosta Olakh's assessment of the attitudes of the Transcarpathian police. Although the police recognise the beneficial effect of employing law enforcement officials from the local community, this seems unimaginable in the case of Roma:

There is one law. It is applied to everyone, regardless of nationality. We don't mind nationalities practising their own culture, as long as they obey the law. We try to employ locals to patrol local communities, however. If the community is Hungarian, we like to employ someone who knows the people, knows the language, etc... We find it improves the relationship with the police.

Had they ever tried this with Roma in tabors?

(Laughs) Why? They all know Hungarian...<sup>58</sup>

The effects of this inability to regard Roma as worthy of the same respect as non-Roma by the police has been intimately experienced by Starosta Olakh's son, Fiodor Zoltanovych Olakh. He fell victim to contemporary police techniques two years ago:

I went into the city with my wife to buy some lamps. After we bought the lamps, we went to a buffet and we bought some mineral water. I opened the bottles and threw the caps in the dustbin. There were four policemen about twenty meters away. They yelled something at me. Actually, I didn't realise they were talking to me; I thought they were calling to someone else. But they wanted me to pick up the bottle cap—it hadn't gone into the dustbin. I went over to pick it up and when I bent over, one of them kicked me. Then the rest came over. They started beating me with dubinkas. Two of them held me and two of them beat me. As they were pulling me by the arms, my pants fell down. But they kept on beating me. A woman I didn't know helped me get them back on and then the police dragged me about 150 meters to the police station. I almost passed out. I just found myself at the police station. I spent five days in jail. The police wanted to know

why I do such bad things. Once they found out I was the son of the starosta they started treating me better. In the end I received a one year suspended sentence for littering.

The police come to the tabor every day now. There is no regular time... evening, day, it is all the same, but it is often at night. They come into the tabor and wake people up. They bang on the doors and break gates and check IDs. If you don't have one, they take you away or write you a ticket. They usually take young men. If you say one word or try to find out what the problem is, they will beat you, and they might beat other people too, just for good measure. All of the young men here have been down to the police station at one time or another.<sup>59</sup>

The beatings and round-ups are also not confined to the urban tabors; the rural tabor on the edge of the village of Ruski Komarovtzi reported a reign of harassment combined with periodic beatings, which they claim began approximately two years ago when Styepan Matitzo became the head of the criminal investigations department of the Uzhorod Regional Police. One young Romani man told the *ERRC*:

People are often taken from here and beaten. They must work at the police station and they aren't given any money. I've been taken twice. The last time was one month ago. I was taken to the police building in Uzhorod and I had to work. There was a group of us taken in; it was about fifteen Gypsies from here and from the tabor in Chomok. If we hadn't worked, they would have beaten us.

I had to clean floors and furniture and move some big stones. I was beaten whenever I stopped working. They haven't been here for about a month, but before that, it was every week or so.<sup>60</sup>

Another Romani man from Ruski Komarovtzi, 19-year-old P.L., reported to the *ERRC*:

Last year the police came for a horse thief who wasn't here, so they rounded up the whole tabor and took us to Uzhorod. This was in June, 1995. They took us early in the morning, before dawn-- 4:00 in the morning maybe. There were about thirty of us taken. It was my second time.

In Uzhorod, eight or nine policemen beat us with huge dubinkas. The police wanted me to take the blame for the horse theft, so they put handcuffs on my hands and attached the other ends of the handcuffs to 30 kilogram weights. Then they made me squat and stand up over and over again. But I didn't sign anything. They took my fingerprints.

Later we had to work: they made us pull grass out of the ground by hand next to the police station while they stood around with machine guns. Around 8:00 in the evening, they let me go. I had to walk back here on foot.<sup>61</sup> I was totally bruised—my back was black. No doctor wanted to treat me though.<sup>62</sup>

A 14-year-old Romani boy was rounded up in a mass arrest at Ruski Komarovtzi three or four months ago:

They came at 6:00 in the morning and took us from here to Rakosh, near Mukachev. There was a bus full of ten policemen and they grabbed about four Roma from here. It was the second time I had been taken in. The first time was last summer. They were looking for a horse thief.

In Rakosh they beat me on my back with dubinkas. Then they put a knife under my belly and made me crawl over it. At about noon they let me go. I had to walk back here.

The next day I got sick in my kidneys. Really sick. So I went to a doctor and he gave me some injections. The doctor asked me what happened to me and how I got all the bruises on my back, but I didn't tell him the truth. I've been back there a few times, but I'm still ill. I've been sick since they beat me four months ago.<sup>63</sup>

In January 1997, Roma at Ruski Komarovtzi told representatives from the Uzhorod Roma organisation *Romani Yag* that although there had been no group arrests recently, the police still came regularly to check local residence permits.

The Roma in Ruski Komarovtzi had specifically singled out Major Styepan Matitzo of the criminal investigations department of the Uzhorod Regional Police Department. The *ERRC* therefore asked him whether there is a policy of beating Roma for confessions. Major Matitzo told the *ERRC*:

Nobody gets beaten for nothing. If they don't obey or if there is resistance to the police, we use the dubinka.<sup>64</sup>

The investigative methods described make it difficult to verify police claims that Gypsy criminality is higher than that of the rest of the population. A Romani man living in a tabor will probably have a criminal record by his early teenage years regardless of whether he commits a crime. Once a confession has been beaten out of a Rom, he will serve a prison sentence. Once he has been in prison, he will be on a police list for the next three years and will be subjected to constant visits and harassment. He is an automatic suspect of all criminal investigations. According to police policy, he may be subjected to these visits even if he does not have a criminal record. Invariably, he will have another confession beaten out of him and will wind up back in prison. Now he is a repeat offender.

Police policy, therefore, seems to be more about creating criminals than finding them; prison is an excellent place to be socialised into crime, and the police seem intent on making sure that all Romani men experience prison early on in life and that they be sent back periodically for a refresher course. The moral and social damage, not to mention the suffering, caused by moving the male half of an ethnic minority in and out of prison for the indefinite future is enormous. Meanwhile, it is unclear what obstacles are hindering the formulation of intelligent law enforcement and crime prevention policy in conjunction with local Romani leaders other than mistrust, bad faith, and the racist conviction that Roma are primitive and can only be disciplined by being beaten.

The U.S. State Department's *Country Reports on Human Rights Practices for 1995* noticed a general pattern of brutality among the police in Ukraine; "...police and prison officials regularly beat detainees and prisoners."<sup>65</sup> It did not, however, take notice of the specific targeting of Roma for special treatment by the police.

A large proportion of the tabors visited by the *ERRC* had been regularly subjected to the following forms of police harassment: forced entry into homes without warrants, prophylactic searches and group arrests, group fingerprinting and harassment through late-night checks of local residence permits. The *ERRC* does not know of any groups besides Roma whom the police have treated in such a way. Roma neighbourhoods were the only neighbourhoods raided solely on the basis of their inhabitants' ethnicity.

Most of the Roma with whom the *ERRC* spoke claimed that although the police are brutal toward everybody, Roma are beaten more often than non-Roma. Most Roma felt that the police did not regard them as human beings. All of the Roma asked told the *ERRC* that the rise in police violence began around the time of the collapse of the Soviet Union in 1991.

Discriminatory treatment on the basis of ethnicity is in contravention of Article 18 of The Law on the National Minorities in Ukraine.<sup>66</sup> Moreover, discrimination in the application of criminal justice policy—from arrest to indictment to trial—violates international standards.<sup>67</sup>

In February 1997, the *ERRC* was informed that since Summer 1996, a new director had been in charge of the Transcarpathian region (*oblast*) police and that, since his appointment, 154 policemen had been disciplined. Nevertheless, Roma were still being beaten by the police.

The Uzhorod-based Roma organisation *Romani Yag* reported that on Wednesday, December 4, 1996, a Romani man named O.V. was arrested while collecting used batteries from a garbage heap. He was beaten in custody at police stations on Shumnaya Street and Gagarin Street in Uzhorod. On the morning of Thursday, December 5, he signed a statement which he had been unable to read due to his illiteracy. He was released on Friday, December 6. O.V. testified that he had not been given any food during the two-day period he spent in custody.<sup>68</sup>

In the evening of January 1, 1997, police officers invaded the house of two Roma families on the Novaya Street in Uzhorod, claiming to be looking for a man who had stolen a pair of boots. According to victim and witness testimony, police beat adult members of both families in the house and detained 16-year-old Mr. S.A. and 10-year-old Ms. V.M. Mr. S.A. was beaten and kicked in custody, and was made to shout sentences such as “All Gypsies are bastards” and “The cemetery is the best place for Gypsies.” Mr. S.A. and Ms. V.M. were released early in the morning of January 2.<sup>69</sup>

Early in the afternoon on January 16, 1997, police arrested five Roma in Uzhorod on suspicion of selling pills in the city. They were detained in the city police department and beaten badly over a period of three days. One of the victims, 26-year-old A.S., told *ERRC*:

At 1:00 PM on January 16, 1997, I went down from the fourth floor of my house to the yard. In front of the building I saw a car with two persons sitting in it, one of whom I knew. I stopped for a while about 30 meters away, when a third person whom I also knew got into the car. A few minutes later, several police cars arrived. Three police officers came to me, knocked me to the ground and started kicking me all over my body. They were shouting something about an apartment at me. They wanted to know where an apartment was. I did not know what they were talking about. Meanwhile I could see that my two acquaintances, both of them Roma, were also lying on the ground and were being beaten. Then I was dragged into a police car and driven to the police station. I was taken to the fourth floor together with three other Roma—two of them were the ones who had been arrested together with me. We were made to face a corridor wall, in a bent position, with our heads pressed against the wall and arms handcuffed behind our backs. Every so often, as we remained in this position, a policeman would come from behind and kick me or punch me, and do the same to the others.

Then one by one they started calling us into a room. There were three police officers in the room. They were all sitting while I had to stand. They started asking me whether I had been selling pills. Whenever I answered “no”, one of them would come and kick me or hit me with a fist. I was so scared that I told them that on one occasion I had sold pills. This is not true but it was the only way to make them leave me alone. At the end I had to sign something which I did not read.

After the interrogation, I was taken to a room with two police officers. They were my guards during the night. From time to time they beat me. Late in the night, the four of us were assembled in one room where two policemen watched over us.

The next day I was taken to the investigator. He told me that from that moment on I was a suspect, and he started interrogating me. He did not tell me that I had the right to a lawyer and I did not know that I had this right. The investigator asked me the same

questions as the police officers had. I repeated my confession again and signed a protocol which I did not read. This time the interrogation was recorded on videotape.

I was kept at the police for almost four days and then I was released. I have not been summoned since then. I still cannot run or bend. I have pain in my kidneys, back and right leg. I did not go to a doctor because I was afraid. My ID is still at the police station but I am afraid to go there and get it.<sup>70</sup>

20-year-old A.V., who was not charged with any crime, had been beaten both at the scene of the arrest and in the police station. He had been subjected to physical abuse all afternoon and evening, with occasional 10-15 minute breaks, on the 4<sup>th</sup> floor of the Uzhorod City Police Department. He told *Romani Yag* that while being beaten, the police had told him to “dance like a Gypsy”. At the time of his release, one police officer allegedly told A.V., “Don’t you dare tell anybody that you were beaten because we will kill you if we catch you.” Following his release, A.V. had to be hospitalised.<sup>71</sup>

Also on January 16, 1997, in connection with the same incident, 22-year-old B.J. was picked up on his way home from work in Uzhorod, handcuffed, and driven to the Uzhorod City Police Department where he was brought to the fourth floor. He was reportedly beaten constantly over a period of over 24 hours by four policemen and then released by two policemen who told him, “Excuse us, you may go.” The police allegedly never interrogated B.J., nor did they bring charges. The police ordered B.J. not to go to a doctor or attempt to file any sort of complaint.<sup>72</sup>

On January 30, two handicapped Roma from the Thälmann tabor in Uzhorod, Z.T.B. and his step-son E.Z.B., had gone with a cart and donkey to a village called Kuritniani, when they were confronted by two off-duty policemen. The policemen, one of whom was in uniform and the other in civilian clothes, allegedly ordered them to put their donkey in the cart and pull it all the way to Uzhorod. An elderly villager scolded them and they left. But they caught up with the Roma near the village of Kinchesh, on the way to Uzhorod. The policemen started beating them with their fists. The policemen also used the crutch of one of the men to beat him. When the Romani men told the police officers that they would complain to *Romani Yag*, the policemen allegedly threatened to shoot the two men.

After *Romani Yag* began investigating the beating, relatives of the perpetrators became afraid that “Gypsy mafia” would seek revenge and police officers of steadily escalating rank began to visit the *Romani Yag* office in Uzhorod. These officers alternatively begged and attempted to bribe representatives of *Romani Yag* into not bringing charges. Finally the victims were given 80 US dollars by the police and signed agreements not to attempt to file any sort of complaint against the police officers concerned.<sup>73</sup>

On February 28, 1997, the Uzhorod police arrested two Romani men on allegations of theft of 500 kilograms of iron. They were detained in the administrative building of the Ministry of Interior where the six police officers on duty were allegedly having a party featuring alcohol and singing. The Roma were locked in the bathroom and were denied food. The Roma were held until March 3 and were released only after signing documents which they could not read, since both are illiterate. One of the policemen concerned was Officer Styepan Matitzo, mentioned above. Officer Matitzo allegedly threatened them that divulgence of the circumstances of the case would result in further beatings. One of the victims, Mr. A.B., told the *ERRC*:

I was taken to the police station in Onokovcy, where I was locked inside a wash room containing three toilet bowls, a wash basin, a bicycle and six men one of whom was Bika. The room was approximately nine square metres in size.

About 9:00 PM that evening, the police took Bika from the wash room and put him in another room. Over the next half an hour or so, I heard Bika screaming from time to time. Later, after Bika had been brought back to the wash room, he told me and the

others that, among other things, the policemen had broken a chair by crashing it down on his head.

Sometime the same evening, I was taken from the wash room to a corridor somewhere else in the police station. There I was questioned and physically abused by two police officers—one of whom was Simon Bela; the other Koguch Misha—for about half an hour. I was asked what I had stolen; I replied that I had stolen metal wire. I was struck repeatedly with a flat wooden board on my head, on both arms and both legs. The officers asked me where the heater was, and they hit me again. After about one half hour, I was taken back to the wash room, where I examined my body and found it covered with bruises. I remained in the wash room with the other man the rest of the night.

The following day, in the morning, the police took me once again out of the washroom. Police officer Simon Bela took me again to another room, where I remained for about a half hour. Bela sat behind a desk and wrote things down on a piece of paper as I stood before him and responded to his questions. Bela questioned me about the theft of metal wire and the theft of a heater. When Bela asked if I knew who had stolen the heater, I said that I did not. I admitted again that I had stolen metal wire. During this questioning, another police officer was in the room. At times during the questioning, Bela got up from his chair, approached me, and struck me repeatedly with a wooden board on my right arm. When I complained that he was breaking my arm, Bela replied, “Fuck your arm.” Before I was taken from the room, Simon Bela told me to sign the piece of paper on which he had been writing. I did so. I do not know what this paper said.

Upon my release from the police, I went directly with Aladar Adam to the hospital, where my injuries were documented.<sup>74</sup>

The other man arrested in connection with the alleged iron theft, Bertalan Yosipovych Lakatosh, also reported physical abuse and humiliation by the police to the *ERRC*:

I was arrested on Friday, March 14. I was coming out of a shop in town around 1:00 pm when police grabbed me and accused me of having broken into a store about two months earlier. I was taken by the police to the Uzhorod police station, where I was ordered into a room. There were three policemen in the room. I was asked repeatedly about the burglary of the store two months before, which I denied having committed. Over a period of about 20 minutes, the three police struck me with their guns on my arms, neck, and back and kicked me all over my body. During this time as well, one of the men pressed my eyes against a lit light bulb.

After about 20 minutes, I was taken to another room, the room of the chief, Matitzo—ground floor, end of corridor, on the right. In the room were Matitzo, the “major”, the “tall one” and Misha. Misha was the only one of the four who did not mistreat me at this time. In this room, three of the officers, including Chief Matitzo, tried to get me to confess to the burglary of the store. When I refused to admit to the crime, the three men forced me up against the wall of the room. As I squatted against the wall screaming, one of the men stuck a lit cigarette against my face and on my hand. A lit match was pushed against my cheek and one of my fingers. I remained in the chief’s room for about half an hour. [On the day of the interview, March 23, burn marks were visible on the left ear and left pinky finger; bruises were visible on the left arm.]

The same three police officers, including Chief Matitzo, took me from the chief’s office down to the yard of the police station. There they beat me again and threatened to throw me into a well. The chief, Matitzo, held me by my hair and forced my head into a well in the yard. Then I was held suspended over the well for several minutes with my arms pinned behind my back. It was evening when this was happening, in full view of a

large number of police officers standing in the station reception area. They laughed while the three officers tormented me.

Eventually I was taken back to the chief's office by the same three officers, including Chief Matitzo. Heavy weights were placed on my neck. I was made to stand with my legs apart until I fell. When I fell I was made to get up and stand again in this awkward position until I fell down again. This continued for some time. At some point Officer Misha, who did not mistreat me, offered me some water to drink. He helped me to wash some of the blood off my face. Shortly thereafter, however, the physical abuse commenced again. One of the police officers forced me to the floor and stepped on me while another one punched me repeatedly. As this happened, another officer told the first two to stop, as this would suffocate me. At one point during the abuse, I was suffering so much that I asked the police to shoot me.<sup>75</sup>

---

#### 4. ROMA IN THE CRIMINAL JUSTICE SYSTEM

---

The Ukrainian judicial system has, to date, failed Roma. The flawed criminal investigative strategy described above brings Roma into the judicial system in two principal ways: as defendants charged with crime, and as victims seeking remedy for official abuse. These two problems are often intermingled in the same case. In neither role have Roma been able to find justice.

First, widespread due process problems plaguing the investigative and trial stages prevent Roma who are charged on the basis of questionable police tactics from getting a fair hearing in court. As discussed above, police often employ abusive tactics in order to apprehend suspects and secure evidence—usually in the form of a written confession of guilt following arrest. Roma are then charged, at least partly on the basis of testimony which has been illegally extracted by law enforcement officers.

Criminal trials of Roma are marred by excessive reliance on these post-arrest confessions, inadequate scrutiny of claims of coercion, poor or non-existent interpretation during courtroom proceedings, and restrictions on the right to legal assistance. More broadly, a combination of factors—widespread and deeply ingrained prejudice,<sup>76</sup> overweening prosecutorial power,<sup>77</sup> a tradition of excessive judicial deference to state authority, abusive police methods, narrow conceptions of the role of criminal defence advocates, and the inability of many Romani defendants properly to defend themselves in courts where language is a barrier—has conspired to make Roma tabors a virtual pipeline of men into prison.<sup>78</sup>

Secondly, the judicial system is presently incapable of remedying police abuse through the prosecution of the responsible officers or compensation for the victims. Legal mechanisms for redressing police abuse have yet to prove themselves: the *ERRC* could not discover any case in which a police officer had been held accountable in a court of law for mistreatment of Roma. Although members of the police, prosecutor's office and judiciary uniformly trumpeted the judicial system's capacity to examine allegations of official misconduct fairly and impartially, the observations of the *ERRC* did not substantiate these claims. Cases investigated by the *ERRC* provide concrete illustrations of how these problems reinforce one another and combine to deny Roma any semblance of the rule of law in Ukraine.

##### 4.1. VELYKI BEREZNI I

The *ERRC* visited the trial, in Velyki Berezni, of three Roma accused under Article 101(1) and Article 206 of the Ukrainian Penal Code of the stabbing of an ethnic Ukrainian on a train between Uzhorod and Chop.<sup>79</sup> Having heard the circumstances of the fight, during which all parties were drunk while involved in provocation and fighting, it was hard to tell on the basis of what criteria other than ethnicity the prosecutor's office had decided who should be the defendants and who, the victim.

All three defendants, whose mother tongue is Romanes (the Romani language), had difficulty understanding what was being said by the judge and lawyers, who spoke quickly in literary Ukrainian. There was no interpreter.<sup>80</sup> The one witness summoned on behalf of the victim arrived either drunk or dazed, then claimed to have no knowledge of what the proceedings were about. Although the defendants' post-arrest inculpatory statements were admitted as evidence against them, each of the defendants testified to having been beaten during interrogation. Nonetheless, the court did not address these allegations; nor did it take note of the claimed forced extraction of confessions while rendering decision in the case. Finally, the defendants reported that they had received written indictments only three days before the trial, impairing their preparation of an effective defence.<sup>81</sup>

Although all testimony, as well as statements by the prosecution and defence had been heard by the end of the day, the trial judge mysteriously postponed the verdict until the following Tuesday. This unusual delay may have been prompted by the hope that the *ERRC* would not return to hear the verdict.<sup>82</sup> On the following Tuesday, all three Romani defendants were convicted. Tiberi Yosifovych Terpak was found guilty of having committed crimes under Article 101(1) and Article 206(3) and was sentenced to three and a half years imprisonment. Yuri Ivanovych Surmai was found guilty under Article 206(2) and not guilty under Article 101. He was sentenced to one and a half years in prison. Mikola Andreyevych Surmai was found guilty under Article 206(2) and not guilty under Article 101. He was sentenced to one year imprisonment.

#### 4.2. VELYKI BEREZNI 2

In another case in Velyki Berezni, the negative consequences of highly questionable police tactics were once again magnified, rather than corrected, by the judicial system's failure to afford the defendants a modicum of due process or remedy for alleged abuse.

On April 14, Easter Sunday, 1996, police entered the Roma tabor in Velyki Berezni and shot two brothers, 29-year-old Yuri Yosifovych Dyurd and 24-year-old Mihael Yosifovych Dyurd. The event apparently began when a Romani boy from outside the tabor on a visit to his uncle in the tabor was jumped from behind and beaten up by three youths. The mother of the boy complained to the police, and two police officers accompanied her and her son to the tabor. When the mother and her son accused the two Dyurd brothers of the beating, the police moved to arrest. In the process, both brothers were shot in the legs.

The younger of the two brothers, Mihael Dyurd, described the events of April 14 to the *ERRC*:

My brother's wife noticed the police coming up the path, so my brother went outside. The police grabbed him and beat him with *dubinkas* and sprayed him with tear gas.

I went out and saw my brother under the tree, being beaten and shouting "Stop! What are you doing?" I didn't have time to think before I heard a shot and fell down and started yelling. My brother stood up and started running toward me and the same policeman shot him too. It was from a distance of maybe ten or twenty meters.

Then they started beating my brother's wife with *dubinkas*. They beat other women too. The policemen were drunk—It was Easter, so the whole thing was a big mess.

The policemen then left the scene, but returned twenty minutes later with reinforcements. According to the testimony of one policeman at the trial of the Dyurd brothers, after the initial shots were fired, the police officers returned to headquarters for two machine guns, pistols, *dubinkas* and teargas spray.<sup>83</sup> They then returned to the tabor. According to Mihael Dyurd:

Three policemen came back up here with machine guns. I was sitting on the side of the path with my brother and some people were bandaging my leg. As soon as they saw us, the policemen shouted, "All blacks should be shot." They grabbed us and took us down to the end of the tabor where five or six more policemen were waiting with a car.

They took us to the hospital. We were there for five days, me and my brother, in the same room with a police guard, handcuffed to the bed. Then they took us to the police station—first my brother, then the next day me.

In the police station they wanted me to fight with a policeman who had a gun, so the policeman would have a reason to shoot me. I stood on my one healthy leg and refused to do anything. After I refused to fight the policeman, we were taken to separate cells

and I was beaten by four policemen. They made me undress, threw weights at me and poured freezing water on me. They beat me everywhere and knocked my teeth out.

Finally we signed statements that said we had attacked the police with axes. Then we were taken to prison in Uzhorod.<sup>84</sup>

In the Easter incident, a total of twelve Roma were arrested and numerous Roma reported having been beaten by the police when they returned the second time. Tabor Starosta Mikolai Terpak told the *European Roma Rights Center*, “They beat everybody they could. They set dogs on children.”<sup>85</sup> Yuri and Mihael Dyurd were kept in pre-trial detention for three months.

A third Dyurd brother, Vassily Yosifovych Dyurd, told the *ERRC* that he had been beaten by six police officers at the police station during the same incident, and had suffered three broken ribs as a result. He had not gone to a doctor, however, because “here they don’t pay attention to you in the hospital.”<sup>86</sup> In addition, Vassily Dyurd reported that one of the arrested Roma had been forced to drink glue by the police officers, while another had been beaten by being placed in the center of a ring of policemen and then been punched and kicked around the ring.

Yuri and Mihael Dyurd were brought to trial under Article 188–1(2) of the Ukrainian Penal Code, for “offering resistance, through violence and/or threat of violence, to an officer in the line of duty.”<sup>87</sup>

Once again, the trial was seriously flawed. Although police testimony that the defendants had threatened them with axes was the heart of the prosecutor’s case, more than a dozen witnesses offered by the defence—who, presumably, would have contradicted the police version of events—were not permitted to testify. Moreover, though requested by the defence and ordered by the court, police witnesses failed to appear for a second day of questioning by defence counsel. Finally, defendant allegations that their post-arrest admissions had been coerced were not examined by the trial court. On July 24, 1996, both brothers were found guilty as charged. Yuri Dyurd, who had a prior criminal record, was sentenced to one and a half years in prison. Mihael Dyurd, who, according to his lawyer, had, by virtue of a prior operation, been unable to wield an axe at the time of the incident, was not sentenced to a term of imprisonment.

The idea of a civil suit on behalf of the Dyurd brothers to obtain compensation for police misconduct was beyond the realm of the imagination of two lawyers the *ERRC* approached on the subject. Both were adamant that police beatings were not a problem in Ukraine, so they were not interested in pursuing the issue. The defence attorney in this case—the one lawyer with whom we spoke who said he would take a police brutality case—told the *ERRC* the following:

Taking the police to court is a good way to ruin your career. As a lawyer, you must work closely with judges and the prosecutor’s office and being associated with a case in which the police were being sued would almost certainly ruin these relations. It is what is known as “blowing up the chain”.

Theoretically, it is possible to sue the police, but not when the victims are Gypsies or poor people or a teacher, for instance. Really, only a rich person or a person with political connections could do this.<sup>88</sup>

Since it is at least theoretically possible to file a complaint against the police, the *ERRC* was keen to discover the procedure by which this could be done, and whether anyone had ever tried it. At the Uzhorod City Police Department, the *ERRC* was told that allegations of police abuse of power were investigated by the police, the prosecutor’s office and the Ministry of the Interior:

There is an investigation and we try to get at the truth. If there have been beatings, severe measures are taken including firings. The Ministry of the Interior gets involved. Once a complaint is registered, an investigation is immediately started.<sup>89</sup>

And what were the most severe measures ever taken against a police officer? “Actually, we don’t have any beatings, because they are not allowed.”<sup>90</sup>

At the Uzhorod Regional Police Department, Lieutenant-Colonel Yuri Ivanovych Muchichko told the *ERRC*:

There is no discrimination in Ukraine and there is no place in the police force for violent officers. If there is a complaint, it should be made to the police or to the prosecutor’s office. Complaints to the police about a case of violence by a police officer are referred to the officer who is the direct superior of the officer who has committed the crime— This is the person responsible for justice. Different measures are possible against such an officer. There are cases of firings by the Ministry of the Interior. There is no discrimination in Ukraine.<sup>91</sup>

Lieutenant-Colonel Muchichko could not think of any complaints made to or about the Uzhorod Regional Police Department, nor could he remember any cases of firings or other form of official reprimand against any police officer in connection with instances of police brutality.<sup>92</sup>

Major Styepan Matitzo, who directs the criminal investigations department of the Uzhorod Regional Police Department and whom the Roma at Ruski Komarovtzi had named as responsible for the rise in police violence, elaborated on the process by which complaints can be lodged against the police for misconduct:

All complaints must be in writing. There have never been any written, official complaints against the police. There may have been unofficial complaints by relatives of the arrested parties, because they get upset even if there is enough evidence.

If there is a complaint, it goes to the prosecutor’s office and then either the police chief or the prosecutor begins an investigation. We try to build things up—to find out what happened. I’ve been head of the investigations department for one and a half years and there have never been any complaints.<sup>93</sup>

Finally, since the prosecutor’s office was involved in the process by which complaints could be lodged on account of police misconduct, the *ERRC* pursued the issue to the Uzhorod Regional Prosecutor’s Office:

There are two variants if a complaint is made against the police. Either the police corruption department can handle a complaint, or the prosecutor’s office can. Most are handled by the prosecutor.

There have been complaints, but not often. They are mostly unlawful abuse of power, but occasionally corruption as well. In a case of the unlawful use of power, measures can be taken up to criminal investigation, in which case prison sentences can result in accordance with Article 166 of the Penal Code.<sup>94</sup>

Had a policeman ever been put in prison for the unlawful use of power?

There have been trials. There is one now, but I’m not permitted to talk about it. The people who complain are usually already in prison. They complain that they were forced to confess. By law we must check to see if there is a basis for such allegations. If so, the people responsible are held accountable. Usually the complaint is groundless.<sup>95</sup>

Documentary evidence gathered by the *ERRC* demonstrates that complaints against the police are often not groundless. The legal mechanisms for addressing such complaints are, in practice, untried and/or ineffective.

In particular, the legal provisions for moving a case which has stalled on the desk of a prosecutor are inadequate. Although victims of abuse may, under Ukrainian criminal procedure, appeal prosecutorial non-indictment decisions in court,<sup>96</sup> in fact, where the local prosecutor opines that police brutality complaints are “usually groundless”, such complaints will not generally obtain a fair and thorough hearing.

Attempts were made to limit the power of Ukrainian prosecutors through a new Procuracy Law in 1991, amendments to the Penal Procedure Code in 1992 and then again in the new Ukrainian Constitution in 1996. However, the first two do not seem to have brought about significant reform, while the latter awaits further legislation to become effective.<sup>97</sup> Additionally, habits developed under tsarism and Soviet rule will still have to be overcome even after adequate laws are in place, if the overlarge powers of the Ukrainian prosecutor are to be diluted. As a law professor who formerly served as a prosecutor in Transcarpathia noted, “Police and prosecutors now feel that they can exceed their powers, indeed act unlawfully and not be punished, because the responsibility for investigating a prosecutor for wrong-doing rests with a prosecutor. So it is a Catch 22!”<sup>98</sup>

Finally, any discussion of the legal machinery of Transcarpathia would be incomplete without mention of the role of bribery.<sup>99</sup> The word “bribe”, like the word “mafia” is a nebulous term in contemporary Ukraine, encompassing many disparate elements.<sup>100</sup> Where “mafia” can mean anything from contract killer to entrepreneur, “bribe” can mean “illegal payoff” or “surrogate salary”.

For several years after 1991, however, Ukraine had the worst economy in the world. According to some economic indicators, inflation in Ukraine in 1993 was close to 5000%.<sup>101</sup> State salaries have sunk, in the past five years, to an average of 50 US dollars per month. As a result, members of the judiciary are potentially for sale since their salaries are extremely low. In short, pervasive bribery poses a significant obstacle to the emergence of an independent judiciary in the Transcarpathian region of Ukraine.

#### 4.3. VELYKA DOBRON

One example of how the overall system of partial justice in its present state in Transcarpathia affects Roma is to be found in the cases of murder and retributive community violence which took place in 1995 in Velyka Dobron. Four to six hundred Roma live in the town of Velyka Dobron. All of them live in the tabor, completely segregated from the surrounding population, who are ethnic Hungarians. On September 10, 1995, after prolonged drinking outside the tabor, a fight broke out between ethnic Hungarians and Roma who had been gambling at cards. After an argument, one Romani man, 19-year-old Vladimir Vilmusovych Papp, hit a Hungarian, 18-year-old Alexander Dokus, in the head with an iron bar. Dokus died that evening in the hospital.

On the evening of the murder, anticipating trouble, all but a few of the Roma from the tabor fled into the surrounding woods. Later that night, a mob of Hungarians came and burned to the ground three of the houses in the Romani tabor. According to 41-year-old Zoltan Kalmanovych Papp, the one Rom who remained in the tabor, shortly thereafter, a group of cars arrived carrying both police officers and local Hungarians. The police involved was a *Berkut* unit from the district police headquarters in Uzhorod:

I remained in the tabor because I was drunk. I was asleep in the house when the whole show arrived. I don't know how many cars came but there were many; they were all over the tabor. It was pure chaos all over. There were people in every house, there were

people running all over with torches, shouting. Someone grabbed me, but then one of the Hungarians told them to let me go because I was a good man.

Later the police chiefs came with the local judge, and the judge said that he would personally provide gasoline to burn down our houses.<sup>102</sup>

On the following evening, the mob returned, took away all of the valuables from the tabor—bicycles, musical equipment, televisions, clocks and furniture—and destroyed a further nine houses. Although the police were present on both the evening of the murder and the night after the murder, they did nothing to stop the mob from demolishing twelve houses in the tabor.

Three days after the original crime, three Roma, 16-year-old Zoltan Zoltanovych Lakatosh, 18-year-old Vassily Vassilievych Lakatosh, and 19-year-old Vladimir Vilmusovych Papp, went to the local police in Velyka Dobron and turned themselves in for the murder of Alexander Dokus.

The Roma from the community remained in the woods for two months after the murder and riot, afraid to return to their houses. They were brought bread and soup by local members of the Presbyterian church but were, according to the Roma of Velyka Dobron, threatened by local Hungarians with retribution.

According to 43-year-old Tibori Kalmanovych Papp, the father of Vladimir Papp, on May 23, 1996, Vassily Lakatosh, Zoltan Lakatosh and Vladimir Papp were all found guilty by the district court in Uzhorod of fighting, hooliganism and, in the case of Papp, murder. 18-year-old Vassily Lakatosh was sentenced to three years in prison, the younger Zoltan Lakatosh was sentenced to a year and a half in prison, and Vladimir Papp was sentenced to seven years in prison. All three are currently in prison in Ivano-Frankovsk, Uzhorod and L'viv respectively.

It was not so simple to find out what happened to the ethnic Hungarians responsible for looting and burning the tabor, or to the police who allegedly stood passively by while the mob enforced the rules of collective guilt and vengeance. Kalman Benedek, the local judge in Velyka Dobron, told the *ERRC*:

There are two versions of what happened after the murder. One is that Hungarians from this village burnt the Gypsy houses. The other is that Gypsies from other communities came and burnt down the tabor.

We asked why Gypsies from another part of Transcarpathia would come on that particular day to burn down the tabor. Judge Benedek explained:

Well, you know, there are different kinds of Gypsies. The ones from Uzhorod, they are like gentlemen (he gestured to *ERRC* guide and go-between, Aladar Adam, a Rom from Uzhorod, a delegate in the city council of Uzhorod and the head of the Romani organisation *Romani Yag*). But others are good-for-nothing.

The militia in Uzhorod did the investigation. I don't know if anyone was arrested for burning down the Gypsy houses.<sup>103</sup>

Lieutenant-Colonel Yuri Ivanovych Muchichko of the Uzhorod Regional Police Department, told the *ERRC* that the police from Uzhorod had intervened as soon as they had heard about the incident:

We could do nothing—Yes, a couple of houses were burnt, but if we hadn't been there, much more violence could have taken place.<sup>104</sup>

Major Styepan Matitzo, head of the investigations department, then told the *ERRC* that, in connection with the incident,

Four Gypsies were arrested and people from the village have been arrested. There were two investigations. Warrants for the arrests were given by the regional prosecutor. There have been trials of both Hungarians and Gypsies, and people from both groups have been sent to prison, both for the murder and for the house burnings after it.<sup>105</sup>

Officer Matitzo referred the *ERRC* to Regional Prosecutor Vladimir Lemak for more information about the case. The *ERRC* was therefore very surprised to learn from Regional Prosecutor Lemak that:

There has been an investigation into who, from the Hungarian side, is responsible for the destruction of the houses at Velyka Dobron, but nobody has been able to discover exactly who committed the crime. The case is still open though; Major Styepan Matitzo is responsible for it.<sup>106</sup>

Regional Prosecutor Lemak went on to explain how, exactly, it came to pass that the houses were destroyed in the first place:

The Gypsies stole something and the Hungarians found out. The Gypsies were in a majority, so they attacked a Hungarian and beat him. He died. Then the Hungarians attacked the Gypsies. They formed a group for revenge. The Gypsies saw the threat and fled into the woods.

Some of the houses then fell down. You've seen how strong these houses are; they collapsed. Gypsy dwellings are very weak; they are almost not fit to live in. The Gypsies did not come back for a long time. They spent about a month up in the woods. When they came back, some houses had been destroyed.<sup>107</sup>

Until they catch the guilty parties, Prosecutor Lemak explained, there could be no compensation. He hastened to add that in Ukraine, any damage which had been done "accidentally" would not be compensated for in any case. It does not seem likely that anyone is going to catch any guilty parties, however, since the regional prosecutor believes (correctly) that apprehending them is the responsibility of the regional investigator, while the regional investigator believes the perpetrators are already in jail.

The Ukrainian legal system worked smoothly and efficiently when it came to finding and convicting a Rom guilty of murder, as well as his two accomplices. To date, however, the same system has failed to identify and prosecute those responsible for perpetrating and/or consciously abetting the collective punishment of hundreds of Roma for a crime that, at most, three of them had committed.<sup>108</sup>

#### 4.4. RUSKI KOMAROV'TZI AND MUKACHEV

Regular invasion of Romani settlements and the subjection of Roma to special measures by the police, the evident powerlessness of Roma before Ukrainian courts and at other Ukrainian authorities, and the legal vulnerability of the group as a whole have created an atmosphere of impunity among the police in the Transcarpathian region. Younger, less experienced elements within the police force now abuse their power. Such abuse is often linked to public drunkenness by the police and, in two instances investigated by the *ERRC*, resulted in the alleged rape and attempted rape of Romani women by the police officers.

In Ruski Komarovtzi, Roma reported that individual police officers come to the tabor when they are bored and/or drunk and looking for some amusement:

When the police get drunk, they come here and look around. Two months ago, when I wasn't home, the police came, broke the lock on my door, went into my house and smashed things up. They took some curtains and linen, and they smashed the colour

TV. I complained at the regional prosecutor's office in Uzhorod, but they haven't done anything.<sup>109</sup>

A Romani woman in Ruski Komarovtzi, who was witness to the same police visit, told the *ERRC*:

It was dark—late evening. There were two policemen who came in a car and they were drunk. I came out of my house and started yelling at them to leave the house alone. They hit me on my back. Then they came to my house. They came inside and broke my windows and started beating on the table.<sup>110</sup>

The same Romani woman explained that the Roma of Ruski Komarovtzi have come to expect such treatment by the police:

Sometimes they come and put a Rom in the trunk of their car when they go out drinking. He has to stay in the trunk until they feel like letting him go. They sometimes shoot in the houses. They like to shoot photographs. We have bowls with bullet holes in them from when they shot in a kitchen once. I don't have the strength to go into Uzhorod and complain.<sup>111</sup>

When asked about the testimony of the Ruski Komarovtzi Roma, the regional investigator in Uzhorod could not remember if shootings had taken place in their houses or not.<sup>112</sup>

It was at Ruski Komarovtzi that the *ERRC* first encountered episodes of alleged rape and attempted rape by police officers. In one incident, sometime in March or April 1996, three drunk policemen in a red car began to harass three Romani girls from the Romani tabor in Ruski Komarovtzi who were selling brooms in the village of Lazi. Having forced the girls into the car, the policemen attempted to make them have sex with them. The frightened girls managed to avoid forcibly having sexual intercourse with the police officers by convincing the men to come with them to the tabor, where there were, they claimed, much prettier girls.<sup>113</sup>

In the tabor, the policemen went from house to house and then finally decided on 23-year-old P.L.:

They forced me into the bedroom of our house and started taking off my clothes. It was dark. They touched me. It was a tall, strong man with yellow hair. Then my mother started yelling and screaming and banging on the door and they left.<sup>114</sup>

Since Ms. P.L. could be shunned from the community if she was raped, she was more than usually constrained from speaking about the incident. It was therefore not possible for the *ERRC* to determine whether Ms. P.L. had been raped or not.

A similar incident took place in March 1996 outside the Franka Ulica Tabor in Mukachev. Police officers in civilian clothes who were evidently searching for a Romani man named "Miki" in connection with the theft of a bicycle, broke into the house of 19-year-old Mrs. A.D. at the edge of the tabor at around 10:30 in the evening. According to witnesses, three police officers entered, all of whom were drunk, and began beating Mrs. A.D.'s grandfather, Mr. L.D., with his own walking sticks. L.D. managed to break free and run outside, but they caught up with him and continued beating him outside:

I had no idea who was out there in the yard—I only heard that somebody was banging on the door so I opened it. They rushed in and pushed me on the sofa and said, "We are the police!" and began beating me.

I begged them, "Please don't beat me! What are you beating me for?" and the reply was, "We'll kill you, you damn Gypsy!"

I managed to run out of the house and started calling for help. By that time, blood was running out of my nose, mouth and ears. But they caught up with me and started kicking me karate-style. They left me half-dead on the ground.<sup>115</sup>

One of the policemen evidently left the scene at this point. One of the officers who stayed allegedly stated that he wanted “to burn down this Gypsy house and all of them inside.”

Mrs. A.D. had, in the meantime, managed to help her mother and her children, aged two and four, out a back window of the house. She and her husband, however, did not get out before the remaining two policemen returned:

I hid my husband because the police didn't know what Miki looks like and they could have taken him. I was terrified. I knew if they found my husband they would beat him. They were very drunk and I saw what they had done to my grandfather.

They came back in and one of them grabbed me. He said to the other one, “You can do whatever you like here; there are no witnesses.” I started to fight back, so they hit me. I was knocked into a corner and I hit my head—I almost passed out. I understood they wanted to rape me. One of them was searching around in his pocket for something but he was having trouble finding what he was looking for. That's when I made a run for it. I managed to run deeper into the tabor and I found my mother and children.<sup>116</sup>

According to A.D.'s husband, who was witness to the attack on his wife,

They were wild... they came in drunk and beat everybody. They messed everything up looking for Miki. I hid behind a big mirror. I was there behind the mirror when they came in and slapped my wife. Her clothes got all torn up. They were slapping her face and pulling her on the floor, but she hit one who had a bad leg and ran. I was behind the mirror for 10 or 20 minutes. Finally the policemen took two canes we had in the house and left.<sup>117</sup>

Evidently enraged that A.D. had escaped, the two police officers came upon a Romani couple, Mr. and Mrs. H., and their two children, walking in Franka Ulica in front of the tabor. Having chased off the man and the children, the two policemen proceeded to beat, rape and sexually abuse the woman, 28-year-old E.H.

Two non-Roma living outside the tabor witnessed the rape, and one of them narrowly escaped being beaten himself when he attempted to intervene. Eventually, according to witnesses interviewed by the *ERRC*, a second police car arrived and then an ambulance, which took Mrs. E.H. to the hospital. The hospital evidently admitted Mrs. E.H., sewed up a tear from the left side of her mouth which had been cut open in the incident, and then released her. Although Mrs. E.H. has no memory of being brought back and no one saw her being returned, the family of the victim believes that she was brought back by the police. She was found unconscious outside the tabor early in the morning of the next day.

Her family then had her readmitted to the hospital, although they had difficulty finding one which would accept her as a patient. According to the sister of the victim, “She was beaten so badly we thought she would die—her whole mouth was torn apart.”<sup>118</sup>

While in the hospital, Mrs. E.H. was visited by members of the police department who offered her money to forget the whole affair. She refused the bribe. The grandfather of Mrs. A.D. reported to the *ERRC* that he was paid a visit a few days later by four policemen, including two of the men who beat him. They came in civilian clothes in a red car. The police officers allegedly told him that if he filed a complaint, the police would come and burn his house down.<sup>119</sup>

The Mukachev police refused to release the names of the officers involved to the *ERRC*. Mukachev Deputy Chief of Police Viktor Chepak claimed to be aware of the incident and said that the officers concerned had been disciplined. It was difficult to interview Officer Chepak, since shortly after beginning the interview, another officer entered and attempted to obstruct the *ERRC*'s investigation. Most of the interview was punctuated by the second officer shouting at Officer Chepak in Ukrainian (which he was apparently unaware that one of the members of the *ERRC* mission understood), that we knew everything and that he (Chepak) would ruin everything by saying too much. The *ERRC* was therefore unable to find out why the case had not been referred to the judicial system but had, instead, been regarded as a purely administrative problem.

Independent sources having access to confidential information within the police department told the *ERRC* that no file exists on the case and that no one within the department was officially disciplined in the period between March and August, 1996.

Following the sexual assault, A.D. and her husband divorced. Despite fear of police retaliation, the victims expressed a desire to bring the guilty parties to justice. As such, the *European Roma Rights Center* engaged a lawyer on behalf of A.D. and E.H. However, since both the ex-husband of A.D. and the two witnesses to the rape and beating of E.H. refused to testify, the lawyer later decided that she could not bring the case to court. At that point, the *ERRC* continued to look for a lawyer who would take the case. Additionally, on September 3, 1996, the *ERRC* wrote a letter of concern to the Minister of the Interior of Ukraine, requesting a full independent investigation of the incident.

On November 11, 1996, the Ukrainian General Prosecutor's Office responded in writing to the letter of the *ERRC*. The Ukrainian General Prosecutor's response was sent, not to the *ERRC* but, for reasons unspecified, to the Hungarian General Prosecutor's Office. In the letter, the Ukrainian General Prosecutor claimed to have conducted an inquiry into the incident, and discovered that Mrs. E.H. had sustained "light bodily injuries" when she attempted to intervene during an arrest. According to the Prosecutor General, the three officers present had all acted correctly. However, the letter goes on to assert illogically that all the police officers concerned had subsequently been fired.<sup>120</sup>

The procedure for avoiding actual justice in the case was carried a step further when the Mukachev police offered 700 US dollars as a form of extra-legal compensation, first to A.D.'s grandfather and then to the family of E.H. The Uzhorod Roma organisation *Romani Yag* believes that this sudden generosity was the result of the *ERRC*'s letter. A.D.'s grandfather refused the money, but the family of E.H. accepted it, convinced that they weren't going to receive any other form of justice. When the police finally made good on their offer, the 700 US dollars had become 400 US dollars, plus 100 litres of sunflower oil. From this, the family of E.H. kept 170 dollars and gave 50 and 180 dollars to A.D. and A.D.'s grandfather respectively. According to A.D.'s grandfather, "The case is over. I would be afraid to complain anyway."<sup>121</sup>

E.H. told *Romani Yag*, "We haven't had any problems with the police since then, but they have destroyed my life."<sup>122</sup>

The *ERRC* believes that the incidence of violent sexual assault on Romani women is not an accidental development or a series of isolated aberrant acts, but rather the consequence of police practices which dehumanise Roma and treat Roma as objects. Contempt by non-Romani society for the living conditions of many Roma tabors in Ukraine can cause Roma to seem subhuman; mystique about the dark and beautiful Gypsy girl makes Romani women then simultaneously inhuman and, at the same time, enticing and in need of "salvation" or "civilising". When these crude casts of mind manifest themselves among a mandarin police force trained to regard Roma as the subjects of "databases", attacks on Roma follow.

Further, extra-judicial settlements involving cash payments only after the intervention of outside organisations do not constitute the rule of law. The *ERRC* expects the Ukrainian government to hold law enforcement officers, like other citizens, accountable to law, and to adopt transparent legal means for strictly disciplining police officers who abuse their power, both in and out of uniform.

During its work in Ukraine, the *European Roma Rights Center* was repeatedly confronted with the other side of the Transcarpathian *dubinka*: the US dollar. A policeman can beat and then offer a monetary settlement to escape trouble. He can also rape and do the same. And with these two tools at his disposal, the *dubinka* and the dollar, he need not concern himself with being brought to justice. Many judges, too, seem willing to ignore the imperatives of justice in the presence of cash.

But corruption is not a solitary business. Victims are trapped in the game and, in their position at the margin of existence, not to play amounts to heroism. Aladar Adam of *Romani Yag* expressed the frustration which results from attempting to swim against the steady stream of bribery in Ukraine:

What can we do in our one little office against police brutality when some wretched Rom beaten by police takes the money they offer him and signs a declaration saying he has no legal claims against them? We can jump around and yell, Ernest even slapped a guy once, but really, what can we do? How can we convince a Rom to sue a policeman?<sup>123</sup>

The *ERRC* believes that a broad range of measures can be introduced to reinforce the credibility of an independent judiciary. Currently, “much confusion results from a lack of awareness on the part of both politicians and the public that the primary purpose of the legal system is to protect the individual and not simply to execute the interests of the state.”<sup>124</sup> A legal scholar from Transcarpathia observed that, for most people in Ukraine, “a court is a body which punishes you.”<sup>125</sup> A difficult but very important task of public education is to convince the Ukrainian public that a court can rule in favour of a weak individual person and against the state. Without the development of such convictions among the wider populace, as well as the legal and procedural reforms necessary to substantiate this conviction, the culture and rule of law in Ukraine must *per force* remain miserable.

---

## 5. THE EFFECT OF LAND REFORM ON ROMA

---

Community tensions between Roma and non-Roma have not been confined to Velyka Dobron, and the recourse to violence as collective retribution which transpired there was also not unique. Following the dissolution of the Soviet system, however, an interest in acquiring land has given these community tensions a new twist. Now, a local community will more likely respond to an isolated crime by an individual Rom by expelling the whole community; if the Roma are expelled, the land may pass into the hands of the ethnic majority.

Encroachment onto land used by Roma began before Ukrainian independence and the end of the Soviet system of state-monopoly on agriculture. Approximately ten years ago, the village council of Serednye appropriated the top of the hill of the Romani settlement there, approximately one third of the land being used by the Roma of Serednye. They then razed a series of houses and a football pitch and planted an orchard over it:

Now we live packed together. They compensated us for the land from the top with some land in the flats down there. We took it, but it is bad land. The houses down there flood when it rains and the water is unsafe; we drink from cowshit. If you leave it sitting, you find worms in it later.<sup>126</sup>

The Roma in Serednye have also been unable to secure a well from the town and must walk two kilometres for drinking water. The *ERRC* and Aladar Adam of *Romani Yag* facilitated an arrangement for a well between the mayor of Serednye and the starosta of the Serednye tabor. According to the agreement, the Roma would dig the well and the village would provide the concrete rings for the lining of the well. As of January 1997, no concrete rings have been delivered to the tabor.

The mayor of Serednye assumed no responsibility for returning the land at the top of the hill to the Roma community, claiming that the land had been appropriated by the neighbouring village, Cervona Zirka.

Land privatisation was also an issue in Velyka Dobron, where Roma reported that when the village council parcelled out state-owned land several years ago, ethnic Hungarians were allotted seventeen square meters per person while Roma were only given ten.<sup>127</sup>

It was, however, in Hudlevo where the community interest in acquiring land held by Roma led to an outbreak of serious community violence. Following a bar brawl between ethnic Ukrainians and several Roma in late April 1996, a group of Ukrainian villagers attacked the rural tabor on the evening of May 1. They battered the houses at the perimeter of the tabor, then looted and burned them. According to a Romani woman named Elizabeth Olakh, there were approximately 70 people in the mob.<sup>128</sup> The Roma were evicted, most fleeing to relatives in another rural tabor in the town of Ruski Komarovtzi.

“I was beaten in my own house; I was pushed to the ground, kicked, and hit in the head,” reported 56-year-old Michael Yurievych Kosarov.<sup>129</sup> One young Rom named “Tolik” stayed in Hudlevo:

My house is still whole. I was there at the time of the attack, but I went out to the forest and hid for three days. Ukrainians came out to the forest to threaten that if I spoke about this or gave out names, I would be killed. Later I went to the mayor’s office to complain, but nobody paid any attention.<sup>130</sup>

Ms. Olakh also attempted to file a complaint, in her case with the police; “They told me, ‘If you come again, we will kill you.’”<sup>131</sup> No police or authorities of any kind had ever contacted the

Roma of Hudlevo about the destruction of their community, and none of them had any success in filing a formal complaint.

At the time of the *ERRC*'s first visit to Hudlevo in June 1996, of the approximately twenty houses in the tabor, two were burnt and a further seven had at least one wall missing and windows smashed. Everything was looted; tables and beds were either gone or destroyed and refrigerators, cameras and other valuables had been stolen. Horses were being stabled in two of the houses.

Two months later, when the *ERRC* visited again, the Roma of Hudlevo had disappeared entirely and the farmers from the surrounding region had curious ideas about who owned the land:

We have never had any bad relations with the Gypsies here—one family who escaped the mob came and hid in my house. There were always good relations with Gypsies; we borrowed horses from the Gypsies here.

The Gypsies here will probably have to leave though, since they are dividing up the fields at the moment. The border for now is the edge of the tabor. In order to get a piece of land here you have to occupy it; if you have a house on a piece of land, you get it. Anyway, the land didn't always belong to the Gypsies here. It used to belong to the Jews...<sup>132</sup>

Agriculture is an important branch of the Ukrainian economy. Farming accounts for 30% of Ukraine's overall economic output.<sup>133</sup> The economy of Transcarpathia is oriented around farming, animal husbandry and logging. Since Ukrainian independence in 1991, and especially since the election of the reform-minded Leonid Kuchma as president in 1994, land reform has been the focus of an intensive ideological fight. The eastward-oriented parliament, with its emphasis on a large and dominant state, has made the maintenance of state control of land a pillar in its determination to block overall social and economic reform. This policy has wide popularity especially in Eastern Ukraine, where an end to state control of farming is considered likely to contribute to further pauperisation of the Ukrainian and ethnic Russian peasantry.<sup>134</sup>

The result of this political struggle has meant that a policy of semi-privatisation—the first step toward full land ownership—has gone into effect. A new Land Code (*Zemelnyj Kodeks*) was passed in 1994, commencing the process of land privatisation. The new Land Code has been amended more than once since it was first adopted, and by October 1995, farmers had “the right to land possession, use and inheritance, but not full ownership of land.”<sup>135</sup> However, until the new Constitution was adopted in June 1996, Ukrainian law did not guarantee the right to “full ownership of agricultural land by private parties”, so holders of land received on the basis of the Land Code legitimately feared that the process would be reversed.

The new Constitution guarantees the private ownership of land in Article 41, “on the basis of, and within the limits determined by law.” This should resolve the five-year-long insecurity on the issue.

At present a new version of the Land Code is among the package of new laws pushed through parliament now that the new Constitution has finally been adopted, since almost all major laws are scheduled for post-Constitutional revision.<sup>136</sup> However, there is little reason to believe that Ukrainian lawmakers will assign responsibility for land distribution to authorities other than the local ones.

Roma are least likely to benefit from the land privatisation. Both the Roma and non-Roma whom the *ERRC* interviewed raised concerns that Roma may be effectively excluded from this process. Besides this, the lack of knowledge among Roma about the complicated application

procedure, as well as local tensions, were often pointed out as obstacles to the acquisition of land by Roma.

In some places, such as Hudlevo, the devolution of land distribution to local authorities has only intensified pressure on Roma to leave. As of January 1997, three Roma families had returned to Hudlevo, but all of them reported being terrified, because the chief of police had allegedly threatened to kill them if they reported the community expulsion to anyone. The three returning Roma families also told representatives of the Uzhorod Roma organisation *Romani Yag* that they hoped no other Roma families would come back, since that would cause problems with the local non-Roma. The rest of the families evidently “live at various train stations”.<sup>137</sup> At least one reason for this is that in contrast with minorities like the Hungarians, Slovaks or Romanians, who live in villages where they are the ethnic majority, Roma are in a numerical minority everywhere.

---

## 6. INEQUALITY BEFORE THE LAW: ROMA AND OTHER MINORITIES IN TRANSCARPATHIA

---

The Ukrainian Constitution sets forth the principle of equality of all citizens before the law and non-discrimination.<sup>138</sup> This principle is reaffirmed in Article 1 of the *Law of Ukraine on the National Minorities of Ukraine* which states, “All citizens of Ukraine enjoy state protection on [an] equal basis.”

The Law on the National Minorities further sets forth a series of rights intended to secure equal treatment for citizens of Ukraine who are not ethnic Ukrainians. For example, national minorities are guaranteed the right to participate in political life through consultative bodies established on a national and local level (Art. 5); the right to choose freely their nationality (Art. 11); the right to a name in accordance with the national tradition (Art. 12); the right to celebrate national holidays and use national symbols (Art. 6); the right to freedom of religion (Art. 6); the right to use the language of minority in official communication (Art. 8). National minorities are also guaranteed a number of cultural rights, such as the right to education in the national language; the right to study their national language; the right to develop their national and cultural tradition; the right to create national cultural and educational institutions (Art. 6); the right to preserve the living environment in the areas of their historical and contemporary setting (Art. 10). The Ukrainian state has a positive obligation to facilitate the enjoyment of these rights by means of providing training and support (Art. 7).

The *ERRC* found that Roma are, however, on an unequal footing with other minorities in Transcarpathia in their ability to claim and enjoy many of the rights set forth by the Law on National Minorities. Comparing the situation of Roma in Transcarpathia with the provisions delineated in the Law on National Minorities demonstrates that these legal provisions have not been effective.

In the first place, certain of the rights afforded to national minorities can be claimed more easily by non-Roma than by Roma, since all other minorities in Transcarpathia are endowed with external “homeland” states. This is true, for example, of Article 15:

Citizens belonging to the national minorities, national public associations have the right to establish freely and maintain relations with persons of their nationality and their public associations abroad, get assistance from them to meet language, cultural, moral requirements, to participate in the activity of international non-governmental organisations in order established in Ukraine.<sup>139</sup>

The Article recognises that not merely states might be of assistance in meeting linguistic, cultural and moral requirements, but also that individuals or “public associations” may contribute to the cultural life of minorities in Ukraine. However, in fact, Roma are far less able to benefit from assistance from abroad since as yet there exists no non-governmental organisation with financial and political means equal to that of a modern nation state. As an international stateless minority, Roma will simply benefit less from Article 15 than, for example, Germans, Hungarians or Romanians in Transcarpathia, all of whom are represented by states which can marshal taxpayers’ money and the avenues of international diplomacy to the aid of minorities abroad.

Secondly, Roma reported to the *ERRC* that their attempts to claim certain other rights set down in the Law on National Minorities have met with refusal by local officials. Authorities allegedly claimed that although such rights theoretically existed in the Law on National Minorities, the local administrative bodies had received no procedural guidelines on how to implement the law. Roma told the *ERRC* that this argument was used by local authorities to refuse Roma who attempted to realise their right to the official use of names in accordance with their national tradition as set down in Article 12.<sup>140</sup>

At least one right set down in the Law on the National Minorities is directly contingent upon the ability to be counted as a local majority. This is Article 8, on the right to use of the native language in official communication:

The language of the national minority can be used as well as the state Ukrainian language in the work of state bodies, public associations as well as enterprises, institutions and organisations situated *in the areas where a certain national minority is a majority of the population* (emphasis added).<sup>141</sup>

Although the term “area” is left undefined by the law, ethnic Hungarians have been able to claim this right and, in many towns and villages in Transcarpathia, Hungarian is in use at local government offices and, as a second language on street signs, and the Hungarian flag can be seen outside the offices of the local administration.

The *ERRC* knows of no administrative areas, as presently drawn, where Roma constitute an ethnic majority. They are therefore unable to claim the right to use of native language. In Mukachev, the Roma population’s numerical weakness formed allegedly the basis of an administrative order that a sign written in Romanes for the Baptist church in the tabor be taken down.<sup>142</sup>

In short, although the rights set down in the Law on the National Minorities conform, for the most part, to contemporary international standards, Roma have not been successful in claiming them. Constitutional anti-discrimination guarantees are flouted by the failure to enforce certain social rights where Roma are concerned, and the Law on the National Minorities has been ineffective in addressing this problem. Roma in Velyki Bereznii, for example, told the *ERRC*:

Officials in the Regional Council say there is no place in the republic for Gypsies. There have been no child support payments here since the beginning of the year. When we go to complain at the regional authority, they call the police. Seven children under two years old have died this year in the tabor because there is no money to feed them. Some of them died in the hospital and some of them were put out of the hospital to die in the tabor. There is a county hospital in Mukachev where more serious cases are taken, but it costs 200,000 kupons (a little over 1 US dollar) per day there. One girl died in the tabor last Monday. There was no money to pay for the burial.<sup>143</sup>

Additionally, Roma almost everywhere in Transcarpathia told the *ERRC* that they were not receiving government benefits to which they were entitled, and that these benefits were being given only to non-Roma—i.e., the local majority population. These complaints proved exceedingly difficult to investigate since the payment of social benefits is, at present, irregular in Ukraine and officials questioned claimed variously that times were difficult, nobody was receiving benefits, the benefits had been abolished, or that the Roma were lying. Nevertheless, the universality of these complaints indicates that local authorities are distributing scarce state resources only to their ethnic, non-Romani kin. In Berehiv, for example, a young Romani woman expressed the common sentiment to the *ERRC*:

Mothers here who have several children haven’t had child allowance payments for five months. City officials say they won’t get them because they have ceased to exist. I’ve heard rumours that pensioners should voluntarily give up one month pension. Since January, I haven’t received three or four pensions, however. They just haven’t come. We once sent a representative of the tabor to complain about the child care payments, but he didn’t get in to see the authority concerned.<sup>144</sup>

The Roma of Velyka Dobron were also unanimous in their conviction that aid intended for them was not reaching them, since it was distributed by non-Roma:

Some aid comes here from Holland, but the local Hungarians take it. Each person is supposed to get one box, but by the time we get it, it is one box per five people. The local priest said that he was informed that each person was given 15,000 Hungarian forints. This is not true. There is supposed to be another shipment of humanitarian aid of five kilos of potatoes per person, but no one has seen any of this. The local Presbyterian priest takes everything for his people.

Also, everybody here is supposed to get a certain amount of coal every month. But the judge won't let it be distributed until a certain fence is returned.<sup>145</sup>

The discriminatory distribution of social benefits violates domestic and international norms which guarantee the equality of all people before the law.<sup>146</sup> The former Constitution of Ukraine—in force until the adoption of the new Constitution in June 1996-- contained similar provisions prohibiting discrimination on the basis of race.

The evident success of ethnic Hungarians at claiming the rights set down in the Law on National Minorities, and at achieving equality before the law with ethnic Ukrainians, compared with the failure of Roma to do the same, suggests that other, extra-legal forces are at play. In the insecurity following the collapse of the Soviet Union, power has fled to various microlevels.<sup>147</sup> One such micro-level is ethnic allegiance. The ordinary individual in Ukraine has been forced by the social chaos to take his ethnic identity much more seriously than previously, since the benefits conferred by Ukrainian citizenship are few, and often do not even include the protection of physical safety.

During field research in Ukraine, the *ERRC* noted that minorities with nearby external “homeland” states enjoyed a higher standard of living and greater protection from rights violations than non-state minorities; the Hungarian villages encountered were visibly well off, for example. This suspicion was confirmed by Deputy of the Department of National Minorities of Transcarpathian Ukraine Vassily Georgevych Lizak:

The department's sphere of influence is specifically for minorities from states bordering on the Transcarpathian region. We work out agreements with Hungary, for example, on Hungarians living in the Transcarpathian area, and Ukrainians living in Hungary. So we have no agreements, for example, with Poland.<sup>148</sup>

Many of the complaints heard by the *ERRC* in Transcarpathia could be reduced to an elemental political problem: since Ukrainian independence, ethnic majority “insiders” have used the supposedly neutral administrative bodies which govern at the local level to entrench their dominance over Roma as the most disempowered ethnic minority. As a result, Roma are viewed as outsiders by the very governmental authorities who officially serve them. The ethnic principle is the salient feature of post-Soviet Ukraine and the practical effect has been the exclusion of Roma. The *ERRC* believes that Roma are disproportionately affected by discrimination in Ukraine, being numerically a minority in all existing administrative units, and having no external homeland state to bring political pressure on their behalf.

---

## 7. UZHOROD SCHOOL 13

---

Roma in Transcarpathia are often educated in schools which are only for Roma. These schools are of significantly lower quality than other schools. The principle underlying this separate schooling varies from town-to-town. In some areas, such as Berehiv, demographics and discrimination have conspired to make some schools “Roma schools”. In other areas, such as in Uzhorod, there is an established tradition of separate schooling. In still other areas, there are no schools accessible to the Roma.

Separate schooling for Roma in Uzhorod dates from the 1920s, when the Czechoslovak government established Uzhorod School 14 as a “Gypsy school”.<sup>149</sup>

The *ERRC* visited Uzhorod School 13, the other all-Roma school in the Uzhorod city school district and spoke with Larisa Kiapsha, the director of the school. Since it was summer, school was not in session, and Ms. Kiapsha had only recently been appointed, so she could speak to us only of future plans. Local Romani leader Aladar Adam told the *ERRC* that Ms. Kiapsha was hired because the last teacher had been cruel and ineffective. Children in the 6<sup>th</sup> class could not write, so the former teacher had been replaced.

Ms. Kiapsha specialises in Roma education and is not the first person in her family to have done so; her mother has taught Roma since 1966. Ms. Kiapsha told the *ERRC*:

This is my third job. My first job was at a Ukrainian school and then I taught at the other Gypsy school, number 14. I ended up teaching Gypsies accidentally; before that I taught Ukrainian Language and Literature. After I returned from maternal leave, I heard about a vacancy at my mother’s school, so I went there and loved it. I taught Ukrainian to ages 11–15-- the 6<sup>th</sup>–10<sup>th</sup> class. Here I will teach Health.

The subjects here are Ukrainian Language and Literature, Mathematics, History, Geography, Biology, Physics, Chemistry, Physical Education and Crafts. There are 180 students enrolled, plus the new class—roughly 200 students. There are 16 teachers and no non-Gypsies. There are no Gypsy teachers, which is a shame since if there were, maybe kids would like going to school better.

The program is the same here as it is in other schools. This is a shame—it would be better to lower the standards and expect only counting and writing. Nobody goes to the Gymnasium from here. Sometimes there are talented children who could go on, but they receive no support from their families. They used to go to technical schools, but now they mostly work as street-sweepers.

It is a good idea to have separate schools. This is not a question of discrimination. I used to teach at a non-Gypsy school where there were a couple of Gypsies. The Ukrainians were treated differently. But kids can go to whatever school they want—children are not sent to school by region.<sup>150</sup>

In the new era, pressure is on to “act realistically” and lower schooling standards. If, indeed, standards are lowered at Uzhorod School 13, schooling norms will come to resemble similar practices elsewhere in Central and Eastern Europe, which tend to isolate Roma and channel resources elsewhere. In many places in Eastern Europe, Roma are taught music and crafts and left illiterate, weak in maths, and unable to face the hurdles of the modern labour market. An extreme version of this is the practice of channelling Romani children into schools for the mentally retarded. Romani leaders from community at Oberwart in Austria say that before they claimed legal rights, 90–95% of local Romani children were sent to the *Sonderschulen*.<sup>151</sup>

Ultimately, thinks Aladar Adam, Uzhorod School 13 is a “ghetto”.<sup>152</sup> If schooling standards are lowered, this is not likely to change. This means, effectively, that another generation of largely illiterate Roma will be raised to try and make their way in a Ukraine which grows away from their grasp. The problem of why “Ukrainians are treated differently” at majority Ukrainian schools does not seem to be being addressed.

The situation of Roma schooling in other large towns in Transcarpathia was not qualitatively different from the situation in Uzhorod. In Berehiv, for example, Starosta Kalman Kalmanovych Sabo told the *ERRC*:

There is a school in the tabor. It goes up to the eighth class. They have no food and they give no homework. There are kids in the seventh class who can't sign their names. The city says there is no money and they keep threatening to close it, or to cut it back to four classes. Gypsies who live outside the tabor can put their kids in other schools, but all the children in the tabor go to the school here.<sup>153</sup>

Sadly, the ghettoised situation of schools in Uzhorod and Berehiv compares favourably with the situation of many Roma living in rural areas. In Hudlevo, Roma told *Romani Yag*:

What school? Which school? No children go to school here—It is very far away, and if we send our children there, they will be beaten.<sup>154</sup>

---

## 8. TRANSCARPATHIAN ROMA IN REGIONAL PERSPECTIVE

---

Transcarpathia is tucked in between Hungary, Slovakia and Romania and is culturally influenced by all three. The human rights situation of Roma in Transcarpathia therefore invites comparison with other countries of the region.

The *ERRC* saw no skinheads in Transcarpathia; in this regard, it compares favourably with Slovakia and the Czech Republic. Anti-Romani sentiment among the general population seemed, however, to be just as widespread. The difference seemed to be mainly an absence of ideological activism, rather than any greater native benevolence toward Roma among Ukrainians. Community tensions were similar to those seen in Romania during the period 1990–1993.<sup>155</sup>

Police techniques are becoming more uniform throughout Central and Eastern Europe and will continue to do so. Police forces in almost all Central and Eastern European countries increasingly receive expertise from Western European, American and Canadian police experts. The Ukrainian police have consulted representatives of the Royal Canadian Mounted Police<sup>156</sup> as well as the Chicago police force.<sup>157</sup> While in Transcarpathia, the *ERRC* witnessed a public show in Uzhorod in which police forces from around the region displayed new techniques, compared notes on law enforcement and the maintenance of public order, asserted their ability to keep the peace and subdue criminals, and indulged in self-advertising.<sup>158</sup> In addition to Ukrainian police departments, police officers from Hungary, Germany, Moldova, Poland, Romania, and Slovakia were present.

Eastern European police forces, meanwhile, are young; after the political changes, many older officers retired or were replaced. The younger generation of police officers can be nervous, inexperienced, gung-ho to bring order to the post-Communist chaos or, in the worst but unfortunately not infrequent case, fond of violence. Although this is a general problem of police forces and not merely an Eastern European one, the combination of youth, cowboyistic spirit, and the resurgence of racist thinking in Eastern Europe has proven deadly to more than a few Roma.

The police technology market, meanwhile, is international, and Ukrainian police officers have access to new and exciting weaponry, communications and computer documentation systems. The presence of such technology can be an intoxicating invitation to its legally unrestrained use, and the vulnerability of Roma can be a convenient outlet. This is especially true in the atmosphere currently prevailing in Ukraine, where law enforcement officials enjoy near total legal impunity.

In other areas, such as schooling and the displacement of Romani populations, a view of broader, pan-European trends is necessary for an understanding of present developments in Transcarpathia.

All over Eastern Europe and wherever Roma make up a significant portion of the population, there are trends toward ghettoisation in schooling. Such tendencies exist, for example, in the Czech Republic, Hungary, Romania and Slovakia. The problematic relationship between Roma, schooling and the state seen in Transcarpathia is of a similar kind.

The displacement of Roma is a larger phenomenon still. Since 1989, whole Romani communities have been repeatedly expelled from their home districts in Eastern Europe. This pattern is especially visible in Romania<sup>159</sup>, Bulgaria<sup>160</sup> and Ukraine. Entire villages must go “somewhere else,” the only condition of the somewhere else being that it not be “here”. As a result, ten, twenty or fifty Roma may arrive in a new village, town or neighbourhood with nothing but what they can carry. Community dynamics are altered and Roma as a group are blamed. The myth of the travelling Gypsy is given new life. Displaced Roma have, since 1989,

been circulated and recirculated by hostile communities of ethnic majorities all over Eastern Europe.

At the same time, Western European countries have begun arranging for the steady return of “illegals” from the East.<sup>161</sup> Most recently, for example, Germany has signed a repatriation agreement with the Federal Republic of Yugoslavia for the mutual exchange of citizens illegally residing in the two countries. Deportations of large numbers of Eastern European refugees have become a regular part of the business of all Western European Interior Ministries since the early 1990s. A sizeable percentage of these deportees are Roma fleeing pogroms or further expulsions in Eastern Europe. Their deportation to countries where the rights of Roma are at best weakly secured intensifies the cycle of rising communal antagonism described above.

Roma are returned to Transcarpathia from Western Europe or from one of the new states of the ethnic *cordon sanitaire*, the Czech Republic, Hungary and Poland, which dike the flow of peoples and prevent a perceived impending deluge of “barbarians from the East”. Having been returned, they are held in place through the use of local residence permits or seek their fortune in the Moscow underground.

Human rights abuses in Transcarpathia are therefore not exclusively a local problem, nor even solely the problem of the Ukrainian state. The international community contributes to the phenomenon of abuses and pogroms against Roma in Transcarpathia, as it contributes to similar abuses over Eastern Europe. While culpability for those abuses is individual, and individuals must be held accountable for specific violations of the rights of Roma, the continued partition of Europe into first, second and third worlds provides the ambience for continuing brutality.

The ambition of this report is to be merely a small first step in the long process of achieving justice for Roma in Ukraine. This process involves both good will and intelligence by the Ukrainian authorities, as well as the courage to hold local officials accountable for past violations and current policy. It also involves benevolent, yet persistent, pressure by the international community on the Ukrainian government and initiative by the Roma themselves. With a new Constitution in place, Ukraine seems set to turn its attention to other areas of its internal polity. Roma should be a priority on its agenda.

---

**9. A JUST SETTLEMENT: RECOMMENDATIONS OF THE *EUROPEAN ROMA RIGHTS CENTER* TO THE GOVERNMENT OF UKRAINE**

---

1. Carry out full and impartial investigations into allegations of police brutality, as well as into instances of partiality, discrimination or corruption on the part of local prosecutors. Those responsible should be brought to justice;
2. Discontinue discriminatory police practices such as “prophylactic” measures against Roma, the intrusive and arbitrary gathering of information on Roma, and group arrests of Roma absent reasonable suspicion of criminal activity;
3. Thoroughly review police investigative practice. Bring police law in Ukraine and police practices in Transcarpathia into conformity with international norms on police conduct as set down in the UN Code of Conduct for Law Enforcement Officials (1979), as well as in Resolution 690 (1979) of the Parliamentary Assembly of the Council of Europe: Declaration on the Police and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
4. Bring to justice those responsible for incidents of community violence and collective retribution against Roma;
5. Investigate the quality of legal proceedings in Transcarpathia and bring about significant reforms which will ensure that Roma defendants are secured all due process and fair trial guarantees to which international law entitles them, and that Roma and other victims of rights violations may obtain remedies on a just basis. Special consideration should be given to the manner in which legal assistance is afforded to indigent defendants, to the perverting effect of corruption on the entire legal system, and to ensuring the right of each defendant to:
  - have the free assistance of an interpreter in court;
  - have adequate time and facilities for the preparation of his defence;
  - examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.
6. Promote transparency and due process in disciplining of public officials;
7. Carefully review land reform procedures. Implement measures to insure that minority groups such as Roma are not discriminated against during land-distribution proceedings. The government of Ukraine should take active and significant steps to prosecute instances of discrimination;
8. Devise, in co-ordination with Roma organisations and Roma leaders, schooling strategies which ensure safe and integrated schooling for Roma children.

---

## 10. BIBLIOGRAPHY

---

- Amnesty International, Romania: Broken Commitments to Human Rights, May 1995.
- Barthes, Roland, "Dominici, or the Triumph of Literature", in *Mythologies*, New York: Hill and Wang, 1982, pp. 42–47.
- Bougarel, Xavier, *Bosnie; Anatomie d'un conflit*, Paris: La Découverte, 1996.
- Brubaker, Rogers, "Nationalism Reframed: National Minorities, Nationalizing States, and External Homelands in the New Europe", Budapest: Collegium Budapest/Institute for Advanced Study Discussion Papers No. 10, April, 1995.
- Constitution of Ukraine, adopted at the Fifth Session of the Supreme Rada of Ukraine, June 28, 1996, unofficial translation by the Council of Advisors to the Parliament of Ukraine.
- Davidson, Helen, "The Tide Turns for Ukraine", *Central European*, October 1995.
- Drutz, E. and Gesler, A., "Tsyganskiy mif", *Druzhba narodov*, 1989, No.2.
- Economist Intelligence Unit, *Country Report: Ukraine, 1<sup>st</sup> Quarter 1996*, London.
- Emets, G.S. and Dyachenko, B.I., *Tsiganske naselennya Zakarpattya*, Uzhorod: Vidavnistvo Karpati, 1993.
- European Roma Rights Center, *Divide and Deport: Roma and Sinti in Austria*, Budapest: September, 1996.
- European Roma Rights Center, *Sudden Rage at Dawn: Violence Against Roma in Romania*, Budapest: September, 1996.
- European Roma Rights Center, *Time of the Skinheads: Denial and Exclusion of Roma in Slovakia*, Budapest: January, 1997.
- Futey, Bohdan A., "Constitution Watch", *East European Constitutional Review*, Winter, 1995, p. 15.
- Futey, Bohdan A., "Comments on the Constitution of Ukraine", *East European Constitutional Review*, Vol. 5, Nos. 2 and 3, Spring and Summer, 1996, p. 31.
- Hořec, Jaromir, *Podkarpatská Rus; zeměznámá*, Prague: Nákladatelství H&H, 1994.
- Human Rights Project, *Annual Report*, Sofia, Bulgaria, 1993.
- Human Rights Project, *Annual Report*, Sofia, Bulgaria, 1994.
- Human Rights Watch/Helsinki, *Lynch Law: Violence Against Roma in Romania*, Vol. 6, No. 17, November, 1994.
- Kriminalniy kodeks Ukraini, Kyiv: Ukrainskiy derzhavniy tsentr provovoi informatsii, 1996.
- Kubijovyĭ, Volodymyr, ed., *The Encyclopedia of Ukraine*, Toronto: University of Toronto Press, 1984.

Kuznik, Anna M., "Rule of Law and Legal Reform in Ukraine: A Review of the New Procuracy Law", *Harvard Law Journal*, Vol. 34, No. 2, 1993.

Lucassen, Leo, *Zigeuner: Die Geschichte eines polizeilichen Ordnungsbegriffes in Deutschland, 1700–1945*, Munich: Böhlauscher Verlag, 1996.

Magocsi, Paul Robert, *The Shaping of a National Identity: Subcarpathian Rus' 1848–1948*, Cambridge, MA: Harvard University Press, 1978.

Magocsi, Paul Robert, *Carpatho-Rusyns*, Toronto: The Carpatho-Rusyn Research Center, 1995.

Malik, L.P. et al, *Tsigani Zakarpattya: Problemi, shlyakhi vireshennya*, Uzhorod: Gosprozrahunkoviy viddia Zakarpatskogo oblasnogo upravleniya do presi, 1991.

Martiniuk, Jaroslaw and Markus, Ustina, "Attitudes Prove to Be a Major Obstacle to Economic Reform", *Transition*, Vol. 2, No. 18, September 6, 1996.

Nemec, F., *The Soviet Seizure of Transcarpathian Ruthenia*, Westport, Connecticut: Hyperion Press, Inc., 1981.

Nováková, Marie, "Cikánská äkola v Uühorodu", *Romano Dûaniben*, Vol. II, No. 3, 1995.

Obracht, Ivan, *Nikola äuhaj Loupeûník*, Prague: Nákladatelství Svoboda, 1950.

Pollack, Martin, "Karpatenräuber" in Wischenbart, Rüdiger, ed., *Karpaten: Die Dunkle Seite Europas*, Vienna: Verlag Kremayr und Scheriau, 1992.

Pynsent, Robert, *Questions of Identity: Czech and Slovak Ideas of Nationality and Personality*, Budapest: CEU Press, 1994.

Subtelny, Orest, *Ukraine: A History*, Toronto: University of Toronto Press, 1988.

United States Department of State, *Country Reports on Human Rights Practices for 1995*, Washington: March, 1996.

Wilson, Andrew, "Ukraine: between Eurasia and the West" in Dunn, Seamus and Fraser, T.G., eds., *Europe and Ethnicity: World War 1 and Contemporary Ethnic Conflict*, London: Routledge, 1996.

Wilson, Andrew and Bachkatov, Nina, *Russia and the Commonwealth A–Z*, New York: Harper Perennial, 1992.

---

## 11. APPENDICES:

---

### APPENDIX 1: Letter from the General Prosecutor of Ukraine to the General Prosecutor of Hungary, in Response to *ERRC* Letter of Concern over Events in Mukachev

November 11, 1996

to: Andras Biro  
cc: Claude Cahn

The chief office of the public prosecutor in Ukraine, at your appeal, has conducted an examination of the case in which policemen in Mukachev, Transcarpathian region, violated the rights of Gypsy people.

It has been found that on March 18, 1996, Mrs E.J.H. (Gypsy, unemployed, address....) was taken with bodily injuries to the central hospital in Mukachev.

Light bodily injuries to Mrs. H involving the impairing of her health for a short period of time were caused by Mr. V.S. Odyintsov and Mr. J.J. Gleba, both members of the police staff, who were attempting to arrest Mr. A.B., a suspect of a theft. A fight began, during which Mrs. E.H. interfered and attempted to protect the suspected person. Mrs. E.H. beat the policeman several times with her hands, whereupon Mr. Gleba pushed her away from himself. While falling, the victim hit her head on a metal fence, causing the bodily injuries.

Mrs. E.H. was taken to hospital in the car of GO UMVD (chief department of the Ministry of Internal Affairs of Ukraine) of Mukachev. She received medical treatment in the hospital.

In her declaration, she stated that no one of the members of the police staff raped her or made any attempt to do so.

Policemen V.S. Odyintsov and J.J. Gleba have been dismissed from service in the organs of Internal Affairs.

The Office of the Public Prosecutor of Mukachev has refused to institute criminal proceedings against them. The chief office of the public prosecutor of Ukraine obtained on demand all necessary documents in order to examine if the decision was made in accordance with the present legislation.

Deputy Head of Department

V.J. Baginskij

## APPENDIX 2: Excerpts from “The Gypsy School in Uzhorod” (“Cikánská Škola v Užhorodu”), 1938 Doctoral Thesis by Marie Nováková

In December 1926, the first Gypsy school was opened—actually the first of its kind in Europe. There was, at first, an attempt to integrate the Gypsy children into the normal schools of the community, however this was in vain. While the families of Gypsy children did not show the desire to send their children to school, the children themselves at the same time were uninterested, and also the families of the other children protested that, “They didn’t want their children to sit on the same bench as dirty and flea-ridden Gypsies.”

Head of the Special Department of the Ministry of Schools and National Enlightenment (*Vrchní odborový rada ministerstva školství a národní osvěty*) Josef ěimek, at that time chairman of the school board in Uzhorod, after a study of the basic literature on Gypsies, their personal qualities and the environment in which they live, and finally after acceptance of the idea by the Gypsies themselves, came to the opinion that the one sensible standpoint was to found an independent Gypsy school. It was not difficult to win Gypsies over to this standpoint. When they realised that their children would be taken care of, receive food and clothing and the greater part of the day watched over, they themselves filled out an application, which they sent to Prague to President Masaryk...

The building has one classroom, into which old furniture borrowed from the community school has been placed. Additionally, a sink was installed and a flat for the teacher with a sitting room where a shelf with teaching aids was installed. Later a yard with a jungle gym was put in.

...And so the lessons began. Gypsy children are completely different from ours: while our children come to school with a certain schooling behaviour, consciousness and inculcated sense of discipline, Gypsy children are, in this sense, basically wanting. Additionally, they are very flighty, volatile, always moving with a natural wildness, sometimes somewhat melancholy and even malignant. It was not possible therefore to proceed on the basis of tests and prescribed norms of teaching, but rather it was necessary to adapt the teaching to the children. Therefore, Chairman ěimek prepared a special school regime for them. School periods lasted for half an hour and were interrupted by various recesses, and extended by storytelling and various work. After a half year, the Ministry of Schools approved violin lessons. In this way, a natural tendency arose in the Gypsy children to enjoy going to school and learning.

The teachers announced that the children were clever and understand well, even though it was natural that some of the subjects cause them great difficulties. Of these, the main difficulty was above all with language. The language of schooling was Slovak. The children definitely spoke Slovak, but knew only a few definitions, since at home they spoke Gypsy. The children therefore had to first learn well the language of instruction, during which grammar gave them serious difficulties, especially the correct usage of prepositions.. There are only a few prepositions in Gypsy-language and these are used differently than in Slovak. Gypsy children also had difficulties in counting and they didn’t like learning things by heart. They very much liked, however, the lessons in Biology, Geology, History and Religion. Eventually even older Gypsies were coming to the lessons on Religion. The favourite lessons were, however, music.<sup>162</sup>

---

## ENDNOTES

---

- 1 Actually, “militia” (*militsia*) before July 1996: in the Soviet Union the term “police” itself was associated with the capitalist order. During 1989 and 1990, various anti-communist mayors changed the name of their local force to “police”. Ukraine officially changed the name to *politsia* nationally in July, 1996.
- 2 *Otdel Militsii Naznacheniya Osobogo*.
- 3 *European Roma Rights Center* interview with Serhii Mirnyi, October 4, 1996, Budapest.
- 4 Wilson, Andrew and Bachkatov, Nina, *Russia and the Commonwealth A–Z*, New York: Harper Perennial, 1992, p. 163.
- 5 Kuzio, Taras, “Organized Crime and Corruption in Ukraine”, *Jane’s Intelligence Review*, Vol. 9, No. 1, January, 1997.
- 6 In this report “Transcarpathia” is used to mean strictly “the Transcarpathian region (*oblast*) of Ukraine”.
- 7 The majority population in Berehiv is Hungarian. In accordance with legal provisions under Article 8 of the 1992 Law on the National Minorities in Ukraine, both the Hungarian “Beregszász” and the Ukrainian “Berehiv” are officially in use as names.
- 8 See Obracht, Ivan, *Nikola äubaj Loupeünik*, Prague: Nákladatelství Svoboda, 1950; and Pollack, Martin, “Karpätenräuber” in Wischenbart, Rüdiger, ed., *Karpäten: Die Dunkle Seite Europas*, Vienna: Verlag Kremayr und Scheriau, 1992, as well as the tales of the exploits of the Hutsul bandit-hero Oleksa Dovbush by Ukrainian writers such as Bohdan Ihor Antonych, Osip Iurii Fedkovych, Ivan Franko, Volodymyr Hrabovetskyi and Hnat Khotkevych.
- 9 See *Economist*, May 4–10, 1996. See also Taras Kuzio: “The shadow economy is a means of survival for many companies and individuals (75% of the population rely upon it either wholly or in part for their incomes). The shadow economy’s positive role rests upon its prevention of the complete collapse of the Ukrainian economy.” (Kuzio, Taras, op. cit.)
- 10 The region is “under” the Carpathian mountains from the perspective of Budapest and the Hungarian language reflects this in the term “Kárpátalja”. The region is also “sub” in the Czech language, where it is “Podkarpatská”. The area is across or beyond (trans) the Carpathian mountains from the point of view of Kyiv, and is reflected as such in the Ukrainian and Russian names for the area, “Zakarpacie”.
- 11 Illiteracy was 60–70% at the end of World War 1, and as high as 95% in some towns. It dropped to 40% by 1930. Nemeč, F., *The Soviet Seizure of Transcarpathian Ruthenia*, Westport, Connecticut: Hyperion Press, Inc., 1981, p. 37.
- 12 Also known as “Rusyns”, “Carpato-Rusyns”, “Uhro-Rusyns”, “Carpato-Russians”, “Carpato-Ukrain-ians”, “Rusnaks” and “Ruthenians”, Ruthenes are a Slavic people who, although also to be found in several neighbouring (and non-neighbouring) countries, see their ancestral homeland as Transcarpathia. They speak a Slavic language which may or

may not be a local dialect of Ukrainian, depending on one's political perspective. Their cultural/political fate parted ways with Ukrainians (who, to make matters more complicated, were referred to in Western European ethnic taxonomies of the late renaissance and enlightenment as "Ruthenians") when, in the 18th Century, the region fell under Habsburg dominion. Their new masters promoted Greek Catholicism (also known as the Uniate Church) over the Russian or Ukrainian Orthodoxy to discourage any eastward-looking dreams in the local populace. This Viennese orientation was heightened during the reign of Joseph II (1780–1790) when reforms were introduced to improve the situation of the peasantry. The separation of Transcarpathia from neighbouring Ukrainian-speaking areas widened again when the area was put under Hungarian control in 1867. Since the early 20th century, the existence of a Ruthenian ethnicity has been a locus of competition between more radical versions of Ukrainian nationalism which view Ruthenians as Ukrainians on the one hand, and Ruthene or Ruthene-oriented political elites on the other. Major Ruthene emigrations to the United States and Canada took place at the end of the 19th century and at various times in the 20th. On Ruthenes and Ruthenian History, see Kubijovyč, Volodymyr, ed., *The Encyclopedia of Ukraine*, Toronto: University of Toronto Press, 1984; Magocsi, Paul Robert, *Carpatho-Rusyns*, Toronto: The Carpatho-Rusyn Research Center, 1995; Magocsi, Paul Robert, *The Shaping of a National Identity: Subcarpathian Rus' 1848–1948*, Cambridge, MA: Harvard University Press, 1978; Subtelny, Orest, *Ukraine: A History*, Toronto: University of Toronto Press, 1988. Wilson, Andrew, "Ukraine: between Eurasia and the West" in Dunn, Seamus and Fraser, T.G., eds., *Europe and Ethnicity: World War I and Contemporary Ethnic Conflict*, London: Routledge, 1996.

- 13 That is, since the works of Jan Kollár and Pavel Josef Šafařík in the 1830s. See Pynsent, Robert, *Questions of Identity: Czech and Slovak Ideas of Nationality and Personality*, Budapest: CEU Press, 1994, especially Chapter 2.
- 14 Ibid., pp. 3–57.
- 15 *European Roma Rights Center* interview with Petro Vasilievych Godmash, August 7, 1996, Uzhorod.
- 16 The 1989 Ukrainian census counted 12,303 Roma in Transcarpathia, while a sociological survey conducted the same year by the regional authorities counted 20,004. See Emets, G.S. and Dyachenko, B.I., *Tsiganske naselennya Zakarpattya*, Uzhorod: Vidavnistvo Karpati, 1993, p. 6. The authors believe that the real number of Roma in Transcarpathia is the one obtained by the sociological survey. They also explain that a large number of Roma prefer to identify as Hungarians or Slovaks, to avoid the negative burden of the Romani identity. Aladar Adam of the Uzhorod Roma organization *Romani Yag* believes the number of Roma is probably closer to 30,000.
- 17 Ukrainian nationalists would prefer to consider Ruthenes to be Ukrainians. There was no category for "Ruthenes" in the 1989 census, so both Ukrainians and Ruthenes were "Ukrainians". It is unclear whether they will receive their own census category once Ukraine conducts its first census as an independent state.
- 18 Figures based on the 1989 Ukrainian census and a sociological survey conducted the same year by the regional authorities.
- 19 At the end of World War 1, Jews comprised 13% of the population of Subcarpathian Rus. See Nemeč, op. cit. p. 4.
- 20 According to Jonah Steinberg, an American working in Moscow in the summer of 1996, Roma in the Moscow city train stations are most often from Transcarpathian Ukraine and Moldova. Letter to *Romnet* list-serve, September 11, 1996.

- 21 Emets, G.S. and Dyachenko, B.I., op. cit., p. 5–6.
- 22 See Malik L. P. et al. *Tsigani Zakarpattya: Problemi, shhyakbi vireshennya*, Uzhorod: Gosprozrahunkoviy redaktsiyno-vidavnychiy vidnya Zakarpatskogo oblasnogo upravlennya do presi, 1991, p. 3.
- 23 Druts, E. and Gesler, A., “Tsyganskiy mif”, *Druzhba narodov*, 1989, No. 2. p. 81.
- 24 *European Roma Rights Center* interview with Aladar Adam, August 8, 1996, Uzhorod. A “tabor” is a Romani settlement. Rural tabors are clearly delineated settlements of Roma. In the cities, however, a “tabor” is rather more of a ghetto-like neighbourhood.
- 25 “Starosta” is the word used by Transcarpathian Roma for local leaders of Romani communities.
- 26 *European Roma Rights Center* interview with Franka Ulica Starosta Zoltan Fedorovych Olakh, August 5, 1996, Mukachev.
- 27 *European Roma Rights Center* interview with Starosta Kalman Kalmanovych Sabo, August 7, 1996, Berehiv.
- 28 *European Roma Rights Center* interview with Starosta Kalman Kalmanovych Sabo, August 7, 1996, Berehiv.
- 29 *European Roma Rights Center* interview with Starosta Kalman Kalmanovych Sabo, August 7, 1996, Berehiv.
- 30 *European Roma Rights Center* interview with Starosta Kalman Kalmanovych Sabo, August 7, 1996, Berehiv.
- 31 *European Roma Rights Center* interview with Chaba Horvat, August 7, 1996, Berehiv.
- 32 *European Roma Rights Center* interview with Starosta Kalman Kalmanovych Sabo, August 7, 1996, Berehiv.
- 33 *European Roma Rights Center* interview with Mukachev City Councilman Ivan Lukych Shaketa, August 6, 1996, Mukachev.
- 34 Interview with a Romani man, approximately 40-years-old, from video of Velyki Bereznii raid, filmed March 24, 1991, provided to the *ERRC* by the *Romani Yag* organisation, Uzhorod. The translation has been literally preserved here, although it is possible that the Rom speaking was using figurative language to describe sexual abuse and degradation of Romani women by the police.
- 35 Interview with a Romani woman, approximately 25-years-old from video of Velyki Bereznii raid, filmed March 24, 1991, provided by the *Romani Yag* organization, Uzhorod.
- 36 *European Roma Rights Center* interview with a Romani woman, aged 18, August 9, 1996, Velyki Bereznii.
- 37 *European Roma Rights Center* interview with Major Viktor Chepak, deputy chief of police of Mukachev, August 6, 1996, Mukachev. The context of Major Chepak’s comments suggested that he meant petty crime, street crime, burglary, and did not include white collar crime in his figures.

- 38 *European Roma Rights Center* interview with Ilya Yuryevich Yevich, March 25, 1997, Uzhorod.
- 39 *European Roma Rights Center* interview with an officer who only wished to identify himself as “Motyl”, August 6, 1996, Mukachev.
- 40 *European Roma Rights Center* interview with Major Viktor Chepak, August 6, 1996, Mukachev.
- 41 *European Roma Rights Center* interview with Major Tomashuk, Uzhorod City Police Department, August 7, 1996, Uzhorod. According to Ukrainian attorney Yolana Kostik, fingerprinting without related investigation should be seen as exceeding one’s authority by the police and punishable by Article 166 of the Penal Code of Ukraine. *European Roma Rights Center* interview with Yolana Kostik, March 22, 1997, Uzhorod.
- 42 One scholar of the history of Roma has gone so far as to suggest that Roma are, in fact, not an ethnic group, but rather solely a police category. See Lucassen, Leo, *Zigeuner: Die Geschichte eines polizeilichen Ordnungsbegriffes in Deutschland, 1700–1945*, Munich: Böhlau Verlag, 1996. In the German-speaking world, the practice of intensive Gypsy-monitoring was already standardised by the early 19th century. Lucassen shows that the earliest regular usage of the term “Zigeuner” (“Gypsy”) was as a police category meaning “traveller” and part of a desire by the state to become ever more “in control”. German Romani activists assert that the so-called *Landfabrer Karte* files continued to be used even after the end of the Second World War, during which they had been used to genocidal end.
- 43 See, for example, the European Convention on Human Rights and Fundamental Freedoms (ECHR), Art. 5(1)(c); the International Covenant on Civil and Political Rights (ICCPR), Art. 9(1).
- 44 As a member of the Council of Europe since November 1995, and as a signatory to the ECHR, Ukraine has evinced its intention to ratify the convention and hence to abide and be bound by its provisions. The ICCPR has been in force in Ukraine since 1976.
- 45 *European Roma Rights Center* interview with Major Viktor Chepak, August 6, 1996, Mukachev. Ukraine retains the legal provisions of the former Soviet Union whereby permission to settle in a new area falls under the purview of the police. In order to move from one town and settle permanently in another, it is necessary to apply first and receive *propiska*-- the administrative act granting an individual legal residence-- for the new location. *Propiska* can be denied without reason. The arbitrary nature of such restrictions on the freedom of movement within the territory of a state raises grave questions of constitutionality and compliance with international law. See, for example, The Constitution of Ukraine, Art. 33; ECHR, Protocol 4, Article 2(1); ICCPR, Article 12(1,3).
- 46 *European Roma Rights Center* interview with Officer “Motyl”, August 6, 1996, Mukachev.
- 47 *European Roma Rights Center* interview with Major Styepan Matitzo, chief of the criminal investigations office, Uzhorod Regional Police Department, August 8, 1996, Uzhorod.
- 48 Article 10 of the Law on the Police deals with the duties of the police. Point 7 states that the police shall “carry out prophylactic work among persons who are inclined to commit crimes, perform administrative surveillance of such persons...and control persons who have been convicted of crimes and upon whom sentences other than imprisonment have been imposed.” Unofficial translation by the *ERRC*.

- 49 *European Roma Rights Center* interview with Major Styepan Matitzo, August 8, 1996, Uzhorod.
- 50 *European Roma Rights Center* interview with Sasha Edik, August 2, 1996, Uzhorod.
- 51 *European Roma Rights Center* interview with Sasha Edik, August 2, 1996, Uzhorod.
- 52 *European Roma Rights Center* interview with Ernest Bukov, August 2, 1996, Uzhorod.
- 53 *European Roma Rights Center* interview with Ernest Bukov, August 2, 1996, Uzhorod.
- 54 *European Roma Rights Center* interview with Ernest Bukov, August 2, 1996, Uzhorod.
- 55 *European Roma Rights Center* interview with Mihael Yosifovych Bogdan, August 10, 1996, Uzhorod.
- 56 *European Roma Rights Center* interview with Yosef Karlovyeh Surmai, August 9, 1996, Uzhorod.
- 57 *European Roma Rights Center* interview with Starosta Zoltan Federovych Olakh, August 5, 1996, Mukachev.
- 58 *European Roma Rights Center* interview with Lieutenant Colonel Yuri Ivanovych Muchichko, August 8, 1996, Uzhorod.
- 59 *European Roma Rights Center* interview with Fiodor Zoltanovych Olakh, August 5, 1996, Mukachev.
- 60 *European Roma Rights Center* interview with B.V., August 4, 1996, Ruski Komarovtzi.
- 61 The distance between Uzhorod and Ruski Komarovtzi is approximately 25 kilometres.
- 62 *European Roma Rights Center* interview with P.L., August 4, 1996, Ruski Komarovtzi.
- 63 *European Roma Rights Center* interview with Jevhen Petrovyeh Varady, August 4, 1996, Ruski Komarovtzi.
- 64 *European Roma Rights Center* interview with Major Styepan Matitzo, August 8, 1996, Uzhorod.
- 65 United States Department of State, *Country Reports on Human Rights Practices for 1995*, Washington: March, 1996, p. 1086.
- 66 Article 18 of The Law on the National Minorities in Ukraine states, “Any direct or indirect limitation of rights and freedoms of citizens on national basis is prohibited and punished by law.” Official translation.
- 67 See, for example, ECHR, Article 14 (taken together with provisions setting forth substantive rights, for example, Articles 5, 6 and 8); ICCPR, Articles 2(1) and 26.
- 68 *Romani Yag* interview with O.V., December 14, 1996, Uzhorod.
- 69 *Romani Yag* interview with S.A., January 10, 1996, Uzhorod.
- 70 *European Roma Rights Center* interview with A.S., March 24, 1997, Uzhorod.

- 71 *Romani Yag* interview with A.V., January 22, 1997, Uzhorod.
- 72 *Romani Yag* interview with 22-year-old B.J., January 24, 1997, Uzhorod.
- 73 Following the trauma of hyperinflation in 1993, much business in the so-called “shadow economy” in Ukraine transpires in US dollars.
- 74 *European Roma Rights Center* interview with A.B., March 24, 1997, Uzhorod. Hospital records claim that the injuries suffered by the witness are of a severity to be healed within twenty days. Under Ukrainian criminal law, the *ERRC* was told, prosecutors are not obliged to bring criminal charges against the perpetrators of violent crimes which result in injuries which heal in twenty days or less. In such cases, the victims are permitted to bring criminal actions on their own (resulting, it seems, in misdemeanour sentence of less than one year upon conviction.)
- 75 *European Roma Rights Center* interview with Bertalan Yosipovich Lakatos, March 24, 1997, Uzhorod.
- 76 A former prosecutor and senior Justice Ministry official lamented: “Prosecutors are not ready to respect someone regardless of ethnicity. The previous regime trained law enforcement for repression; even though the laws are changing, the mentality of people working in law enforcement is very difficult to change.” *European Roma Rights Center* interview with E.I.U., March 25, 1997, Uzhorod.
- 77 The prosecutor’s office in Ukraine is not merely a prosecutor in the Anglo-American and Western European sense, but is rather a descendent of an 18th century Tsarist bureaucratic mechanism for absolutist rule which was first abolished but then reinstalled in the early years of Bolshevism. As such, the prosecutor’s office or, more correctly, the “Procuracy”, until recently performed not simply the tasks of opening cases against alleged criminals and pursuing their conviction in court, as is typical in Western law traditions, but was, in actuality, “a hybrid of administrative, prosecutorial and civil law institutions... with virtually no checks on its power.” See Kuzmik, Anna M., “Rule of Law and Legal Reform in Ukraine: A Review of the New Procuracy Law”, *Harvard International Law Journal*, Vol. 34, No. 2, 1993, p. 616.
- 78 The *ERRC* observed that, at least in cases concerning Roma, where the judge and the prosecutor were often allied, the courtroom setting only reinforced the prosecutor’s institutional power. The defendants sat in a wire cage. Their attorneys sat in front of the cage, an arrangement which made them look like guardians against the concerted interrogation of both judge and prosecutor. Due to their physical separation, it was impossible for the defendants to confer in private with their attorneys, in apparent contravention of international standards. See ECHR, Article 6(3)(c); ICCPR, Article 14(3)(b).
- 79 Article 101 concerns intentionally causing serious bodily injury and sets forth three distinct crimes, each progressively more severe in nature and corresponding punishment. The crime under Article 101(1)-- the charge at issue in Velyki Bereznii-- is punishable by 2–8 years imprisonment and concerns “intentional bodily injury which endangered the life of the victim at the moment of injury, or bodily injury which caused a loss of any organ or the loss of its function, mental disease or other disease, combined with long-term loss of the ability to work or the termination of a pregnancy or irreparable disfiguring of the face.”
- Article 206 states, “Hooliganism, that is, conscious acts that rudely violate public order and show obvious disrespect to society, is punished by a term of imprisonment of up to one year, or with corrective labour for the same term, or with a fine of 30-80 minimum

- wages.” Article 206(2) concerns those acts of hooliganism “which are notable for exceptional cynicism or rudeness or connected with resistance against representatives of the public authority or the public performing duties in protection of the public order or other citizens who curtail acts of hooliganism.” Such acts are punishable by 1–5 years in prison. Article 206(3) defines “particularly fierce acts of hooliganism”, including the use of a weapon capable of causing serious bodily injury. Unofficial translations by the *ERRC*. See *Kriminalniy kodeks Ukraini*, Kyiv: Ukrainskiy derzhavniy tsentr pravovoi informatsii, 1996, pp. 69, 128–129.
- 80 On formal language, vernaculars and trials, see Barthes, Roland “Dominici, or the Triumph of Literature”, in *Mythologies*, New York: Hill and Wang, 1982, pp. 42–47. International law requires that a defendant charged with a crime be provided, free of charge, with an interpreter “if he cannot understand or speak the language used in court.” ECHR, Art. 6(3)(e); ICCPR Article 14(3)(f).
- 81 In fact, although Article 286(3) of the Ukrainian Penal Procedure Code does not require earlier notice, in certain instances, such an abbreviated period from indictment to trial, may raise concerns under international law. See, for example, ECHR, Articles 6(3a) and 6(3b), which state, “Everyone charged with a criminal offence has the following minimum rights: a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him; b) to have adequate time and facilities for the preparation of his defence”. Also see ICCPR, Articles 14(3)(a, b).
- 82 In all other cases involving Roma known to the *ERRC*, hearings lasted no more than several hours and verdicts were reached the same day.
- 83 Audio cassette recording of legal proceedings against Yuri Yosifovych Dyurd and Mihael Yosifovych Dyurd provided to the *ERRC* by *Romani Yag*, Uzhorod.
- 84 *European Roma Rights Center* interview with Mihael Yosifovych Dyurd, August 2, 1996, Velyki Berezni.
- 85 *European Roma Rights Center* interview with Starosta Mikolai Terpak, June 8, 1996, Velyki Berezni.
- 86 *European Roma Rights Center* interview with Vassily Yosifovych Dyurd, June 8, 1996, Velyki Berezni.
- 87 Article 188–1(1) states, “Offering resistance to a policeman or member of a voluntary people’s patrol (*narodnomu druzhinniku*) or the army in carrying out their duties related to protecting public order is punishable by imprisonment of up to one year or correctional labour of up to one year, or fines in the amount of 30–80 minimum wages.” Article 188–1(2) states, “The same act committed with the use of force, or with the threat of the use of force, or by coercion-- through violence or the threat of the use of violence-- to perform obviously unlawful acts, is punishable by a term of imprisonment of from one to five years, or with corrective labour for a term of one to two years.” Unofficial translation by the *ERRC*. See *Kriminalniy kodeks Ukraini*, Kyiv: Ukrainskiy derzhavniy tsentr pravovoi informatsii, 1996, p. 119.
- 88 *European Roma Rights Center* interview with Attorney Petro Vassilyovych Godmash, August 2, 1996, Uzhorod.
- 89 *European Roma Rights Center* interview with Major Tomashuk, August 7, 1996, Uzhorod.
- 90 *European Roma Rights Center* interview with Major Tomashuk, August 7, 1996, Uzhorod.

- 91 *European Roma Rights Center* interview with Lieutenant-Colonel Yuri Ivanovych Muchichko, August 8, 1996, Uzhorod.
- 92 As noted above, since the summer of 1996, a number of policemen have been disciplined for misconduct throughout the Transcarpathian region. Nevertheless, physical abuse of Romani detainees has remained unpunished.
- 93 *European Roma Rights Center* interview with Major Styepan Matitzo, August 8, 1996, Uzhorod.
- 94 *European Roma Rights Center* interview with Prosecutor Vladimir Yakubovych Lemak, August 8, 1996, Uzhorod. Article 166 of the Ukrainian Penal Code states, “(1) Exceeding power or official authority, that is, purposeful acts by an official which unambiguously exceed the limits of the rights and authority given by the law, if this causes essential harm to state or social interests, or to the rights and interests of certain legal persons protected by law, is punished by a term of imprisonment of two to five years, or correctional labour of a term of two years, and by depriving the perpetrator of the right to occupy certain positions or to pursue certain activities for up to three years. (2) Exceeding power or official authority, if this act is accompanied by violence, the use of a firearm or involved acts causing pain or which offend the personal dignity of the victim, is punished by a term of imprisonment of three to eight years, and by depriving the perpetrator of the right to occupy certain positions or to pursue certain activities for up to five years. (3) Acts described in parts (1) and (2) above which result in serious consequences are punished by terms of imprisonment of five to twelve years, and by depriving the perpetrator of the right to occupy certain positions or to pursue certain activities for up to five years.” Unofficial translation by the *ERRC*. See *Kriminalnyi kodeks Ukraini*, Kyiv: Ukrainskiy derzhavniy tsentr pravovoi informatsii, 1996, p. 104.
- 95 *European Roma Rights Center* interview with Prosecutor Vladimir Yakubovych Lemak, August 8, 1996, Uzhorod.
- 96 Under 1992 amendments to the Penal Procedure Code, (see Articles 99–1, 236, 236–1, 236–2, and 236–5), decisions by a prosecutor not to open a criminal investigation or to close a criminal investigation with a decision not to issue an indictment, can be appealed. The appeal procedure is as follows: the interested party must first appeal to a higher level prosecutor. If this higher level prosecutor confirms the decision of lower level prosecutor, a complaint can be filed in court. Decisions on appeals made by the court are final.
- 97 See Kuzmik, *op. cit.*, as well as Futey, Bohdan A., “Comments on the Constitution of Ukraine” in *Eastern European Constitutional Review*, Vol. 5, Nos. 2 and 3, Spring and Summer, 1996. The U.S. State Department’s *Country Reports on Human Rights Practices 1995* noted, “Prosecutors...are ultimately responsible to the prosecutor general, appointed by the Rada (Parliament) and President. Prosecutors and defence attorneys by law have equal status before the courts. In practice, however, prosecutors still are very influential because court proceedings are not conducted in an adversarial manner,” United States Department of State, *op. cit.*
- 98 *European Roma Rights Center* interview with Yosip Gorinetskiy, March 25, 1997, Uzhorod.
- 99 The *ERRC* has information concerning a bribe given to a certain judge by parties involved in a criminal case. According to *ERRC* information, this is typical of criminal proceedings.

- 100 The word “mafia” entered the Soviet vernacular to describe contemporary phenomena in 1987 or 1988. See RFE/RL, “Moscow to Set Up a “Mafia” Investigations Unit”, September 21, 1988.
- 101 The Economist Intelligence Unit, *Country Report: Ukraine*, 1st Quarter 1996, London, p. 25.
- 102 *European Roma Rights Center* interview with Zoltan Kalmanovych Papp, August 3, 1996, Velyka Dobron.
- 103 *European Roma Rights Center* interview with Judge Kalman Benedek, August 3, 1996. Aladar Adam of *Romani Yag* claims that Benedek is the “local judge who would personally provide gasoline to burn down the tabor.”
- 104 *European Roma Rights Center* interview with Lieutenant-Colonel Yuri Ivanovych Muchichko, August 8, 1996, Uzhorod.
- 105 *European Roma Rights Center* interview with Major Styepan Matitzo, August 8, 1996, Uzhorod.
- 106 *European Roma Rights Center* interview with Uzhorod Regional Prosecutor Vladimir Yakubovych Lemak, August 8, 1996, Uzhorod.
- 107 *European Roma Rights Center* interview with Uzhorod Regional Prosecutor Vladimir Yakubovych Lemak, August 8, 1996, Uzhorod.
- 108 The Transcarpathian local authorities’ lack of reaction to anti-Roma community violence may be seen as a deterioration of a once quite tolerant official policy. In May 1992, the Presidium of the Odessa Region (*oblast*) Soviet of people’s Deputies denounced violent anti-Roma assaults in Tatarbunar, Odessa Region, which followed a murder committed by Roma. In a statement published in the local press, the Presidium declared, “...it is inadmissible to spread the justified anger of the people at the perpetrators to other citizens on the basis of their national identity. The laws of Ukraine guarantee equal rights to all citizens, and no one can have his rights restricted except by law. The Presidium of the Oblast Soviet offers its apologies to the inhabitants of Tatarbunar whose property was destroyed as a result of the mass outrages, and urges the local authority to prosecute the persons who instigated the pogrom against the Gypsies, as well as those who took part in it.” See *Odesskie Izvestiya*, May 8, 1992. A description of the pogrom itself, in which hundreds took part, is provided in the Odessa newspaper *Yug*, May 8, 1992.
- 109 *European Roma Rights Center* interview with Mrs. B.V., August 4, 1996, Ruski Komarovtzi.
- 110 *European Roma Rights Center* interview with Agnes Varady, August 4, 1996, Ruski Komarovtzi.
- 111 *European Roma Rights Center* interview with Agnes Varady, August 4, 1996, Ruski Komarovtzi.
- 112 *European Roma Rights Center* interview with Major Styepan Matitzo, August 8, 1996, Uzhorod.
- 113 *European Roma Rights Center* interview with Malvin Desiderova Varady, August 4, 1996, Ruski Komarovtzi.
- 114 *European Roma Rights Center* interview with P.L., August 4, 1996, Ruski Komarovtzi.

- 115 *Romani Yag* interview with 79-year-old L.D., January 26, 1997, Mukachev.
- 116 *European Roma Rights Center* interview with A.D., August 5, 1996, Mukachev.
- 117 *European Roma Rights Center* interview with the husband of A.D., August 10, 1996, Mukachev.
- 118 *European Roma Rights Center* interview with 25-year-old Mrs. R.B., August 5, 1996, Mukachev.
- 119 *Romani Yag* interview with L.D., January 26, 1997, Mukachev.
- 120 See Appendix 1 for full text of the letter.
- 121 *Romani Yag* interview with L.D., January 26, 1997, Mukachev.
- 122 *Romani Yag* interview with E.H., January 26, 1997, Mukachev.
- 123 *European Roma Rights Center* interview with Aladar Adam, January 28, 1997, Budapest.
- 124 Futey, Bohdan A., “Constitution Watch” in *East European Constitutional Review*, Winter, 1995, p. 15.
- 125 *European Roma Rights Center* interview with Vasiliy Kerechman, March 24, 1997, Uzhorod.
- 126 *European Roma Rights Center* interview with Vilgen Gavrilovych Surmai, August 4, 1996, Serednye.
- 127 *European Roma Rights Center* interview with Mihael Kalmanovych Papp, August 3, 1996, Velyka Dobron.
- 128 *European Roma Rights Center* interview with Elizabeth Olakh, June 8, 1996, Hudlevo.
- 129 *European Roma Rights Center* interview with Mihael Yurievych Kosarov, June 8, 1996, Hudlevo.
- 130 *European Roma Rights Center* interview with “Tolik” (Anatoly), June 8, 1996, Hudlevo.
- 131 *European Roma Rights Center* interview with Elizabeth Olakh, June 8, 1996, Hudlevo.
- 132 *European Roma Rights Center* interview with Andrii Ivanovych Shliakhta, August 4, 1996, Hudlevo.
- 133 Davidson, Helen, “The Tide Turns for Ukraine”, *Central European*, October 1995, p. 37. Other sources suggest that this figure was only for 1990, and that since then there has been a radical drop in agricultural output, to 16.3% in 1994. See Economist Intelligence Unit, “Country Reports: Ukraine, 1996–97”, London. However, this latter statistic seems alarmist and probably reflects the massive flight of agricultural production into grey and black economies.
- 134 Martiniuk, Jaroslaw and Markus, Ustina, “Attitudes Prove to Be a Major Obstacle to Economic Reform”, *Transition*, Vol. 2, No. 18, September 6, 1996, p. 16.
- 135 Davidson, op. cit., p. 37.

- 136 *European Roma Rights Center* interview with Chair of the Department of National Minorities of Transcarpathian Ukraine Vassily Georgevych Lizak, August 7, 1996, Uzhorod.
- 137 *Romani Yag* interview with 22-year-old Mrs. P.K., January 20, 1997, Hudlevo.
- 138 Article 24 of the Constitution of Ukraine states, “Citizens have equal constitutional rights and freedoms and are equal before the law. There shall be no privileges or restrictions based upon race, colour of skin, ethnic or social origin, wealth, place of residence, on the basis of language or other characteristics (...)” Unofficial translation by the Council of Advisors to the Parliament of Ukraine.
- 139 *Law of Ukraine on the National Minorities of Ukraine*, Article 15, official translation.
- 140 *European Roma Rights Center* interview with Niko Rergo, January 13, 1997, Budapest.
- 141 *Law of Ukraine on the National Minorities of Ukraine*, Article 8, official translation.
- 142 *European Roma Rights Center* interview with Niko Rergo, January 13, 1997, Budapest.
- 143 *European Roma Rights Center* interview with a 20-year-old Romani woman, August 9, 1996, Velyki Bereznii.
- 144 *European Roma Rights Center* interview with Starosta Kalman Kalmanovych Sabo, August 7, 1996, Berehiv.
- 145 *European Roma Rights Center* interview with Zoltan Kalmanovych Papp, August 3, 1996, Velyka Dobron.
- 146 See, for example, ICCPR, Article 26. As of March, 1996, the U.S. State Department concluded that, “The government has not taken steps to effectively enforce prohibitions on discrimination.” United States Department of State, *op. cit.*
- 147 On micro-levels of power in the post-Communist context, see Bougarel, Xavier, *Bosnie; Anatomie d'un conflit*, Paris: La Découverte, 1996. Bougarel’s study is specifically about Bosnia, but deals in general with the breakdown of Soviet states and the failure of their successors to establish legitimacy.
- 148 *European Roma Rights Center* interview with Vassily Georgevych Lizak, August 7, 1996, Uzhorod.
- 149 “The Gypsy School in Uzhorod” was the subject of the doctoral thesis of a Czech scholar named Marie Nováková in 1938. According to Nováková, the opening of the school in 1926 made the Uzhorod Roma, “the first Gypsies in the whole republic, in fact in the whole of Europe, to have their own school.” Nováková, Marie, original title and publication information unknown; reprinted in abridged form as “Cikánská Škola v Užhorodu”, in *Romano Dúaniben*, Vol. II, No. 3, 1995, p. 16. Excerpts from the thesis are provided in the Appendix 2 to this report. The schooling language during the pre-1919 Hungarian period was Hungarian; by 1935, schooling in Subcarpathian Rus took place predominantly first in Slovak and then later in Ruthenian,
- 150 *European Roma Rights Center* interview with Larisa Kiapsha, August 2, 1996, Uzhorod.
- 151 *European Roma Rights Center* interview with Robert Karoly, March, 1996. The situation of Roma in Austria is the subject of the ERRRC country report, *Divide and Deport: Roma and Sinti in Austria*, September, 1996. once a codification was agreed upon. The language of

instruction remained Hungarian, however, in over 100 schools and there were, additionally, Hebrew, German and Romanian schools. See Nemeč, op cit., p. 37.

- 152 *European Roma Rights Center* interview with Aladar Adam, August 2, 1996, Uzhorod.
- 153 *European Roma Rights Center* interview with Starosta Kalman Kalmanovych Sabo, August 7, 1996, Berehiv.
- 154 *Romani Yag* interview with 30-year-old L.P., January 23, 1997, Hudlevo.
- 155 Violence against the Roma in Romania is the subject of a report by the *European Roma Rights Center*, *Sudden Rage at Dawn: Violence Against Roma in Romania*, September, 1996.
- 156 Letter from the Honourable Herb Gray, M.P., Solicitor General of Canada, to the *European Roma Rights Center*, December 24, 1996.
- 157 Information provided by Richard Upjohn at the Center for Civil Society International, Seattle, WA, USA.
- 158 The necessity of a strong, well-armed and legally unfettered police force was repeatedly drummed home by the authorities and police officers present; one Ukrainian police journal's headline read, "Terrorism in Ukraine: First Steps!"
- 159 See HRW/Helsinki, *Lynch Law: Violence Against Roma in Romania*, Vol. 6, No. 17, November, 1994; Amnesty International, *Romania: Broken Commitments to Human Rights*, May 1995; and *European Roma Rights Center* Country Report "Sudden Rage at Dawn: Violence Against Roma in Romania", September, 1996.
- 160 See *The Human Rights Project* Annual Reports, 1993 and 1994, Sofia, Bulgaria.
- 161 See, for example, *European Roma Rights Center*, *Divide and Deport: Roma and Sinti in Austria*, September, 1996.
- 162 Nováková, Marie, original title and publication information unknown; reprinted in abridged form as "Cikánská Škola v Užhorodu", in *Romano Dúaniben*, Vol. II, no. 3, 1995.