



Using Bias Indicators: A Practical Tool for Police

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Introduction

Bias indicators are “objective facts, circumstances, or patterns attending a criminal act(s), which, standing alone or in conjunction with other facts or circumstances, suggest that the offender’s actions were motivated, in whole or in part, by any form of bias.”¹ As such, bias indicators are a crucial – in fact, the only – tool for identifying hate crimes.

It is important to note that the existence of bias indicators does not automatically prove that the criminal act was a hate crime, although some may be used in court as evidence. Bias indicators should be analysed and understood in their context and in relation to each other. The existence of bias indicators should prompt investigators to ask the necessary follow-up questions, and investigate potential bias motivation further to enable and support a hate crime prosecution. In addition, investigators should record bias indicators in the case file, as with all evidence.

This publication presents a comprehensive, but not exhaustive, list of indicators that suggest a crime may have been bias-motivated. The eight sections in this document correspond with the main types of bias indicators developed and recommended for use by the OSCE Office for Democratic Institutions and Human Rights (ODIHR). Each of the sections includes a set of questions to guide investigators in deciding whether a particular bias indicator type is present in the case before them.

This document presents a variety of bias-motivated incidents in Ukraine to provide practical examples of how different types of bias indicators can manifest in real-life scenarios. These incidents were reported by civil society to ODIHR over the past few years.² Many incidents described in this publication display several bias indicators simultaneously. In each incident description, we have underlined the bias indicator discussed in the relevant section. This is for the reader’s ease of reference and is not to be construed as diminishing the importance of other bias indicators present in a given case.

1 *Massachusetts Model Protocol for Bias Crime Investigation*; cited in: *Hate Crime Data-Collection and Monitoring Mechanisms: A Practical Guide*. (Warsaw: OSCE/ODIHR, 2014) p. 15, <<https://www.osce.org/odihr/datacollectionguide>>.

2 The information on each incident is based on what was reported to ODIHR. As such, some details might be missing – for example, gender of the victims is included only where this information was reported.

This publication, developed by ODIHR, can be used as a standalone resource or can be used in conjunction with *Categorizing and Investigating Hate Crimes in Ukraine: A Practical Guide*, for which this publication constitutes a separate annex.

1. Victim and witness perceptions

Even in the absence of other bias indicators, how victims or witnesses perceive the crime they experience or witness is of vital importance. While they may initially not be able to pinpoint the factors that make them see the actions of offenders as bias-motivated, their impression of the attack cannot be discarded. In fact, investigators will often find other bias indicators to confirm their perception.

Do the victim or witnesses perceive that the criminal act that occurred was motivated by bias?

- Forty-two gravestones were damaged in the Kolomiya Jewish cemetery in Ivano-Frankivsk. The head of the Jewish community said that the incident had elements of bias against Jews.
- A gay man was coming back home from a night club when he was attacked by an unknown man. The perpetrator brought the victim to a parking lot and severely beat him while calling the victim a “faggot” and requesting that he hand over his mobile phone and money. Eventually, the victim managed to escape. He believes that the attack was caused by his appearance.
- A lawyer representing the victims of a prior anti-Roma hate crime was attacked in his office by a group of men, led by a local prosecutor. The attackers first forced the victim to eat a document found in his office and when he could not, began beating and kicking him in his head and chest. The victim is convinced the attack was due to the fact that he works for a civil society organization representing Roma.

2. Comments, written statements, gestures or graffiti

The perpetrators of hate crimes frequently make their prejudices clear before, during or after the act. Those who commit hate crimes generally want to send a message to their victims and to others, and these messages, from shouted insults to gestures to graffiti, are powerful indications of bias motivation.

Did the suspect make comments, written statements or gestures regarding the victim's membership or perceived membership in a group?

- In Dnipro, a gay couple holding hands while walking at night were attacked by a group of men who screamed "Death to fags!" before beating the victims until one of them lost consciousness. The victims reported the case to the police, who laughed at them and said "This is Gay Europe. Now we have to defend faggots."
- In Novi Sanzhary, a victim was holding Jehovah Witness's religious literature when the perpetrator approached and said: "You, sectarian, I'll maim you now!" The perpetrator then hit the victim's shoulder in the presence of the victim's 10-year-old son.
- Two men stole a juice pack from a grocery store. The perpetrators were seen by a Somali man, who told the men to return the juice. The perpetrators then waited for the victim to leave the store before assaulting him. The perpetrators insulted the victim and called him "Black", referring to his skin colour. The victim managed to escape.

Were drawings, markings, symbols or graffiti left at the scene of the incident?

- A monument to the victims of National Socialism entitled "The Sorrowful Mother" was vandalized with swastika graffiti and the inscription "Death to kikes" in Poltava.

- A mosque undergoing restoration in the village of Ai-Ceres (Mezhdurechye) in the Sudak region of Crimea was vandalized. An obscene drawing and a crossed image of the Tamga of the Giray dynasty (the national symbol of the Crimean Tatars) were drawn on the wall of the mosque. According to human rights activists, this action was not only anti-Muslim but also anti-Tatar. This occurred in an area that is not under the control of the Ukrainian government.
- A Nazi swastika was painted on a side wall of a clearly identified Kingdom Hall of Jehovah's Witnesses in Rubizhne.
- An Orthodox church was vandalized with satanic graffiti in Svetlovodsk. The priest believes that the perpetrators were celebrating the "birth of the antichrist".
- In Crimea, three shops belonging to Crimean Tatars located on the same street were vandalized with black and red paint. Graffiti was drawn on the walls and roll-up doors saying "God hates you", "Leave, you bastards", "I hate you" and "You are born and die in lies". This occurred in an area that is not under the control of the Ukrainian government.

3. Ethnic, religious or cultural differences between the perpetrator and victim

Differences between perpetrators and victims can be a bias indicator. This is particularly true when victims can be visibly identified as members of a certain group. These identifiers can include skin colour, religious dress, such as a Muslim woman wearing a headscarf, or other identifying clothing such as wearing a rainbow flag in support of the LGBTI equality movement.

Do the suspect and victim differ in terms of their racial, religious, ethnic/national background or sexual orientation?

- In Chuhuiv, two Jehovah's Witnesses were walking down the street holding religious literature when they were attacked by a man known to be an active member of the Orthodox Church. The perpetrator shouted, "I know you are Witnesses! Jehovah's Witnesses are scum! Scumbags", while he kicked and punched the victims. The attacker robbed the victims and tore apart their literature after the victims lost consciousness.
- In Kyiv, two white men attacked a black Somali man inside a bus and sprayed acid into the victim's face, injuring his eyes, before he fell to the floor. The perpetrators then left the bus.
- A young man approached two Jehovah's Witnesses near a religious literature display. The man hit and kicked the display twice, trying to overturn it. He then punched one of the Jehovah's Witnesses in the face. The victim suffered physical injuries, scratches and his eyeglasses were broken. The perpetrator said that he was an atheist while explaining his actions.
- In Ternopol region, a group of far right "Pravy Sector" activists seized a church belonging to the Ukrainian Orthodox Church (UOC) in communion with the Russian Orthodox Church. Shortly after the incident, a leader of the local community of the Orthodox Church of Ukraine (OCU) in communion with the Ecumenical Patriarchate of Constantinople severely beat a parishioner of the UOC.

Is there a history of animosity between the victim's group and the suspect's group?

- In the Borovaya village of the Kyiv region, a group of local citizens destroyed a church under construction by the UOC. The group promised to continue to try and prevent the church from being built. *Comment: The village is known for long-standing tension between UOC parishioners and other citizens.*

Is the victim a member of a group that is overwhelmingly outnumbered by members of another group in the area where the incident occurred?

- In Lviv, a black Guinean national was on his way home at night when a group of four or more men attacked and beat him. The attack lasted several minutes and the group of perpetrators promptly disappeared after the victim fell to the ground, bleeding. The perpetrators shouted racist exclamations during the attack.
- In Donetsk, Mormons were physically assaulted and injured by a group of armed perpetrators, who also vandalized the victims' church. This occurred in an area that is not under the control of the Ukrainian government.

Was the victim engaged in activities promoting his or her group at the time of the incident?

- Spectators watching an LGBTI film screened at a contemporary art centre in Chernivtsi were threatened by a group of far-right activists from the "Pravy Sector" and "Azov" groups, armed with knives and wooden bats. The perpetrators broke into the room, blocked the projector and threatened to kill everyone present. Police officers were present at the scene but did not interfere, saying that the screening had been open to all. Two spectators were later ambushed and physically assaulted by masked men in the city centre.

- Two women Jehovah's Witnesses were distributing religious literature when they were suddenly attacked by an unknown young man. He verbally abused the women, kicked the literature displays and threw the religious literature on the ground. He threatened the victims if they dared to continue their religious activities.

Was the victim visibly identifiable as a member of a minority group?

- In Kyiv, a Sudanese man was distributing promotional leaflets near a metro station when he was approached by three people. One of them snatched leaflets and threw them into the victim's face, while another perpetrator was shaking a pack of leaflets in front of the victim's face and insulting him, using foul language.
- Two women Jehovah's Witnesses were attacked in an apartment block staircase in Enerhodar by one of the building's residents. The perpetrator hit one of the women, threw her to the ground, and pulled her clothes and hair. He then threatened to kill her. The victims were holding religious literature and were easily identifiable as Jehovah's Witnesses.

4. Organized hate groups

While not all hate crimes are perpetrated by organized groups, members or associates of such groups are often involved in the commission of these crimes.

Is there evidence that such a group is active in the neighbourhood (e.g., posters, graffiti or leaflets?)

- A Tajik student with Ukrainian citizenship was attacked close to the Naukova metro station in Kharkiv. The perpetrators, a group of 10 to 15 people, surrounded him. One perpetrator said “we carve up non-Russians” and they began beating the victim, also pepper-spraying him. From their clothing, the perpetrators appeared to be far-right activists.

Comment: The phrase uttered by one of the perpetrators suggests that the group is regularly intimidating people.

Did the offender use behaviour associated with membership in a hate organization, such as using Nazi salutes?

- An Israeli journalist wearing a kippah was hit from behind during the celebration in Kharkiv of the 25TH anniversary of Ukraine’s independence. When the victim turned around, he saw the perpetrator making a Nazi salute. The journalist believes he was targeted because he was wearing a kippah.
- In Kyiv, during an international UEFA championship match involving Dynamo Kyiv, fans of the Dynamo club severely beat four black spectators. Eyewitnesses heard the perpetrators shouting “white power” while beating the victims.
- In Odesa, a man was attacked on his way home from the LGBTI organization “Queer Home” by three unknown perpetrators, who claimed to be part of the far right group “Pravy Sector”. The man suffered light injuries.

- In Sumy, “Pravy Sector” activists attacked the Transfiguration Cathedral belonging to the UOC. They blocked the entrance and threatened priests and worshippers.
Comment: During and after the attack the perpetrators did not hide their membership in Pravy Sector.

Did the offender have clothing, tattoos or other insignia associated with a particular extremist or hate group?

- A “Festival of Equality” was scheduled to take place in Lviv. The hotel in which the event was taking place was the target of a bomb threat, while a group of some 100 far-right supporters wearing insignias on their clothes besieged the building, throwing stones into it and nearby cars. The participants had to be evacuated.

Does the suspect’s background or online presence indicate possible links with a hate group?

- A Roma man was stabbed to death and four more were seriously injured in an attack in a Roma settlement near Lviv by members of a nationalist group called “Sober and Angry Youth”. Prior to the attack, the same group posted a threatening video online, showing the group’s members chasing Roma people through the city.
- Two men were assaulted by a “Pravy Sector”-affiliated political candidate and his son because the victims were perceived to be Gay. The assailants posted information about the attack on social media declaring that the victims would need at least two weeks of hospitalization in order to recover.

Did the incident occur during or shortly after a rally of such group?

- Immediately after a far-right rally in Kyiv, a group of protesters attacked institutions linked to Russia, smashing windows and vandalizing several facilities with the graffiti “Death to Russia”.

Did a hate group recently make public threats towards a particular group?

- A transgender man started to receive rape and death threats because of his gender identity. Some far-right groups shared pictures of the victim and subjected him to hate speech on social media. The victim received approximately 10 to 15 threatening letters. The social network's administrators stated that no criminal offences had occurred and did not prevent further dissemination of the victim's pictures.
- Approximately 300 Roma people left their homes after having been subjected to death threats by groups of masked men in Kyiv. Six of their homes were subsequently targeted in arson attacks.

5. Location and timing

Where and when an incident happened can be a significant bias indicator. This can include specific locations and timing relevant for, or connected with, a particular targeted community. As hate crime offenders can perceive their actions as justified by nationalist ideologies, significant dates and localities connected with the dominant culture, religion or even national celebrations can also provide the context for hate crimes.

Did the incident occur on a day of particular significance for either the victim's group or the perpetrators (e.g., a religious holiday or national day)?

- Anti-Semitic symbols were painted on several major monuments in Dnipro, in particular on monuments to the victims of genocide. The incidents happened very close to Christmas.
- Swastikas were painted on the Babi Yar Holocaust memorial in Kyiv. This incident occurred near the date of Hitler's birthday.
- Several participants in Kyiv Pride event were followed after the event. Trying to avoid aggressive groups, the participants spent some time in a public park. After an hour-and-a-half, as they were leaving in small groups, one of the participants was violently hit from behind and lost conscience. The victim does not remember what happened afterwards.

Did the incident occur during a specific part of the day when people associated with the victim group frequent an area (e.g., during prayers)?

- A number of locations around the synagogue in Cherkasy city centre were vandalized with anti-Semitic graffiti on the eve of the Jewish Pesach holiday.

- In the Cherkasy region, an aggressive group entered a synagogue in the middle of the night holiday prayers and insulted worshippers. The perpetrators spilled paint and scattered pieces of pork, including a pig's head with a swastika carved into it, around the main hall.

Was the victim in or near an area or place commonly associated with or frequented by a particular group (e.g., a community centre or mosque, church or other place of worship)?

- Two neo-Nazis attacked a Jewish man near the “Menorah” community centre in Dnipro. They insulted the victim and then began to beat him, knocking him to the ground. Bystanders managed to fight off the attackers.
- In Kharkiv, 40 people armed with baseball clubs and knives attacked a group of foreign students near a nightclub. Four foreign students were hospitalized, as well as two Ukrainians (a man and a woman). The nightclub's patrons are mostly foreign students. According to a witness, the perpetrators were specifically targeting foreigners.
- A 45-year-old gay man was lured, through a dating app, into a deserted part of a park known to be a gathering place for LGBTI people. The victim was severely beaten and robbed by a group of men. A source reported that this pattern was repeated in many separate incidents.
- Two perpetrators physically assaulted a Muslim man in front of an Islamic centre in Dnipro. The victim suffered a concussion and soft-tissue bruises on his head.

If the target was property, was it an object, facility or place with religious or cultural significance, or a community facility, such as a cultural centre or a historical monument?

- A wreath placed by the Babi Yar Holocaust memorial in Kyiv by an Israeli official was set on fire the night after the wreath-laying ceremony.

- In Kyiv, a church belonging to the UOC was targeted in an arson attack.
- In Sevastopol, a memorial to Turkish soldiers was vandalized with anti-Muslim graffiti and damaged three times in one year. This occurred in an area that is not under the control of the Ukrainian government.
- A memorial depicting a Roma street cleaner in Uzhgorod was damaged and covered in paint.
- A grenade was used to attack the gay bar “Libertine” in Odesa. A security guard was injured in the explosion.

Did the incident occur only a short time after a change in a minority's presence in the area (e.g., the first minority family to move into the area, the opening of a refugee center)?

- In Kyiv, a temporary Roma camp was vandalized by a group of men from a far-right nationalist group, who destroyed the camp's construction with axes and sledgehammers, while recording the attack on camera. The incident followed a series of recent arson and vandalism attacks, resulting in forced evictions of Roma people in three Ukrainian cities.

6. Patterns or frequent previous crimes or incidents

If an individual victim was previously targeted in a bias-motivated crime, potential bias motivation should be seriously considered. If a similar modus operandi was observed before in a given area, if there is a spike in bias-motivated incidents or a particular group has received threats, these too should trigger suspicion of a bias motive. Likewise, if the suspects have a history of involvement in crimes motivated by bias, this should be considered a bias indicator.

Have there been similar incidents in the same area against the same group?

- A prayer pavilion in the Kolomiya Jewish cemetery in Ivano-Frankivsk was the target of an arson attack. The same cemetery was targeted three times in the previous six months.
- In Dnipro, a gay man was lured via social media into a blind date, and attacked when he met his “date” by a group of men waiting in ambush. The assault was filmed and uploaded to the Internet. Several similar incidents had taken place in the city in the previous months.
- In the village of Komyshivka, Jehovah’s Witnesses were assaulted numerous times, being told to stop all religious activity in the village. In July, an inhabitant of the village approached two Jehovah’s Witnesses and threatened them with scissors.
- In Kyiv, a church belonging to the UOC was targeted in an arson attack. The priest said that there had recently been several cases where churches of the denomination were set on fire.

Has there been a recent escalation of incidents against the same group, beginning with low-level harassment and non-criminal activity to more serious criminal conduct, such as vandalism or assault?

- In Kyiv, a gay man was beaten by a group of men he barely knew. The victim said that the perpetrators knew about his sexual orientation and had previously insulted and bullied him on these grounds.

- A woman Jehovah's Witness was harassed over a one-month period, first being pushed, having water thrown at her, her clothing hidden and her belongings damaged. In April, the perpetrators physically assaulted the victim while asking: "Why do Jehovah's Witnesses not confess to the priest?" The victim suffered from physical injuries to her head, soft tissues, chest, knees, tailbone and pelvic bones.
- In Uzhgorod, an unknown man threatened the local Roma community and, after some time, used a plastic bottle with incendiary liquid to set fire to wooden planks located near the houses of the local Roma community. The building materials were damaged, but the houses were saved.

Has the victim or community recently received threats or been the target of other forms of intimidation in the form of phone calls or mail?

- After the Kyiv Pride, participants began to receive threatening text messages saying "Fag-organization, do not think we forgot about you, we only have more important things to do. You are on our list. Wait."

Was there a previous incident that may have sparked a retaliatory response against the targeted group?

- Following the rape and murder of an eight-year-old girl in Loshchynivka and the apprehension of a Roma suspect, a crowd of villagers set a Roma house on fire and damaged other Roma homes.

7. Nature of the attack

Because hate crimes are message crimes, the degree of violence, damage and brutality tend to be serious. As an expression of superiority over and rejection of the targeted group, hate crimes can also involve degrading treatment aimed at diminishing the dignity of victims.

Did the incident involve unprovoked and extreme violence or degrading treatment?

- In Kharkiv, two young men attacked a Kurd from Syria late at night and stabbed him several times with a knife.
- In Kharkiv, a group of teenagers exposed the sexual orientation of a fellow teenager on the Internet. They found the victim's address and subjected him to bullying and physical violence, including forcibly shaving his head. The perpetrators filmed the attack and posted it on the Internet.
- In Uman, a female Jewish activist was physically assaulted by a group of three who tried to cut a swastika on the victim's breast with a knife.

Was the incident carried out publicly or in a manner that it could be made public, such as recording and posting on the Internet?

- In Odesa late at night, two LGBTI-activists were going home from a club when they were attacked by a group of men and severely beaten. The perpetrators were shouting: "Faggots! The likes of you should be destroyed!" The victims managed to run away and call the police. The police arrived, but the perpetrators did not try to run away. They told the police that they are proud to have beaten up gay men and that they are ready to pay a fine for a good cause.
- In Nikolaev, during what was supposed to be a blind date arranged through a dating site for gay men, a 36-year-old man was attacked by three men. He suffered minor injuries. The assailants insulted him because of his sexual orientation, filmed the attack and posted it on the Internet.

Did violence involve mutilation or racist symbols, or did property damage involve symbols meant to defile or desecrate, such as excrement or animal parts?

- In Ternopil, a Holocaust memorial was vandalized with dirty oil and red paint. The memorial had been vandalized previously.
- In Krolevets, a Jehovah's Witnesses Kingdom Hall was desecrated ten times. On several of these occasions, the perpetrator climbed over the fence and smearred the building with excrement.

8. Lack of other motives

Hate crimes often target victims as “representatives” of their group. The selection of the target can, therefore, appear random and, given the lack of connection between the offender and the victim, no motive may be apparent. In these cases, the possibility of a bias motivation should not be dismissed.

Considering other potential bias indicators, such as the nature of the violence or the difference between the victim and the perpetrator, was there no other apparent motive for the crime?

- Two Black men, one from Ghana and the other from Nigeria, were approached by two police officers and asked to show their documents. One of the students showed his student card, which was not considered an appropriate identification document by the officer. When the student asked for an explanation, the police officer began beating the young man, insulted and threatened him. The officer was heard calling the student a “louse”.
- A group of four people threw stones at a Jehovah’s Witnesses place of worship clearly marked as a Kingdom Hall, damaging the building’s sign. The CCTV cameras recorded the actions and the faces of the perpetrators.