

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

17 September 2012

**UKR104176.E**

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Ukraine: Crime situation, including organized crime; police and state response; availability of witness protection  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### 1. Crime Situation

A report by the US Bureau of Diplomatic Security (OSAC) indicates that, according to Ukrainian Ministry of Internal Affairs crime statistics, in 2011, there was an increase in all categories of crime, including violent crimes (US 21 Feb. 2012, 3). The report indicates that most of reported crimes were related to fraud or petty theft, which included pick-pocketing and purse snatching (*ibid.*, 1). There were also reports of numerous Internet scams, such as lotteries, marriage and dating scams (*ibid.*, 3). The report states that the crime situation throughout the country was "aggravated by widespread government corruption and inadequate law enforcement support" (*ibid.*, 1). According to *Kyiv Post*, a Kyiv-based newspaper, "crime rate in Ukraine has reached a critical level" (24 Apr. 2009). Transparency International reports that in its world corruption rating, Ukraine was ranked at the 134th place in 2010 and at the 152nd place in 2011 (Transparency International 2010; *ibid.* 2011).

### 2. Organized Crime

Sources report that Ukrainian organized crime is involved in trafficking in persons (IOM 14 Oct. 2011), drug trafficking (US Mar. 2012, 441), racketeering (*Jane's* 19 Mar. 2012) and smuggling of products to the European Union (EU) (*Gazeta Prawna* 7 Sept. 2011). However, according to OSAC, harassment, extortion, protection rackets, and intimidation with connections to organized crime have declined (US 21 Feb. 2012, 5). Various sources state that organised crime has connections with government authorities (*Financial Review* 15 June 2012; EUobserver.com 6 May 2011; US 2012, 354).

Rompres, a Bucharest-based news agency, reports that a trans-border organized crime group, which included Ukrainians, Romanians and Italians, was dismantled in August 2012 (Rompres 6 Aug. 2012). The group smuggled tobacco products from Ukraine to be traded in some of the EU states (*ibid.*). EUobserver.com, a non-profit European Union news source based in Brussels (n.d.), also reported that Ukrainian gangs "play a big role" in Europe's illegal cigarettes market (*ibid.* 6 May 2011). *Gazeta Prawna*, a Polish newspaper, reports that an organized criminal group was uncovered in September 2011 by investigators from Ukraine, Poland, Latvia, Lithuania and Czech Republic (7 Sept. 2011). The group reportedly had branches in all these countries and was involved in illegal sale of goods smuggled from the East, as well as human and drug trafficking (*Gazeta Prawna* 7 Sept. 2011).

The *Sunday Express* names fugitive Ukrainian "crime lord" Semion Mogilevich as the "'boss of bosses' because of his stranglehold over Russian and Ukrainian organised crime" (20 May 2012). Sources indicate that Mogilevich is part of the US Federal Bureau of Investigation (FBI)'s most wanted list for defrauding investors in a stock scam (*Sunday Express* 20 May 2012; US Oct. 2009).

#### 2.1 Drug Trafficking

According to the US *International Narcotics Control Strategy Report 2012* (INCSR), Ukraine is not a major drug producing country, but it is an important transit country (US Mar. 2012, 441). In 2011, the Ukrainian President stated that "organized drug trafficking has turned into a national threat" (qtd. in Interfax 7 Apr. 2011).

The INCSR report indicates that under-equipped border and customs agencies make Ukraine an attractive route for drug traffickers into the bordering European Union (US Mar. 2012, 441). For instance, heroin, for Western Europe market, is moved from Afghanistan through Russia, the Caucasus, Turkey and Ukraine (ibid.) Latin American cocaine is also trafficked through Ukraine (ibid.). In 2010, 1,927 kilograms of cocaine were seized in the port of Odessa (ibid.). The shipment reportedly came from Bolivia and Venezuela (ibid.). The report also indicates that Ukrainian criminal groups, which were formed in 1990s and "traditionally stayed away from drug trafficking," are increasingly taking up the trafficking of synthetic drugs and psychotropic substances (ibid., 444). Corroborating information on drug trafficking in Ukraine could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 2.2 Trafficking in Persons

According to the International Organization for Migration (IOM), Ukraine is one of the main countries of origin of exploited labour in Europe (IOM 14 Oct. 2011). IOM indicates that since 1991, more than 110,000 Ukrainians have reportedly become victims of traffickers (ibid.). The US Department of State's *Trafficking in Persons Report 2012* states that traffickers are part of small organized crime networks, the majority of which are led by Ukrainians with partners from Germany, Russia and Poland (US 2012, 353). According to the report, some government officials, including judges, prosecutors and border guards, were implicated in human trafficking crimes (ibid., 354). For instance, in Volyn oblast, a village council deputy organized a criminal ring and trafficked 20 women to Poland (ibid.). Corroboration could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 2.3 Chechen Organized Crime in Ukraine

*Jane's Intelligence Review* states that Chechen organized crime has been established in Ukraine (*Jane's* 19 Mar. 2012). According to *Jane's*, Chechen gangs operate with Ukrainian criminal groups (ibid.). Chechen criminal activities have been reported in Kiev, eastern and western parts of the country and in Odessa, which is the largest seaport in Ukraine (ibid.). For instance, Chechens have been hired by Ukrainian racketeering gangs to carry out violent tasks such as assassinations, hold-ups, blackmailing or racketeering (ibid.). Corroboration on the above information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 3. State Response

Ukraine is a part of the Organization for Democracy and Economic Development, which includes Georgia, Ukraine, Azerbaijan and Moldova (GUAM) (GUAM June 2012). GUAM's Virtual Law Enforcement Center is a "collaborative effort to promote law enforcement cooperation between agencies of GUAM countries" (ibid.). Its projects include combating organized crime, illegal trafficking and terrorism, among other activities (ibid.). In an effort to combat organized crime, Ukraine cooperates with other international organizations, such as the UN Office on Drugs and Crime, the Organization for Security and Co-operation in Europe (OSCE) (ibid.), and other international counterpart agencies in Western Europe, Eurasia and America (US Mar. 2012, 442). For instance, a report by the US Bureau for International Narcotics and Law Enforcement Affairs states that, in 2010, three major cocaine seizures in Ukraine were based on intelligence shared by the US Immigration and Customs Enforcement and the US Drug Enforcement Administration (ibid.).

Sources report that the responsibility for counter-narcotics enforcement is shared by the Ministry of Interior and the Security Service of Ukraine (EU 23 Apr. 2009, 13; US Mar. 2012). For instance, in 2010, the Ministry of Interior's police force confiscated approximately 11.6 tons of different drugs and seized 950,900 doses of diverted controlled medical drugs (ibid., 444). It has also eliminated 230 drug-making labs (ibid.). In 2010, the security forces investigated approximately 762 drug crimes and police investigated 2,600 narcotics crimes (ibid.). According to Ukrainian judicial authorities, in 2010, 40 charges were brought against 52 law enforcement officers and other civil servants in relation to drug-related corruption offences (ibid., 445).

According to the European Commission report, Ukraine has signed bilateral cooperation agreements with several EU member states related to combating trafficking in human beings and focusing on information, technical and personnel exchanges (EU 23 Apr. 2009). According to the US *Trafficking in Persons Report 2012*, the Ukrainian government is making significant efforts to try to eliminate trafficking (US 2012, 353). The number of the convicted human trafficking offenders has increased from 120 in 2010 to 158 in 2011 (ibid., 354). However, according to the report, the government did not take sufficient steps to investigate and prosecute government officials who were involved in human trafficking crimes (ibid. 2012, 353). Further information on the prosecution of government officials could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 4. Witness Protection Program

Under Ukrainian law, witness protection is provided by the 1994 *Law on the Protection of Individuals Involved in Criminal Proceedings*, which was amended in 2003 (Ukraine 1994). According to the law, the following individuals are

entitled to protection:

- a. An individual informing a law enforcement agency on a criminal offence or otherwise involved in or with the detection, prevention, termination, and exposure of criminal offences;
- b. Victim or his/her proxy involved in a criminal case;
- c. Suspect, defendant, defence counsel and [other] legal representatives;
- d. Plaintiff, respondent and their representatives in the given lawsuit on reimbursement of damage incurred by a criminal offence;
- e. Witness [of the prosecution];
- f. Experts, translators, and witnesses at official searches;
- g. Members of families and close relatives of individuals listed in sub clauses (a) to (f) hereinabove provided these individuals are being bullied or exposed to other unlawful actions as participants in criminal proceedings. (ibid., Art. 2)

Decision on the protection measures is made by the investigating authority, public prosecutor or a court conducting criminal proceeding (ibid., Art. 3.2). Protection measures are carried out by the Security Service or the Ministry of Interior (ibid., Art. 3.3). The law indicates that the following security arrangements will be available to a beneficiary of the program:

- a. Bodyguards and guards watching home and property;
- b. Issuance of special individual protection means and warning devices;
- c. Use of technical means of tracing and listening in on telephone and other communications; visual surveillance;
- d. Replacement of ID papers and changes in appearance;
- e. Transfer to a different place of work or enrolment in a course of training;
- f. Change of residence;
- g. Enrolment in a children's preschool educational institution or social welfare institution;
- h. Securing confidentiality of information on the person [under protection];
- i. Court hearings in camera.

2. Depending on the nature and degree of danger to the life, health, home, and property of persons under protection, other security arrangements may be made. (ibid., Art. 7)

Information on the implementation and effectiveness of the witness protection program could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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## Additional Sources Consulted

**Oral sources:** Attempts to contact representatives of the following organizations were unsuccessful: Council of Europe, Embassy of Ukraine in Ottawa, International Organization for Migration in Ukraine, Odessa National Law Academy, Razumkov Centre, Ukrainian Center for Independent Political Research, Ukrainian Centre for Economic and Political Studies, Ukrainian Academy of Law Sciences, UN Office in Ukraine, UN Office on Drugs and Crime, Yaroslav Mudry National Law Academy of Ukraine.

**Internet sites, including:** Amnesty International; BBC; Committee to Protect Journalists; Council of Europe; Ecol.net; Enterprise Surveys; Europol; Factiva; Freedom House; *Gazeta.com.ua*; Human Rights Watch; Interpol, Ukraine; *Obozrenie*; Odessa National Law Academy; Organization for Democracy and Economic Development; Organization for Security and Co-operation in Europe; *Political Handbook of the World*; *Pravda.ru*; Radio Free Europe/Radio Liberty; Razumkov Centre; Refugees International; Stoptrafficking.org; Transparency International in Ukraine; Ukraine – Government Portal, Ministry of Internal Affairs, State Statistics Service; Ukrainian Academy of Law Sciences; Ukrainian Center for Independent Political Research; Ukrainian Centre for Economic and Political Studies; UN – UNICEF, UN Office on Drugs and Crime, UN Refworld, UN Women; Yaroslav Mudry National Law Academy of Ukraine.

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