

THE PRICE OF FREEDOM

A blue-tinted photograph of a concrete pillar with barbed wire on top, set against a background of a protest site with debris and a large, spiky sculpture.

Public report
by human rights organizations on crimes
against humanity committed during Euromaidan

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(November 2013 – February 2014)

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FOREWORD

Three months of desperate resistance have drawn a line between eras in the modern history of Ukraine and let the entire world know about the country. We have grown used to hear the words Euromaidan, the Revolution of Dignity, the Heavenly Hundred, and they help us forget about «the dictatorship laws», «titushky»... However, there is still a divide in opinions about the causes, meaning, and consequences of the protest of Ukrainians. Creating new myths and disproving existing ones, sponsored articles and research varying in scientific rigor, evaluations and denials are yet to come. However, a set of subjective evaluations of the event will not remedy the lack of adequate legal assessment and determination of the role of its key participants.

This report was prepared by a coalition of public organizations and initiatives that worked together on documentation, legal analysis and submission of materials with the aim of overcoming impunity of crimes against humanity committed during events known as Euromaidan:

- Public Initiative Euromaidan-SOS
- Center for Civil Liberties
- No Borders Project, Social Action Centre NGO
- NGO Initiative E+
- Center for Political and Legal Reforms
- Association of Ukrainian Human Rights Monitors on Law Enforcement
- Kharkiv Human Rights Protection Group
- Ukrainian Legal Aid Foundation
- Group of lawyers of the families of the Heavenly Hundred
- Ukrainian Helsinki Human Rights Union
- OZON Civil Monitoring Group

This report was prepared in close cooperation with the Office of the Ukrainian Parliament Commissioner for Human Rights and Public Commission on investigation and prevention of the human rights violations in Ukraine.

The report is based on materials prepared by members of the public coalition and submitted for review by the Office of the Prosecutor of the International Criminal Court (ICC). The review was possible following the recognition by Ukraine of temporary jurisdiction of the ICC over crimes against humanity.

Roman Romanov
Human Rights and Justice Program Initiative Director
International Renaissance Foundation

1. CAUSES OF EUROMAIDAN PROTEST MOVEMENT

Following the election of Viktor Yanukovich as a President of Ukraine in February 2010, the group in power undertook a course towards creating a centralized vertical of power. It is not by chance that in October 2010 the Constitutional Court of Ukraine took a decision on restoring the Constitution of 1996 with a whole range of additional presidential powers¹.

The strengthening of authoritarian regime was accompanied by worsening social and economic situation and increased poverty of population. Amid an unprecedented scale of corruption, this led to the loss of credibility by key state institutions, discontent and public protests. Thus, authorities considered rights and freedoms such as freedom of expression, freedom of peaceful assembly and association, the right to fair trial, and the right to private life to be a threat to development and existence of the authoritarian rule.

Consequently, the following year human rights organizations reported the beginning of a systemic attack on rights and fundamental freedoms² by the government, as well as the return to the infamous practice of political persecutions³. Opposition politicians⁴, journalists⁵, human rights defenders⁶, public activists⁷, and active youth became victims of repressions. Importantly, both legal means (unlawful arrests, fabricated administrative⁸ and criminal cases), and legal avenues (threats, destruction of property, assault, and even murder)⁹ were used for persecutions.

By the beginning of 2013, it is possible to talk about abolition of the independence of judiciary and significant undermining of the principle of adversarial proceedings in cases against state institutions. This was possible also through amendments to the law on judiciary that provided prosecutors with the right to influence a judge through the High Council of Justice in case s/he disagreed with their position. The use of law enforcement bodies became a systemic practice for persecution of civil society and suppression of any forms of expression of civic stance. The unlawful dispersal of the all-Ukrainian Vradiyivka march in June 2013 serves as a vivid example. Participants of the march were demanding prosecution of law enforcement officials who had brutally raped and attempted to kill a woman¹⁰.

¹ <http://www.pravda.com.ua/articles/2010/10/1/5434400/>

² <http://helsinki.org.ua/index.php?r=1.4.1.7>

³ <http://helsinki.org.ua/index.php?r=1.4.1.8>

⁴ <http://www.pravda.com.ua/articles/2010/10/1/5434400/>

⁵ <http://helsinki.org.ua/index.php?r=1.4.1.7>

⁶ <http://helsinki.org.ua/index.php?r=1.4.1.8>

⁷ <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-112013>

<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-119382>

⁸ <http://roadcontrol.org.ua/node/1402>

⁹ <http://mstyle.lugansk.ua/main/510-mozhet-valit-ego-nah-luganskuyu-miliciyu-obvinyayut-v-ispolnenii-banditskogo-zakaza-video.html>

¹⁰ <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-147445>

It is important to emphasize the growing influence of Russia on process of adoption of crucial state decisions in Ukraine. During several months before Euromaidan, Russian Federation used various methods for halting the process of European integration, including the so-called trade wars¹¹. Parliament members from the ruling Party of Regions submitted bills analogous to those in Russia aimed at limiting fundamental rights and freedoms, such as the bill on combating extremism. For these reasons, the unexpected decision by the government on November 21, 2013 to postpone the process of signing the Association Agreement between Ukraine and the European Union at the EU summit in Vilnius in the end of November 2013 was perceived as rejection of European integration and a shift towards approximation with the Customs Union.

Consequently, the main causes of Euromaidan were:

- Social and economic: unprecedented corruption of the ruling establishment and demonstrative impunity for embezzlement of state and municipal property;
- Betrayal of state interests: adoption of unfavorable and imposed by Russia decisions, for instance, the so-called Kharkiv Agreements¹²;
- Ethnic and cultural: neglect of humanitarian values and aggressive promotion of the inherent attributes of the «Russian world», in particular, the de facto installment of Russian as a second state language¹³ by the Kivalov-Kolesnichenko law contrary to the Constitution of Ukraine;
- Creation of the authoritarian regime and limiting fundamental rights and freedoms, as well as the spread of political persecutions.

The cruel assault with beating of peaceful protesters on the night of November 29-30, 2014 served as a catalyst of the protest movement. According to opinion polls, the main motives for joining Euromaidan were the cruel assault of protesters at Maidan on the night of November 30 (69.6%), refusal by Viktor Yanukovich to sign the Association Agreement with the European Union (53.5%), as well as aspirations to change the life and government in Ukraine (49.9%)¹⁴.

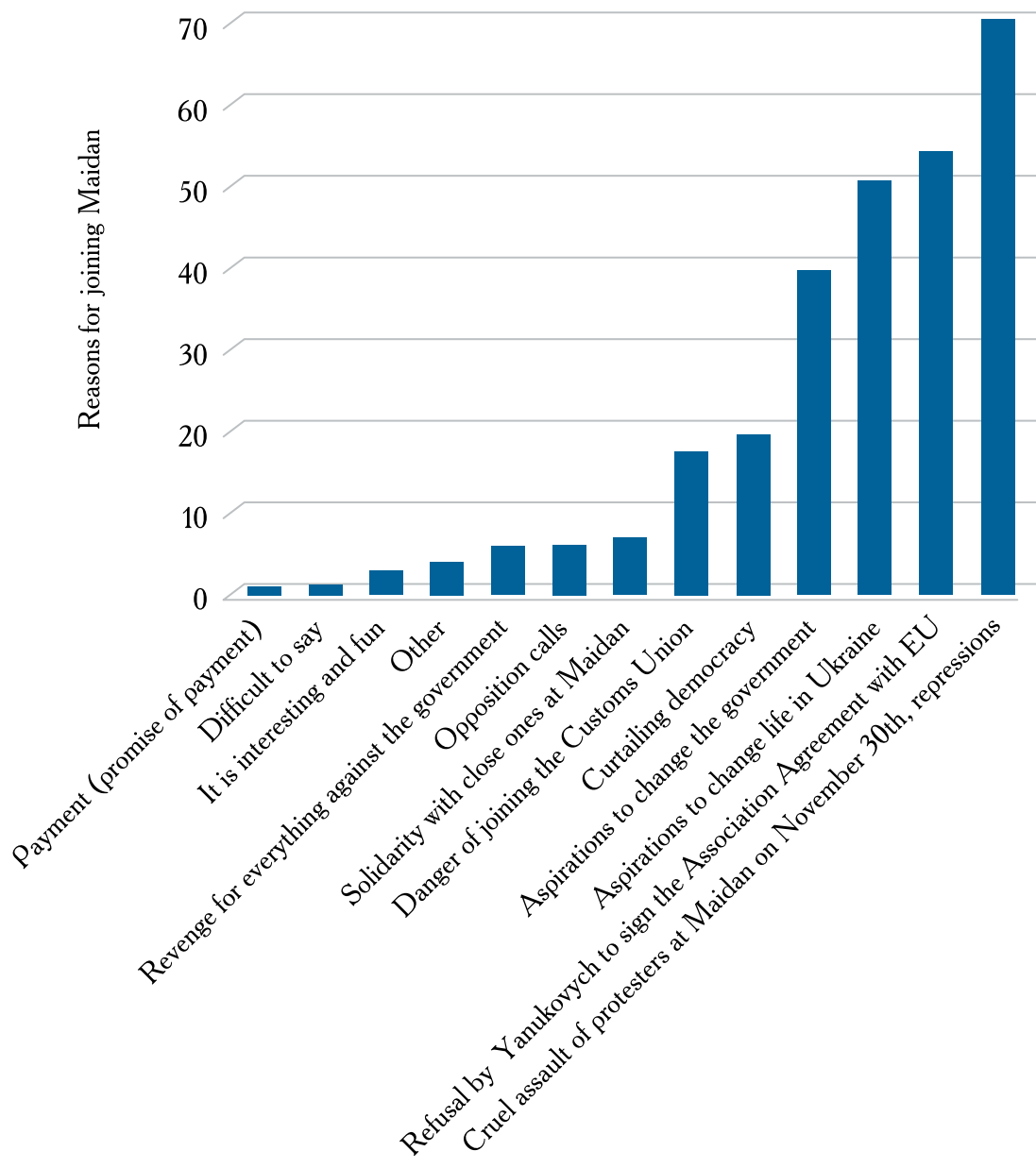
¹¹ <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-118393>
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-128050>

¹² http://www.fidh.org/IMG/pdf/obs_2011_uk-europecis.pdf
<http://www.khpg.org/index.php?id=1321886708>.

¹³ <https://www.youtube.com/watch?v=I-5ByZ3ZxQo>

¹⁴ <http://www.radiosvoboda.org/content/article/25076876.html>

What motivated people to participate in Maidan?



According to research data of the Democratic Initiatives Fund

2. THE SYSTEM OF PERSECUTION AGAINST PROTESTERS

During the entire period of Euromaidan from November 2013 until February 2014, protest participants were being persecuted in various forms by the authoritarian regime of the President of Ukraine Viktor Yanukovich. The gravest of those were murders, while destruction of property, assault, torture¹⁵, kidnapping¹⁶, unlawful arrest¹⁷, suspension of driver's licenses¹⁸, fabricated administrative and criminal cases¹⁹, detention²⁰ and other methods. Persecutions also included different state actions aimed at limiting the freedom of speech and media, dissemination of false information for defamation of the protests, systematic bans on peaceful rallies in different region, illegal use of force by the law enforcement bodies.

These crimes led to at least 114 deaths, including 94 Euromaidan activists, imprisonment for different terms of at least several hundreds of people, physical injuries to over a thousand of activists. The fate of 27 missing protests participants is still unknown²¹. Multiple instances of arbitrary arrests, kidnappings of protest participants, torture and ill-treatment by law enforcement and affiliated criminal groups were documented. These crimes were systematic, well organized and committed over a short period of time. There is large body of photo and video evidence of openly criminal actions by law enforcement during confrontations with protesters. The illustrative footage of cynical instances of abuse confirms the fact that perpetrators were confident in their absolute impunity²².

In their entirety, these crimes were a part of a large-scale and systematic attack of the government on peaceful civilians with the purpose of intimidation and suppression of the peaceful protest. It was a deliberate state policy implemented by the authoritarian regime over a three-month period on a large territory of the country with involvement of state officials and criminal groups connected with the law enforcement. In fact, persecution of Euromaidan was a culmination of a repressive system of suppression of any dissident point of view that had been developed during previous years.

¹⁵ http://zakon4.rada.gov.ua/laws/show/643_359

¹⁶ <http://maidanua.org/2012/05/obse-ta-venetsianska-komisiya-rekomenduyut-ukrajinskij-vladi-utrymatysya-vid-rozhlyadu-zakonoproektu-pro-zasady-derzhavnoji-movnoji-polityky/>

¹⁷ <http://infolight.org.ua/content/oblichchya-ievromaydanu-socialniy-portret-uchasnikiv-protestiv>

¹⁸ <https://www.youtube.com/watch?v=zTjltfah-9Ymp4>

¹⁹ <http://www.pravda.com.ua/news/2014/01/25/7011307/>

²⁰ <https://www.youtube.com/watch?v=btovIwlp-uM>

²¹ <https://www.youtube.com/watch?v=n0DDxOyfjbE>

²² <https://www.youtube.com/watch?v=XMBD0pLMz80>

SYSTEMATIC NATURE OF ATTACK

The systematic nature of attack is evidenced by the organized nature of the underlying crimes and the improbability of their random occurrence. These crimes were committed according to a typical established scheme that included constant and interrelated actions. For instance, arrests were almost always accompanied by beatings, many detainees were tortured, the location of a person²³ was not made known to relatives thus it was necessary to keep patrolling district stations and courts hoping to find a missing person. Despite visible injuries and need of hospitalization, the courts were mass-producing identical orders on restraint measures of two-month arrests etc.

These criminal actions of authorities were planned and coordinated from one headquarters. They appeared to be not isolated but rather well organized acts due to the connection in time and manner of conduct. In addition, the fact that the attack was planned is proved by coordinated actions of state authorities and illegal criminal groups who are known by the name «titushky». The government's criminal actions were committed with an arranged and clear coordination between actions of paramilitary groups, the law enforcement, the Prosecutor's Office, the judiciary, decisions of the parliament and the government, and statements by high-level state officials.

The case of students of Karpenko-Kary University of Theatre serves as a vivid example. They were illegally detained far from the center of protest events, in another district of Kyiv, while returning home from Maidan. A group of unidentified people in civilian clothes approached them in a car, pushed them to the ground and assaulted. An accidental passer-by was also beaten and arrested. The arrestees were taken to the police station by car and transferred to the law enforcement officials. For some time, police kept their location secret and did not allow access of medical personnel to the injured ones²⁴. The prosecution accused them of participation in mass riots, and the court took a decision on restraint measure. The young men were «lucky» to be released from pre-trial detention for two-month house arrest.

Significant state resources were used in organization of the attack, and this enabled crimes against a large number of people in Kyiv and other regions during relatively short time. For instance, there was a large number of visits with the purpose of compiling administrative protocols by the traffic police (DAI) inspectors to locations where AutoMaidan participants had their vehicles registered in different regions of the country²⁵. The scale is impressive as only for participation in AutoMaidan event on December 29, 2013, according to official data of the prosecution; DAI officials submitted 603 forged reports and 613 administrative offence protocols. These documents provided grounds for finding guilty and assigning administrative punishment to 291 persons, including suspension of driver's licenses (183 people) and a fine (108 people). The list of involved officials included 155 DAI officers who submitted reports, 260 DAI officers who wrote protocols, and 126 judges who falsely found drivers guilty of violations, including over 80 judges in Kyiv itself.

²³ <https://www.youtube.com/watch?v=vIpt67TT0aI>

²⁴ <http://euromaidansos.org/uk/znykli>

²⁵ <https://www.youtube.com/watch?v=QU8oYETghpM>

WIDESPREAD ATTACK

The cumulative effect of all crimes that form part of the attack, demonstrates its widespread nature. The attack was widespread in terms of its scale and geographic reach, the frequency of crimes and the number of victims.

Protests were mass in Vinnytsya, Dnipropetrovsk, Donetsk, Zhytomyr, Zaporizhzhya, Kyiv, Luhansk, Lviv, Odesa, Poltava, Sumy, Ternopil, Kharkiv, Cherkasy region and in Kyiv. In most of these regions, the authorities attempted illegal violent dispersal of peaceful protests with the use of both legal procedures and illegal methods. Some protest participants in the regions sustained injuries during illegal dispersal and were subjected to torture or ill-treatment. Some participants were arrested and accused of organizing mass riots; the courts then assigned restraint measures of house arrest (combined with wearing a bracelet), detention for two-months etc.

Though most participants of peaceful rallies died in Kyiv (at least 94 rally participants, 2 accidental victims), such cases also took place in Khmelnytsky and Lviv cities, and in Cherkasy and Zaporizhzhya regions. In total, eight people died outside of Kyiv.

According to the Coordination Center on Legal Aid, approximately 400 people were arrested during Euromaidan²⁶. However, it is impossible to determine the exact number because of deliberate systemic violations of the procedure for registering arrestees. Arrests took place under the following preliminary qualifications: violation of the procedure for organization and conduct of assemblies, rallies, street marches and demonstrations (article 185-1 of the Code on Administrative Offenses), minor hooliganism (article 173 of the Code on Administrative Offenses), mass riots (article 294 of the Criminal Code), capturing of government or public buildings or constructions (article 341 of the Criminal Code), hooliganism (article 296 of the Criminal Code), resistance to a representative of authorities, law enforcement officer, a state enforcement officer, a member of a community formation for the protection of public order and state border or a military servant, an authorized official of the Deposit Insurance Fund (article 342 of the Criminal Code), murder (article 115 of the Criminal Code), trespass against life of a law enforcement officer, a member of a community formation for the protection of public order and state border, or a military servant (article 348 of the Criminal Code), and unlawful handling of weapons, ammunition or explosives (article 263 of the Criminal Code).

According to the Department of Public Health of Kyiv City State Administration, which was coordinating medical assistance during protests in Kyiv, there were 2394 ambulance calls registered. In hospitals with inpatient care in Kyiv, there were 1890 people admitted with injuries sustained during Maidan. Importantly, a large number of protesters did not contact official medical establishments thus it is impossible to determine the exact and objective number of victims. For instance, according to only one volunteer group Initiative E+, 738 people sought medical help after Euromaidan with moderate to severe injuries sustained during protests. In addition, the Initiative E+ recorded 57 cases of eye injuries in its database, including 15 eye amputations; eight people had extremity amputations, and 182 people sustained gunshot wounds.

Information obtained upon request by the National Preventive Mechanism Department in Ombudsman Office from the Department of Public Health of Kyiv City State Administration (letters #061-6797/03.01 dated December 16, 2013, and #061-354/03.01 dated January 24, 2014) is provided in the table below:

²⁶ <http://www.pravda.com.ua/news/2014/01/22/7010827/>

Injury/ Illness	30. 11	01. 12	02. 12	03. 12	04. 12	05. 12	06. 12	07. 12	08. 12	09. 12	10. 12	11. 12	12. 12	13. 01	19. 01	20. 01	22. 01	24. 01	Total
Gunshot wound		1						1							5	18	6		31
Blast trauma		3													30	43	1		77
Blunt injury	54	129	33	9	8	5	9	5	4	4	13	36	5	9	26	54	23	14	440
Sharp injury		1											1	1	1	1			5
Chemical burns		16															1		17
Thermal burn		1															1		2
Frostbite					1				1		2	3					1		8
Somatic diseases	1	12	16	15	7	12	9	12	7	8	7	6	11	17				1	141
Infectious diseases	2	2		1	2	1	2	1		1		4	2	2			2		22
TOTAL	57	165	49	25	18	18	20	19	12	13	22	49	19	29	62	116	35	15	743

Typical examples of recorded physical injuries are provided in the table below.

Identification data	Date of seeking medical assistance (death)	Hospital	Diagnosis	Circumstances
K., age 22	01.12.2013	Kyiv City Emergency Hospital	Closed craniocerebral injury: brain concussion, non-displaced left distal radial fracture	Assaulted by police officers with the use of special gear (rubber batons)
N., age 49	11.12.2013	Kyiv City Clinical Hospital #17	Closed chest trauma. Rib fractures	Assaulted by law enforcement officers
K., age 28	20.01.2014	Kyiv Regional Clinical Hospital	Blast injury of ocular area with damage to the eyeball, upper lid rupture	Explosion of a stun grenade
F., age 31	22.01.2014	Kyiv City Emergency Hospital	Tear gas poisoning	During confrontation with law enforcement officers
S., age 24	22.01.2014	Kyiv City Clinical Hospital #17	Closed craniocerebral injury: bruising of parietal area, right forearm	Assaulted by law enforcement officers
	20.02.2014	Oleksandrivska Clinical Hospital, Kyiv	Perforating abdominal wound with damage to small intestine. Serofibrinous peritonitis.	During confrontation with law enforcement officers

Persecutions of organizers and active participants of peaceful assemblies were widespread in most of the cities where peaceful assemblies took place. Fabricated criminal cases were initiated against them, their private residences were searched illegally, they were assaulted by unidentified persons, their property, in particular, vehicles, were destroyed. Both in Kyiv and in the regions, administrations of educational institutions threatened students with expulsion for participation in protests. All these persecutions were similar and created an impression of direct coordination from Kyiv with the purpose of preventing people from participation in rallies.

TARGET OF ATTACK – ORDINARY CIVILIANS

The widespread and systematic attack was carried out against civilian population. The attack did not target randomly selected people but rather was a consistent persecution campaign of actual or perceived participants of protests in Kyiv and the regions. It is worth mentioning that protesters came from different age and sex groups; they had different occupation, property status, social background, place of residence, religious or ideological beliefs etc. Common for all was their actual or perceived participation or support for the protest movement and disagreement with actions of the authoritarian regime led by Viktor Yanukovich during previous few years.

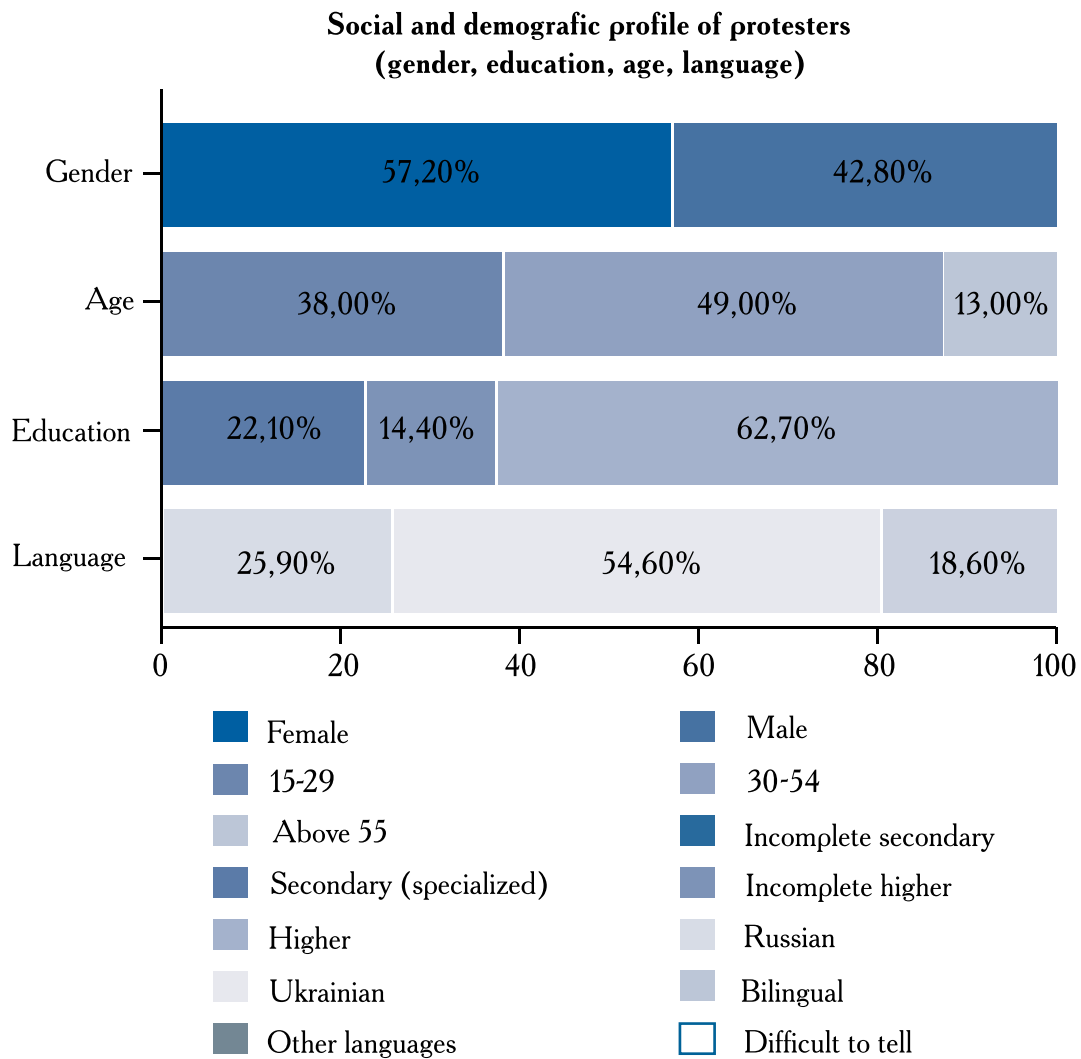


Maidan Nezalezhnosti, Kyiv, November 21, 2013. Photo credit: Artem Slipachuk / Den Newspaper

According to a survey of Euromaidan participants in Kyiv (December 7-8, 2013) by Democratic Initiatives Fund, a typical Maidan participant was a young person (38%) with higher education (62.7%), in most cases living in Kyiv (49.8%), a specialist in certain field (39.5%), self-organized and with no affiliation with any public associations (91.8%). These characteristics prove broad engagement of different groups of population with the protests, particularly people with clear civic stance and high quality potential²⁷.

²⁷

<http://infolight.org.ua/content/oblichchya-ievromaydanu-socialniy-portret-uchasnikiv-protestiv>



According to research data of the Democratic Initiatives Fund

Thus, everyone could become a victim if perceived by the authorities as Euromaidan participant or supporter²⁸ (donating funds or bringing clothes, providing medical or legal assistance to protesters etc.). Consequently, the attack was directed at a group of citizens according to their political views characteristics, in this case — disagreement with actions of authoritarian regime.

The underlying value of the protest movement was support for European integration of Ukraine as opposed to approximation with the Customs Union.

²⁸ <http://www.youtube.com/watch?v=HaWHn4-0N7A>.



Maidan Nezalezhnosti. Kyiv. November 26, 2013. Photo credit: Artem Slipachuk/Den Newspaper

At the same time, following the violent dispersal of the Student Maidan, the key demands of participants were of human rights nature, in particular effective investigation and prosecution of perpetrators. For a good reason, «Human Rights Above All» was one of the key slogans during entire Euromaidan. Protest participants also demanded resignation of all leaders of corrupt authoritarian regime.

As a group, protest participants had visual characteristics that allowed for identifying them outside of main locations of assemblies. They had ribbons with Ukrainian and EU symbols, flags, specific warm clothes and protective gear, such as construction and bicycle helmets, knee-pads etc.



Maidan Nezalezhnosti. Kyiv. November 28, 2013. Photo credit: Artem Slipachuk/Den Newspaper

Types of injuries could also identify protests participants. Doctors were obliged to look for admitted patients with injuries that could have been sustained at Maidan, i.e. shot wounds to eyes, head damage etc. Medical personnel had to inform law enforcement about these patients immediately. Then, the law enforcement officials detained these people directly in hospitals and took them to police stations and courts despite the doctors' recommendations for hospitalization. This practice forced people to organize an undercover system of medical assistance and establish volunteer hospitals and medical stations, as well as it was a catalyst for creating a volunteer initiative called the Hospital Watch. The initiative brought together ordinary people who took round-the-clock shifts in hospitals, assisted doctors and injured persons, and served as a live shield when law enforcement officials attempted to take hospitalized protest participants by force.

An illustrative case is the kidnapping of protest participants Yuriy Verbytsky and Ihor Lutsenko²⁹ from Oleksandrivska hospital in Kyiv. Yuriy Verbytsky sustained an eye injury characteristic for Maidan participants. Another activist Ihor Lutsenko brought him to Oleksandrivska (formerly Zhovtneva) hospital. In the doctor's office, they were forcefully apprehended by several people in civilian clothes, put in a vehicle and taken in unknown direction. According to Ihor Lutsenko³⁰, they were taken to different parts of a metal garage where Ihor was tortured for several hours, and subsequently brought to a forest. Despite the assault, Ihor Lutsenko managed to find his way out of the forest. Yuriy Verbytsky was found dead.

NONVIOLENT NATURE OF THE PROTEST

Usual actions of protesters were assemblies and picketing of governmental buildings. Protesters were unarmed. For this reason, during clashes where a minority of protesters were involved, the latter used impromptu means such as stones, sticks etc. Following the first assault on participants of Student Maidan on the night of November 29-30, protesters started wearing gear for protection from batons and special munition of the law enforcement, in particular construction and bicycle helmets, glasses, gas masks, knee-pads etc.

Importantly, during the entire time of protests, state representatives were attempting to provoke violence among the protesters. Oftentimes, law enforcement officials were instigators³¹. In most cases, these instigations failed. Leaders and activists of Euromaidan have repeatedly emphasized the peaceful nature of the protests and condemned violence.

Below are the recollections of a participant of violent confrontations on December 1, 2013, a journalist Yuriy Butusov who was hurt while trying to stop the instigations:

«The first question is how a grader with a license plate could be hijacked in the center of Kyiv and put to a location of the rally while no one is trying to climb on it. Someone yelled 'Are there tractor drivers here?' I continued on my way. The second question was waiting for me: why are there around 150 soldiers of interior armed forces behind a small metal barricade instead of professional specialized units in the police defense line? Clearly, Berkut was on standby, and 18-19-year old boys were put to the frontline. Question number three: why were these boys equipped much lighter? At a rally under the Cabinet of Ministers on November 25 Berkut had gas masks. Specialized unit officers in full ammunition and bullet vests, also wearing gasmasks, were beating students from Euromaidan. However, these soldiers had lighter ammunition and did not have gas masks. However, the situation did not seem tense yet. People from Kyiv were coming up to the soldiers and telling them about the goals of the peaceful assembly, dispersal of Euromaidan [...] Here, question number four arises: why did the police not attempt at addressing citizens at least once during the entire phase of the conflict, from 1-30 till 5-30 p.m., i.e. at least four hours? There were no warnings, no calls for peace. It is strange that when couple of dozens of elderly women come to the Presidential Administration with posters and start waving those, as a rule, an officer with a loudspeaker comes to them; and no one even tried to address a growing crowd at Bankova after the grader attack. It is difficult to consider such an obvious violation of the existing order an accident. That is why me and several other journalists and

²⁹ <http://www.pravda.com.ua/news/2014/01/21/7010351/>

³⁰ <https://www.youtube.com/watch?v=yqi50DAsf2w>

³¹ http://24tv.ua/home/showSingleNews.do?yevromaydan_voyuye_z_provokatorami_yakih_pidozryuyut_u_zvyazkah_z_militsiyeyu&objectId=395633

protesters (I remember Vladyslav Maystryuk and Aleksey Gritsenko from them) started to hold the hooligans back and protect soldiers from attack without any premeditation. Moreover, we had to pacify the protesters crowd because the hooligans started yelling blatantly instigating slogans about breaking through to Bankova and taking over the Presidential Administration. There were around two thousand people at Bankova already, but they were simply those curious from Maidan and definitely not organized units. We asked the soldiers to call for their superior, but it was all in vain. The police had no intent to pacify anyone. Question number five: why were there no senior officers? Why was there only one senior lieutenant and the officers did not come forward to the protesters?»³²



Governmental Quarter, Kyiv, December 1, 2013. Photo credit: Artem Sli pachuk/Den Newspaper

³²

<http://gazeta.zn.ua/internal/bankovaya-1-dekabrya-hronika-provokacii-.html>

For these reasons, Euromaidan participants faced the necessity of identifying instigators³³ and securing public order independently with the so-called self-defense hundreds, i.e. units that brought together ordinary participants with no special training, including students, public activists, office workers etc.³⁴. In addition, self-defense functions included construction of barricades, support for functioning of the tent camp, security of synagogues and field hospitals, protection of people from criminal «titushky» groups etc.

During illegal attempts by law enforcement of forced dispersal of Maidan, protest participants had to set tires on fire to prevent targeted shooting and use Molotov cocktails to keep law enforcement at safe distance. This tactics was used only during several days of different confrontations, primarily due to real threat to life and health of protesters. Overall, protesters' strategy was solely defensive and based on principles of non-violent resistance.

It is important to mention that a large number of arrested protesters who were later accused of organizing mass riots and resistance to law enforcement officials were arrested either during attempts of illegal dispersal or far from the center of protest activities.

During three months of peaceful protest and introduction of the system of state terror against civilian population, there were only few episodes of spontaneous violence in response to illegal actions by police. Mass shootings on February 20, 2014, are an illustrative case. Video and photo evidence demonstrates that most of those who died did not pose any threat to the law enforcement officials, as they were equipped only with wooden and sometimes iron shields for protection from bullets.



Maidan Nezalezhnosti, Kyiv, February 6, 2014. Photo credit: Mykola Tymchenko/Den Newspaper

³³ http://censor.net.ua/photo_news/266124/vlast_postoyanno_pytaetsya_ustroit_provokatsii_protiv_evromayidana_koordinator_samooborony_fotoreportajvideo

³⁴ <http://radio24.ua/news/showSingleNews.do?objectId=10044>, <http://www.pravda.com.ua/news/2013/11/30/7003906/>.

Thus, the majority of killings and injuries cannot be viewed as an adequate response to real threat to life or health of law enforcement officials. It was a deliberate policy of suppression of the protest movement by any means available, including violence.

The fact that a small number of protesters engaged in sporadic acts of violence in response to instigation by the authorities and titushky does not change the nature of the governmental attack as a deliberate persecution of civilian population. «If individual self-defense against prohibited violence were to entail loss of protection against direct attack, this would have the absurd consequence of legitimizing a previously unlawful attack. Therefore, the use of necessary and proportionate force in such situations cannot be regarded as direct participation in hostilities»³⁵.

³⁵

Nils Melzer, Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law, International Committee of the Red Cross, 58-61 (May 2009).

3. POLITICAL INTENT TO CARRY OUT THE ATTACK

The widespread and systematic attack was organized by the President of Ukraine Viktor Yanukovich and his administration, high-level officials³⁶, and the heads of law enforcement agencies³⁷ and units. The former leadership's political decision to suppress protests is confirmed by coordination of criminal actions between different state authorities, collective mobilization of the law enforcement bodies and affiliated criminal groups³⁸, as well as the diversity of methods used to carry out the attack. The lack of any action to prevent these crimes by state agents serves as another proof. In addition, no civilized forms for resolving the confrontation, such as negotiations or compromises, were used, which demonstrates clearly the decision to suppress the protest in a violent manner.



*Near Verkhovna Rada (Parliament) of Ukraine, Kyiv, December 9, 2013.
Photo credit: Mykola Tymchenko/Den Newspaper*

³⁶ <http://tsn.ua/politika/kabmin-dozvoliv-strilyati-po-demonstrantah-z-vodometiv-na-morozi-330697.html>
³⁷ <http://www.historypolitiks.com/archives/155>
³⁸ <http://tyzhden.ua/News/100181>

In addition to using law enforcement and judiciary for persecution of protesters, the authorities created, organized³⁹, supported and provided funding for paramilitary groups, the so-called *titushky*, with the aim of intimidating and attacking protesters⁴⁰, destroying property and conducting provocations⁴¹.

The use of these paramilitary groups⁴² against participants of a peaceful protest movement proves directly the state intent to suppress the protest by any means⁴³.

Another illustration of the state political intent to suppress protests are the artificially organized rallies called *Antimaidan*.



Instytutska Street, Kyiv. February 18, 2014. Photo credit: Mykola Tymchenko/Den Newspaper

The main insignia of *Antimaidan* participants was the ribbon of St. George, a recognized military symbol of contemporary Russia⁴⁴. There were numerous instances when personnel of state

³⁹ <https://www.youtube.com/watch?v=HRtBJNYwUIw>.

⁴⁰ <http://www.pravda.com.ua/news/2014/01/21/7010368/>

⁴¹ <https://www.youtube.com/watch?v=bNoOLHgY6sU>, <https://www.youtube.com/watch?v=0Pjd3hpM50k>.

⁴² http://texty.org.ua/pg/news/devrand/read/51017/Aktyvisty_vyznachyly_khto_keruvav_kharkivskymy_titushkamy
<http://tyzhden.ua/News/100346>.

⁴³ <https://www.youtube.com/watch?v=GNn6W61dmko>, <http://www.youtube.com/watch?v=lPHZ530f0ig>.

⁴⁴ The Ribbon of St George or St. George's Ribbon (*Georgiyevskaya lentochka*) constitutes one of the most recognized and respected symbols of military valor in modern Russia. The ribbon consists of a black and orange bicolor pattern, with three black and two orange stripes. It appears as a component of many high military decorations awarded by imperial, soviet, and modern Russia, including the recently revived Order of St. George and the Cross of St. George medal, as well as the Soviet Order of Glory award. It is also used by Russian civilians as a patriotic symbol.

institutions were forced to attend these pro-governmental assemblies organized in opposition to the protest movement⁴⁵. For instance, for a pro-governmental Antimaidan assembly on November 30, 2013, local authorities in Kharkiv were forcing the attendance of the staff of government institutions, including utility providers, factory workers, medical personnel, teachers, university lecturers. According to lecturers of V.N. Karazin Kharkiv National University and Kharkiv National Polytechnic University, there was an order to compile a list of 1000 delegates to the gathering with signed obligations for attendance. According to different estimates, from 40 to 70 thousand government employees took part in the assembly.

The main pro-governmental meeting in support of the acting authoritarian regime in Kyiv was located in the government quarter next to the building of Verkhovna Rada of Ukraine; it was secured the law enforcement⁴⁶. Antimaidan rally had all characteristics of an artificial event coordinated by the government⁴⁷ – similar military tents, mobile kitchens, numerous testimonies of participants on being paid, and the centralized transportation of people. The protesters were standing under the Party of Regions and the Communist Party flags. According to a journalist investigation, the tent camp of government supporters was organized by using the property of the Ministry of Emergencies and the Ministry of Defense, i.e. at the tax-payers' expense⁴⁸.



«Antimaidan», Mariyivsky Park, Kyiv, December 9, 2013. Photo credit: Mykola Tymchenko/Den Newspaper

Despite blatant disorderly conduct of participants of these protests, including destruction of Mariyivsky Nature Park, consumption of alcohol in public places and hooliganism, the law enforcement never interfered to stop illegal actions⁴⁹.

⁴⁵ <http://atn.ua/obshchestvo/v-dnepropetrovske-na-antimaydan-sgonyayut-uchiteley-smi>,
<http://atn.ua/obshchestvo/v-harkove-byudzhethnikov-sgonyayut-na-antimaydan>.

⁴⁶ <http://comments.ua/politics/446331-antimaydan-snova-obzhivaetsya.html>

⁴⁷ <http://news.bigmir.net/ukraine/789029-Uchastnikam-Antimajdana-platjat-po-400-griven---SMI>

⁴⁸ http://lb.ua/news/2013/12/19/248524_antimaydan_byudzhethniy_schet_.html.

⁴⁹ <https://www.youtube.com/watch?v=9eOlvn91Atw>

ILLEGAL ACTIONS OF THE LAW ENFORCEMENT DURING EUROMAIDAN

Human rights organizations documented the following types of main violations committed by the law enforcement⁵⁰.



Instytutska Street, Kyiv. February 18, 2014. Photo credit: Oleksandr Ratushnyak

IGNORING THE NEED FOR KETTLING AND USE OF SPECIAL GEAR AGAINST PEACEFUL PROTESTERS AND JOURNALISTS

According to the OSCE Guidelines on Freedom of Peaceful Assembly, the law enforcement officers have to distinguish between peaceful and non-peaceful participants of assembly. Therefore, they should not treat a crowd as homogenous. In practice, the police should use tactics that would allow them to neutralize only those participants who resort to violence and pose a threat, without harming others⁵¹. In a similar manner, police must distinguish between participants and non-participants, in particular journalists. This task requires specific organizational skills from the police, in particular involvement of specialized units capable of performance in complicated operational environment. During events at Hrushevskoho Street, the specialized unit Berkut was involved yet did not show the necessary skills. Instead of kettling, the police barricaded from protesters and used specialized gear indiscriminately against the crowd.

⁵⁰ <http://protection.org.ua/ua/news/1580?print>

⁵¹ <https://www.youtube.com/watch?v=C-OaVjricAc>, <https://www.youtube.com/watch?v=Jvl6oyGV468>.

VIOLATION OF REGULATIONS ON USE OF STUN GRENADES

There are also concrete regulations on the use of special gear. For instance, according to the Rules on the use of special gear in protection of public order, approved by the decree of the Cabinet of Ministers of Ukrainian SSR #49 dated February 27, 1991 (hereinafter – the Rules), stun grenade for distraction (Zarya stun grenade, Plamy (Flame)) are only used at a distance not less than two meters from a person. During clashes at Hrushevskoho Street, law enforcement officials were throwing stun grenades directly into the crowd from behind the equipment barricades without clarifying where they had been thrown. Accordingly, there were no safety arrangements to avoid heavy injuries. As a result, protesters and journalists sustained lacerated wounds of extremities from grenade fragments, and at least one of the protesters lost a hand.



Hrushevskoho Street, Kyiv. January 22, 2014. Photo credit: Artem Slipachuk/Den Newspaper

In addition, there was documented use of stun grenades with attached metal objects, which was deliberately used to cause more damage.

VIOLATION OF REGULATIONS ON USE OF TEAR GASES AND IRRITANT INCAPACITANTS

During events at Hrushevskoho Street, there were fragments of Teren-6 tear gas aerosol container found. Internal Military Forces included Teren-6 device into the list of their gear in 1997. The Ministry of Interior developed an Instruction for Use of Teren-6 Special Gear (MoI order #26 dated January 13, 1998), but its contents are not available in public domain as this is a restricted use document (DSK, for official use only). Accordingly, an ordinary citizen has no way of finding out about the regulations on use of Teren-6. However, according to information from private sources, the rule for use of these devices is identical to that of stun grenades; i.e. they are used at a distance not less than two meters from a person. During events at Hrushevskoho Street, there were fragments of containers found, and Teren-6 was used by police against the crowd in violation of legal norms, similar to stun grenades.



Hrushevskoho Street, Kyiv. January 23, 2014. Photo credit: Mykola Tymchenko/Den Newspaper

In addition, in the use of tear gas the Rules prohibit direct targeting of perpetrators, throwing and shooting grenades into the crowd, as well as a repeat use in the damage area while these substances are active⁵².

⁵²

<https://www.youtube.com/watch?v=MOAOnIDQEPs>



Hrushevskoho Street, Kyiv. January 22, 2014. Photo credit: Artem Slipachuk/Den Newspaper

According to medics who were assisting injured victims at Hrushevskoho, a strong smell of irritant substances did not fade away, and the medics had to wear masks and respirators the entire time.

VIOLETION OF REGULATIONS ON USE OF WATER CANNONS

Water cannons are rather popular type of riot gear. Their use is considered more human than other special gear, given they are used according to concrete regulations. According to the Rules, water cannons are used only to disperse participants of mass riots provided the temperature outside is above 0°C. It means that any use of water cannons during clashes at Hrushevskoho Street was illegal. As to the statements where the MoI claimed that water cannons were used to put out fires, there is plenty of photo and video evidence showing that water stream was directed at participants, and some police officers were also hit. Moreover, special fire trucks are normally used in case of fire.

TARGETED SHOOTING OF OBSERVERS AND JOURNALISTS FROM TRAUMATIC WEAPONS

According to the Rules, non-penetrating Volna-r bullets are fired from a special carbine at a distance not less than 40 meters from a person, targeting only lower part of legs. From the first day of confrontations, traumatic non-lethal weapons were used against participants. Among

those who sustained injuries, there are people with injuries resulting from rubber bullets hitting their arms, torso, head, or face. There were numerous examples rubber bullets hitting eyes. In addition, there is photo and video proof of police conducting targeted shootings at people, so these injuries are hardly accidental.



Hrushevskoho Street, Kyiv. January 22, 2014. Photo credit: Artem Slipachuk/Den Newspaper

In addition, many journalists suffered from rubber bullets despite wearing special orange vests with Press sign, which made it easier to distinguish them. This fact leads to conclusion that there were targeted shootings directed at journalists.



Instytutska Street, Kyiv. February 18, 2014. Photo credit: Oleksandr Ratushnyak/www.ratushniak.com

USE OF PROHIBITED GEAR – THROWING ROCKS AND INCENDIARY COMPOUNDS INTO GROUPS OF PROTESTERS

The Rules provide an exhaustive list of special gear allowed for use by police, as well as circumstances that permit their use. Photo and video from Hrushevskoho confrontations show that police was also used Molotov cocktails and threw incendiary compounds at protesters⁵³.

According to the Rules, the decision on using special gear is in the competence of an official responsible for securing public order, or a chief of a specific operation. Police officers acting individually take independent decisions. According to the Law on Militsiya (Police), a law enforcement official must report immediately in writing to his superior with the purpose of informing a prosecutor in cases of using special gear, as well as any injuries or death caused as a result. Accordingly, heads of units and operation leaders are liable for illegal use of special gear and resulting harm. The prosecution office can and must identify their names, even if it is impossible to determine the first-hand executors. Abuse of force, including special gear and weapons, comes with a liability defined by the law depending on the harm to life and health of a victim.

⁵³

<https://www.youtube.com/watch?v=1SaS7gJQu6U>



Hrushevskoho Street, Kyiv. January 22, 2014. Photo credit: Artem Slipachuk/Den Newspaper

RESTRICTIONS ON FREEDOM OF SPEECH DURING EUROMAIDAN

The information campaign for defamation of the peaceful protest held by state-controlled TV and print media deserves particular attention. Already in December, policy of most central TV channels changed. The censorship included limitation on information about Euromaidan events. For instance, a video of Telekrytyka titled «Berkut to the Journalists: «We will show you the freedom of speech, b**ch!»» was removed from YouTube. This video included proof of crimes committed by law enforcement against the media on December 1, 2013 in Kyiv at Bankova Street. The video was removed due to ownership claim from the Public Communication Department of the MoI of Ukraine.

Pressure on the media intensified. For instance, the Office of the Prosecutor General of Ukraine and the Ministry of Interior demanded personal data of reporters and camera operators of the 24 TV news channel who were covering events of November 30 and December 1, 2013 in Kyiv. In the official response, the channel refused to provide personal data of its employees referring to the law on protection of personal data.

Three journalists resigned due to disagreement with the editorial policy of the First National Channel. In addition, a team of leading managers and journalists left Inter TV channel because of censorship. Almost 20 staff members of Korespondent magazine (UHM Group media holding) resigned after the change of ownership and, consequently, the editorial policy. Prior to that, a similar situation had happened in Forbes Ukraine following the change of ownership of UHM Group media holding to the holding of the group of Serhiy Kurchenko who was an affiliate of people in power⁵⁴. The situation in the regions was similar. For instance, in Zhytomyr, journalists of the regional state TV and radio companies were prohibited from airing a video in support of their assaulted colleagues in Kyiv.

In order to justify illegal state actions to suppress the protest by the state, statements of high-level officials and official releases by state authorities included negative labels for the protest and its participants. Representatives of Yanukovich government, his administration and other officials criticized actions of activists and Euromaidan as a phenomenon in general. Representatives of power chose an extremely aggressive rhetoric from the beginning of mass rallies. They were labelling protesters as a group of extremists, radicals, offenders etc. For instance, the Prime Minister Azarov noted that extremist groups⁵⁵ seized buildings at Maidan; the Minister of Interior Zakharchenko repeatedly called protesters extremists⁵⁶, radicals⁵⁷, and rhetoric of this kind was in all statements of the pro-government party⁵⁸.

On January 25, 2014, the Minister of Interior Vitaliy Zakharchenko said, «Those who will stay at Maidan and occupied buildings will be considered extremist groups. In case of danger or active actions by the radicals we will have to use force»⁵⁹.

In general, these public statements by governmental officials⁶⁰ were widely broadcasted by state-controlled television and print media, which proves that the attack was premeditated.

During entire Euromaidan, journalists were one of the highest risk groups. According to the Institute of Mass Information, there were at least 206 cases of injuries sustained by journalists⁶¹.

On the night of December 24, 2013, a journalist and Euromaidan activist Tetyana Chornovol was severely beaten. She noticed being followed on the way back to her village Hora. An unknown car started pushing her vehicle to the curb and off the road, hitting with the trunk. When Chornovol was forced to stop, two people ran out of a car, broke the window and assaulted the journalist⁶². That night Tetyana went to film houses of the Minister of Interior Vitaliy Zakharchenko and the Prosecutor General Viktor Pshonka and realized her own journalist investigation. On December 25, 2013, in Donetsk, eight local journalists rallied against the cruel beating of Tetyana Chornovol. They were later threatened, warned about being fired by their supervisors «for publishing information contrary to the editorial policy». Similar situation took place in other regions.

⁵⁴ <http://www.telekritika.ua/profesija/2013-11-13/87515>

⁵⁵ <http://job-sbu.org/na-evromaydane-oruduyut-ekstremistyi-vlast-rezko-izmenila-tonalnost-39325.html>

⁵⁶ <http://baltija.eu/news/read/35910>

⁵⁷ https://www.youtube.com/watch?v=0WxJKfN_d1M.

⁵⁸ Audio comment <https://www.youtube.com/watch?v=RL8IU3TQeYA>.

⁵⁹ http://zaxid.net/news/showNews.do?zaharchenko_vsi_hto_zalishitsya_na_maydani_ekstremisti&objectId=1301403

⁶⁰ <http://www.pravda.com.ua/rus/news/2013/12/7/7005326/>

⁶¹ <http://imi.org.ua/analytics/42295-spisok-postrajdalih-jurnalistiv-30-vipadkiv-onovlyuetsya.html>

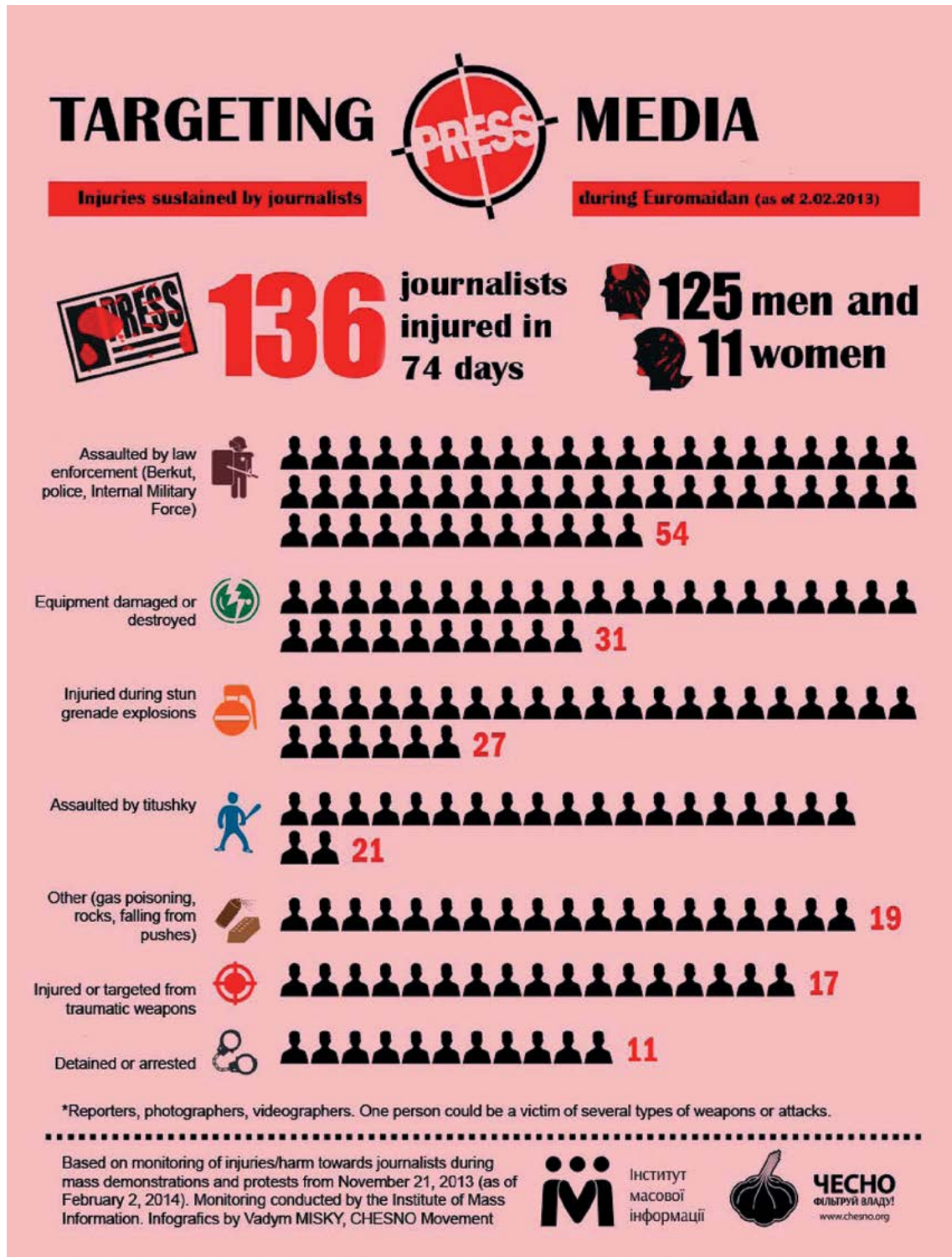
⁶² <http://www.pravda.com.ua/news/2013/12/25/7008295/>

During another incident, on January 12, 2014, Berkut attacked a Kharkiv-based reporter of Ukrayinsky Prostir media outlet and Malva-TV channel Roman Cheremsky for filming their busses with no license plates. «A Berkut officer approached me from the back and electrocuted me with a shocker, restrained; they hit me in the kidney, pushed into a bus where hit my kidneys again and threatened ‘Tell your journalists not to film us’. They broke the camera and took the memory stick», said Cheremsky to the media⁶³. He submitted a statement to the police. However, the public relations unit of the Main Department of the MoI of Ukraine in Kharkiv region deny using force against Cheremsky.

In another illustrative incident, Pavlo Sydorenko was an independent journalist at Hrushevskoho Street on January 19, 2014. He was wearing a bright yellow vest with «Press» sign. Between 7-9 p.m., law enforcement officials continuously targeted Pavlo and inflicted four wounds with rubber (plastic) bullets (twice to the cheek, to the forehead, and an eye). The bullet missed the brain by 2 mm during an eye injury. The journalist lost sight on the left side.

⁶³ <http://www.pravda.com.ua/news/2014/01/11/7009344/>

Infographics below provides information as of February 2, 2014.



DISCRIMINATORY LAWS AIMED AT SUPPRESSING THE PROTEST

The state policy for suppressing peaceful protests is evident at the level of state decisions during that period. The Law «On elimination of negative impacts and prevention of prosecution and punishment of persons in the context of the events that took place during the peaceful assemblies» granted for exemption from liability for those suspected or accused, during the period from 21 November to 26 December, 2013, of crimes under articles 109, 122, 161, 171 (preclusion of legal professional activities of journalists), 185, 194, 259, 279, 289, 293, 294, 295, 296, 341, 342, 343, 345, 348, 349, 365 (exceeding authority or official powers), 376, 382, 386 of the Criminal Code of Ukraine. These crimes had to be related to mass protests that started on November 21, 2013. Criminal investigations in these cases had to be closed⁶⁴. The Law was adopted on December 19, 2013, allegedly in response to the opposition's requirement of releasing people who were detained and assaulted on 1 December. However, the authorities added new provisions for exempting the representatives of law enforcement from liability for their illegal violent acts.

The «so-called dictatorship laws»⁶⁵ had legal provisions criminalizing libel and extremism⁶⁶, thus making the critique of authorities' actions by the media impossible. The laws prohibited a movement of vehicle trains and thereby limited peaceful events of AutoMaidan. The norms included new requirements for obtaining a license by Internet providers. They also introduced a term «foreign agent» and practically created an instrument for limiting activities and dissolving any citizens' association⁶⁷.

«Adoption of this law demonstrates that the ruling coalition fears they will not have other means to stop the peaceful protest, neither do they know how to keep power even having a vast administrative resource in their hands. Consequently, human rights organizations published a statement where they indicated that adoption of this law is de facto declaring war on civil society, and we, representatives of human rights organizations, are not going to give up in the war we had not started. We are calling for a boycott of these laws», said Euromaidan SOS coordinator Oleksandra Matviychuk at a press conference immediately after adoption of the dictatorship laws⁶⁸.

«In reality, journalist investigations are prohibited since collecting information about law enforcement officials, judges and their property was labeled illegal. Coverage of any protests might be recognized as extremist according to the document adopted on January 16, 2014. According to the law, any internet resource may be blocked if it contains journalist investigations or information about protests. Liability for the journalists includes fines, correctional labor and up to 3 years of imprisonment. This renders regular journalisms impossible», says the petition of media community Stop-Tsenzura (Stop Censorship)⁶⁹.

On January 23, 2014, the Office of the Prosecutor General published conditions for release⁷⁰ of illegally detained protesters. This made them de facto hostages of the government. «As of today, the law enforcement arrested 71 person for participation and organization of mass riots at Hrushevskoho Street. The courts assigned arrest as a restraint measure for 36 people. Court hearings in other cases are scheduled for the nearest time. There are search warrants for hundreds

⁶⁴ <http://zakon2.rada.gov.ua/laws/show/712-vii>

⁶⁵ <http://www.radiosvoboda.org/media/video/25233811.html>

⁶⁶ <http://www.telekritika.ua/profesija/2014-01-21/89591>

⁶⁷ <http://iportal.rada.gov.ua/meeting/faxiv/show/5144.html>

⁶⁸ <http://www.radiosvoboda.org/content/article/25233817.html>

⁶⁹ <http://www.telekritika.ua/profesija/2014-01-21/89591>

⁷⁰ http://www.gp.gov.ua/ua/news.html?_m=publications&_t=rec&id=133612

of people. The longer the confrontation lasts, the more offences are committed. Consequently, the more criminal investigations are registered in the Unified Register of Pre-Trial Investigation, and the more people are put into pre-trial detention for gross violations of the law. In case persons with radical intentions discontinue violent acts, arsons, pogroms and disobedience to law enforcement and leave Hrushevskoho Street, the prosecution will appeal to the courts on changing the restraint measure to a milder one for those detained, and for out-of-custody restraint measure in cases where it had not been assigned».

Similarly, the law on amnesty from January 29, 2014, also called «the law on hostages», provided that, release of those arbitrarily detained and tortured activists would commence only on the day following the date of publication of notification on the official web page of the Office of the Prosecutor General about protest participants vacating streets and administrative buildings. The law provided that in case of failure to take these actions no later than 15 days after its entry into force, the possibility of release for detainees was lost.

Discriminatory decisions of local executive bodies in Kyiv require particular attention. For instance, there were multiple instances of shutting down central subway stations for entrance and exit during attempts to disperse Maidan by law enforcement. Anonymous bomb threats served as official explanations. For example, during an attack on Maidan early on December 11, 2013 a metro train driver Vitaliy Zamoysky, in protest against the policy of Kyiv Subway management, addressed his passengers, «Dear passengers, Maidan Nezalezhnosti station is closed for entrance and exit, and serves for transfer only due to a Berkut attack on the tent camp».

In addition, for the first time in its history, the metro traffic completely stopped on February 18-20. This was done through a separate order to immediately shut down all metro stations in Kyiv issued by Kyiv City State Administration officials and Kyiv Subway Municipal Enterprise on February 18, in violation of the law and without grounds for suspending operation of the subway.

ILLEGAL BANS ON PEACEFUL ASSEMBLIES DURING EUROMAIDAN

The instrument of deliberately unjust court decisions was widely used to ban peaceful assemblies in Kyiv and the regions. According to the Unified State Register of Court Decisions, from November 30, 2013 to February 22, 2014, the District Administrative courts issues bans (or other restrictions) on at least 77 peaceful assemblies throughout Ukraine. Compared to the analogous period during the previous year, the number of court injunctions nearly tripled.

The leaders on numbers of court injunctions during this period are Kyiv city and Kyiv region (22), Sevastopol (10), Kharkiv region (8) and Dnipropetrovsk region (7). The purpose of most of peaceful protests was support for European integration and protest against political repression (45), and in six cases, there were injunctions on peaceful assembly in support of the government's actions and joining the Customs Union; and in 14 another cases counter-assemblies were prohibited. Most public assemblies were prohibited for a lengthy period of time (one to three months) in violation of the proportionality principle⁷¹.

The analysis of forms and durations of injunctions on peaceful assemblies shows a widespread

⁷¹

<http://www.reyestr.court.gov.ua/>

use of automatic injunctions related to unlimited number of people who would like to exercise their right to peaceful assembly during a certain period of time on a certain territory. These court decisions contradict both the Ukrainian legislation and international standards. In most cases, court decisions prohibiting peaceful assembly were based on the threat of violence, probability of conflicts, lack of notification about holding an assembly etc.

A dangerous precedent was set by Kharkiv District Administrative Court that introduced indefinite injunctions in two decisions for all people wishing to exercise their right to peaceful assembly. In another decision, the court legitimized a decree by Kharkiv mayor on banning public events due to the threat of influenza epidemic «until a separate decree». This happened while a mayor practically took over the powers belonging, according to the Constitution, solely to the judiciary⁷².

⁷² <http://reyestr.court.gov.ua/Review/35468557>
<http://reyestr.court.gov.ua/Review/35468521>
<http://reyestr.court.gov.ua/Review/35468708>
<http://reyestr.court.gov.ua/Review/35503239>
<http://reyestr.court.gov.ua/Review/35494694>

Injunctions on peaceful assemblies by regions of Ukraine⁷³

Date of court decision	Organizer	Event title (if available) and expected number of participants according to notification	Region	Purpose of assembly	Method and term of the injunction
28.11.2013	Committee on self-organization of population in Vasylivka district	500-600	Autonomous Republic of Crimea (Yalta)	Support for joining the Customs Union	29.11.2013 – 28.12.2013 (ban on peaceful assemblies on a part of Yalta territory)
28.11.2013	Civic organization «Freeright»	200-300	Autonomous Republic of Crimea (Yalta)	Support for European integration	29.11.2013 – 28.12.2013 (injunction on peaceful assemblies on a part of Yalta territory)
20.02.2014	Crimean human rights organization «Tribunal»	1000	Autonomous Republic of Crimea (Simferopol)	Expressing disagreement with the political situation	21.02.2014 – 30.04.2014 Injunction on public assemblies on a part of Simferopol territory
25.11.2013	Individual	500	Dnipropetrovsk region (Dnipropetrovsk)	No verified information	25.11.2013 – 31.12.2013 Automatic injunction on public assemblies at Yevropeyska Square in Dnipropetrovsk (for unlimited number of people)
26.11.2013	Dnipropetrovsk city organization of All-Ukrainian Association «Batkivshchyna political party»	200	Dnipropetrovsk region (Dnipropetrovsk)	No verified information (most likely, support for European integration)	26.11.2013 – 31.12.2013 Injunction on public assemblies at Yevropeyska Square in Dnipropetrovsk
26.11.2013	Dnipropetrovsk regional organization of All-Ukrainian youth public organization «Young regions»	Up to 2000	Dnipropetrovsk region (Dnipropetrovsk)	Support for political situation (pro-governmental)	27.11.2013 – 14.01.2014 Automatic injunction on public assemblies in any form on a part of Dnipropetrovsk territory (for unlimited number of people)
28.11.2013	Youth organization «Kyokusinkai IFK»	100.	Dnipropetrovsk region (Nikopol)	Support for European integration	29.11.2013 – 14.01.2014 Automatic injunction on public assemblies on a part of Nikopol territory (for unlimited number of people)

03.12.2013	Public organization Wake Style Sports Club	150	Dnipropetrovsk region (Nikopol)	Support for joining the Customs Union	04.12.2013 – 14.01.2014 Injunction on events on a part of Nikopol territory
16.01.2014	All-Ukrainian Association Svoboda	5-10	Dnipropetrovsk region (Nikopol)	Installation of information tents	17.01 – 16.02 Injunction on any peaceful assemblies on a part of Nikopol territory
16.01.2014	Public organization «Cossack Watch of Batkivshchyna»	Up to 300	Dnipropetrovsk region (Nikopol)	Support for European integration	16.01.2014 – 08.02.2014 Injunction on peaceful assemblies on a part of Nikopol territory
26.11.2013	Individual	I choose the EU (expected number of participants unknown)	Zhytomyr region (Zhytomyr)	Support for European integration	26.11.2013 – 19.01.2014 An injunction on installing small architectural structures (tents, kiosks, including temporary and mobile), using sound and video equipment on a part of Zhytomyr territory
09.12.2013	Zaporizhzhya regional organization of veterans of the Association of Veterans of the Ministry of Interior of Ukraine, an individual	500 and 1000 respectively	Zaporizhzhya region (Zaporizhzhya)	Counter-demonstrations (in support and against actions of police in dispersing protesters)	10.12.2013 (Injunction on peaceful assemblies on a part of Zaporizhzhya territory)
20.01.2014	Zaporizhzhya city youth public organization «Center for Patriotic Youth Education Peresvit», individual	«One law for all! Stop covering crimes!», 300 participants Protest in support of non-interference with actions of the prosecution, 200 participants	Zaporizhzhya region (Zaporizhzhya)	Counter-demonstrations (protest against actions of the prosecution and in support of non-interference with its actions)	21.01.2014 Injunction on peaceful assemblies near the Office of the Prosecutor in Zaporizhzhya
31.01.2014	Zaporizhzhya city organization of the Party of Regions, Zaporizhzhya regional public organization «Lets protect our homes», Zaporizhzhya regional association of All-Ukrainian Prosvita organization, individual	Over 20000 from both sides	Zaporizhzhya region (Zaporizhzhya)	Counter-demonstrations (support and protest in relation to actions of the President)	02.02.2014 Injunction on peaceful assemblies on a part of Zaporizhzhya territory

14.02.2014	Zaporizhzhya city youth public organization «The Young Regions», individuals	Over 6000 from both sides	Zaporizhzhya region (Zaporizhzhya)	Counter-demonstrations (support and protest in relation to actions of the President)	16.02.2014 Injunction on public assemblies on a part of Zaporizhzhya territory
01.12.2013	Kyiv city organization of All-Ukrainian Association Batkivshchyna political party	150000	Kyiv region (Novi Petrivtsi)	Support for European integration	01.12.2013 – 07.01.2014 automatic injunction on assemblies in Novi Petrivtsi (for unlimited number of people)
14.12.2013	Confidants a parliamentary elections candidate	1000	Kyiv region (Obukhiv)	Electoral assembly	15.12.2013 – 19.12.2013 Injunction on public assemblies at the square near the precinct election commission in Obukhiv
31.12.2013	Public initiative «Free political prisoners», public movement «Fighters for landscaping	«No to political repressions» 300-500	Kyiv region (Novi Petrivtsi)	Protest against political repressions	01.01.2014 – 31.01.2014 Automatic injunction on peaceful assemblies near Mezhyhirya residence in Novi Petrivtsi (for unlimited number of people)
10.01.2014	Center for human rights «Svoboda»	300	Kyiv region (Bucha)	Support for European integration	11.01.2014 – 11.02.2014 Injunction on peaceful assemblies at Kyivska Square and Taras Shevchenko Square in Bucha
10.01.2014	Kyiv regional organization of Soyuz party, Kyiv regional organization of the Democratic Party of Hungarians of Ukraine, Kyiv regional party organization of the Green Environmental Party of Ukraine «Rainbow», Human Rights Center «Svoboda», Council of All-Ukrainian association «Maidan»	«No to political repressions» 3000	Kyiv region (Pereyaslav-Khmelnitsky)	Support for European integration, protest against political repressions	11.01.2014 – 11.02.2014 Injunction on peaceful assemblies on a part of Pereyaslav-Khmelnitsky territory
10.01.2014	Kyiv regional organization of Soyuz party, Kyiv regional organization of the Democratic Party of Hungarians of Ukraine, Kyiv regional party organization of the Green Environmental Party of Ukraine «Rainbow», Human Rights Center «Svoboda»	«Freedom to political prisoners», «No to political repressions» Over 1400	Kyiv region (Vasylkiv)	Support for European integration, protest against political repressions	11.01.2014 – 11.02.2014 Injunction on public assemblies on a part of Vasylkiv territory

10.01.2014	Kyiv regional organization of Soyuz party, Kyiv regional organization of the Democratic Party of Hungarians of Ukraine, Kyiv regional party organization of the Green Environmental Party of Ukraine «Rainbow», Human Rights Center «Svoboda»	300-500	Kyiv region (Yahotyn)	Support for European integration	11.01.2014 – 11.02.2014 Injunction on peaceful assemblies on a part of Yahotyn territory
10.01.2014	Kyiv regional organization of the Democratic Party of Hungarians of Ukraine	«Freedom to political prisoners», «No to political repressions» 350	Kyiv region (Vyshhorod)	Support for European integration, protest against repressions	11.01.2014 – 11.02.2014 Injunction on peaceful assemblies on a part of Vyshhorod territory
10.01.2014	Kyiv regional organization of Soyuz party, Kyiv regional organization of the Democratic Party of Hungarians of Ukraine, Kyiv regional party organization of the Green Environmental Party of Ukraine «Rainbow», Human Rights Center «Svoboda»	«Freedom to political prisoners», «No to political repressions» Approximately 2000	Kyiv region (Irpın)	Support for European integration, protest against repressions	11.01.2014 – 11.02.2014 Injunction on peaceful assemblies at Shevchenko Street in Irpin
10.01.2014	Kyiv regional organization of Soyuz party, Kyiv regional organization of the Democratic Party of Hungarians of Ukraine, Kyiv regional party organization of the Green Environmental Party of Ukraine «Rainbow», Human Rights Center «Svoboda»	«Freedom to political prisoners», «No to political repressions» Approximately 2000	Kyiv region (Obukhiv)	Support for European integration, protest against repressions	Indefinite injunction (from 11.01) on peaceful assembly on a part of Obukhiv territory
10.01.2014	Kyiv regional organization of «Soyuz» party, Kyiv regional organization of the Democratic Party of Hungarians of Ukraine, Kyiv regional party organization of the Green Environmental Party of Ukraine «Rainbow», Human Rights Center «Svoboda»	«Freedom to political prisoners», «No to political repressions» Approximately 2000	Kyiv region (Brovary)	Support for European integration, protest against repressions	11.01.2014 – 11.02.2014 Injunction on peaceful assemblies on a part of Brovary territory
10.01.2014	Kyiv regional party organization of the Green Environmental Party of Ukraine «Rainbow»	«Freedom to political prisoners», «No to political repressions» 450	Kyiv region (Boryspil)	Support for European integration, protest against repressions	11.01.2014 – 11.02.2014 Injunction on peaceful assemblies on a part of Boryspil territory
10.01.2014	Kyiv regional organization of «Soyuz» party, Kyiv regional organization of the Democratic Party of Hungarians of Ukraine, Kyiv regional party organization of the Green Environmental Party of Ukraine «Rainbow», Human Rights Center «Svoboda»	«Freedom to political prisoners», «No to political repressions» Approximately 2000	Kyiv region (Bila Tserkva)	Support for European integration, protest against repressions	11.01.2014 – 11.02.2014 Injunction on peaceful assemblies on a part of Brovary territory

28.01.2014	Human Rights Center «Svoboda», Kyiv regional organization of «Soyuz» party, Kyiv regional organization of the Democratic Party of Hungarians of Ukraine	Up to 6000	Kyiv region (Novi Petrivtsi)	Protests near the Presidential residence	01.02.2014 – 01.04.2014 Automatic injunction on peaceful assemblies near the Presidential residence (for unlimited number of people)
03.02.2014	Kyiv regional organization of «Soyuz» party, Kyiv regional organization of the Democratic Party of Hungarians of Ukraine	No to political repressions, over 6000	Kyiv region (Horenychi)	Protests with a demand to control the implementation of the Law of Ukraine on amnesty	04.02.2014 – 05.03.2014 Injunction on public assemblies on a part of Horenychi territory
07.02.2014	Political party Social Patriotic Association of Slavs, political party Ukrainian National Labor Party, All-Ukrainian public organization «Bohdan Khmelnytsky Association»	Up to 20000	Kyiv region (Vyshhorod)	Protest against political repressions	08.02.2014 - 01.04.2014 Automatic injunction on peaceful assemblies on a part of Vyshhorod territory (for unlimited number of people)
07.02.2014	All-Ukrainian public organization «Bohdan Khmelnytsky Association», political party Ukrainian National Labor Party, political party Social Patriotic Association of Slavs	17000	Kyiv region (Novi Petrivtsi)	Piqueting the residence of the President of Ukraine	08.02.2014 – 08.04.2014 Automatic injunction on peaceful assemblies on a part of Novi Petrivtsi territory (for unlimited number of people)
25.11.2013	Kirovohrad city party organization All-Ukrainian Association Batkivshchyna		Kirovohrad region (Kirovohrad)	Support for European integration	26.11.2013 – 31.12.2013
26.11.2013	Individual, Kirovohrad city organization of All-Ukrainian Association Svoboda, Kirovohrad regional party organization All-Ukrainian Association Batkivshchyna, Kirovohrad city committee of the Communist Party of Ukraine	Supporters of European integration (1000), supporters of joining the Customs Union (unknown)	Kirovohrad region (Kirovohrad)	Counter-demonstrations (in support of European integration and joining the Customs Union)	Different terms of injunctions: 27.11.2013 – for supporters of the Customs Union, 27.11.2013 - 29.11.2013, 27.11.2013 – 31.12.2013, 27.11.2013 - 30.11.2013 for supporters of European Integration
28.11.2013	Individual	Local Euro-maidan, 100	Kirovohrad region (Kirovohrad)	Support for European integration	28.11.2013 – 30.11.2013 Injunction on peaceful assemblies at Kirova Square
05.12.2013	Ukraine Orthodox Greek Catholic Church, individuals		Lviv region (Lviv)	Praying assemblies for protection of Christian values	Indefinite injunction (from 01.12.2013) on peaceful assemblies in Lviv

26.11.2013	Luhansk regional public organization «People's Front of Luhansk Region», Luhansk city organization of All-Ukrainian Association Svoboda, Luhansk city organization of All-Ukrainian Association Batkivshchyna political party, Luhansk regional public organization «Youth Front of Luhansk Region», Luhansk regional organization for rights of children of the war and the elderly, Luhansk regional organization «Active citizens of Luhansk region», Luhansk regional association of Ukrainians deported from Poland «Vatra»	Approximately 2000	Luhansk region (Luhansk)	Counter-demonstrations (assemblies in support of European integration and joining the Customs Union)	26.11.2013 – 14.01.2014 Injunction on peaceful assemblies on a part of Luhansk territory
26.11.2013	Luhansk city organization of the Communist party of Ukraine, public organization «Luhansk district of Don Cossacks», individuals	Approximately 2000	Luhansk region (Luhansk)	Counter-demonstrations (in support of European integration and joining the Customs Union)	27.11.2013 – 31.12.2013 Injunction on peaceful assemblies on a part of Luhansk territory
02.12.2014	Lutuhyne district organization of the Communist Party of Ukraine, Luhansk regional organization of All-Ukrainian Association Svoboda, Association of entrepreneurs of Lutuhyne, District organization of the Red Cross, Lutuhyne City Council of Women, Lutuhyne district veterans' association	Up to 500	Luhansk region (Lutuhyne)	Counter-demonstrations (in support of European integration and joining the Customs Union)	03.12.2013 – 14.01.2014 Injunction on peaceful assemblies on a part of Lutuhyne territory
24.11.2013	Mykolayiv regional organization of Russian Block party, Mykolayiv city committee of the Progressive Socialist Party of Ukraine, individuals	Over 10000	Mykolayiv region (Mykolayiv)	Counter-demonstrations (in support of European integration and joining the Customs Union)	24.11.2013 – 07.01.2014 Automatic injunction on public assemblies on a part of Mykolayiv territory (for unlimited number of people)
18.01.2014	Mykolayiv city organization of All-Ukrainian Association Svoboda political party	30	Mykolayiv region (Mykolayiv)	Support for European integration, protest against pressure on activists	20.01.2014 An injunction on peaceful assembly near the Office of the Prosecutor
23.11.2013	Odesa city organization of All-Ukrainian Association Batkivshchyna political party, Odesa city organization of Vitaliy Klytchko's UDAR political party, individuals	Up to 1000	Odesa region (Odesa)	Support for European integration	23.11.2013 – 31.11.2013 Injunction on public assemblies on a part of Odesa territory

25.11.2013	Odesa city organization of European Party of Ukraine political party, Public organization «Legal corporation», public organization «Power lifting establishment»	300	Odesa region	Support for European integration	25.11.2013 – 31.12.2013 Automatic injunction on installing tents or other structures, including mobile ones, installing and/or using sound and video equipment (loudspeakers, megaphones etc.), vehicles or other means of transport (including trailers and semitrailers) or any other equipment
23.11.2013	Public organization «Legal initiative»	200	Poltava region (Kremenchuk)	No verified data (most likely in support of European integration)	24.11.2013 – 08.12.2013 Automatic injunction on public assemblies on a large part of Kremenchuk territory (for unlimited number of people)
21.12.2013	Individual	1000	Rivne region (Rivne)	Support for European integration	Injunction of an indefinite assembly in Rivne at Prosvita Square (from 22.12.2014)
24.12.2013	Individual	10000	Rivne region (Rivne)	Piqueting of the MoI departments	Indefinite injunction (from 25.12) on peaceful assemblies on a part of Rivne territory
26.11.2013	Ternopil city committee of the Communist Party of Ukraine	300	Ternopil region (Ternopil)	Support for joining the Customs Union	27.11.2013 – 08.12.2013 injunction on peaceful assemblies on a part of Ternopil territory
10.12.2013	Ternopil regional organization of For Ukraine political party, Ternopil regional organization of All-Ukrainian Association Svoboda, Ternopil regional organization of All-Ukrainian Association Batkivshchyna political party, Ternopil regional organization of Vitaliy Klytchko's UDAR political party	500	Ternopil region (Ternopil)	Support for European integration	10.12.2013 – 07.01.2014 automatic injunction on peaceful assemblies on a part of Ternopil territory (for unlimited number of people)
25.11.2013	Initiative group of citizens	«For European Ukraine»	Kharkiv region (Kharkiv)	Support for European integration	Indefinite injunction on peaceful assemblies on a part of Kharkiv territory (from 26.11.2013)
25.11.2013	Kharkiv local trade union «Kharkiv Students' Trade Union»	Rejection of European integration in Ukraine	Kharkiv region (Kharkiv)	No verified data (most likely against European integration)	Indefinite injunction on peaceful assemblies on a part of Kharkiv territory (from 26.11.2013)

26.11.2013	Association of citizens of Kharkiv «We support Maidan», Kharkiv initiative group «Everyone to Maidan»	«We support European integration»	Kharkiv region (Kharkiv)	Support for European integration	Indefinite automatic injunction on peaceful assemblies on a part of Kharkiv territory (for unlimited number of people)
26.11.2013	Initiative group of citizens «For EU approximation», Initiative group «We are citizens»	«We choose the EU, Europe and Ukraine – the choice of Ukrainian people» 100	Kharkiv region (Kharkiv)	Support for European integration	Indefinite automatic injunction on peaceful assemblies on a part of Kharkiv territory (for unlimited number of people)
26.11.2013	Initiative group of citizens	«For European integration»	Kharkiv region (Kharkiv)	Support for European integration	Indefinite injunction on peaceful assemblies on a part of Kharkiv territory (from 27.11.2013)
04.12.2013	Izyum city organization of VO Batkivshchyna political party, Izyum city organization of the Party of Regions, individuals	300 and 2500 accordingly	Kharkiv region (Izyum)	Counter-demonstrations (in support of European integration and actions of the government)	05.12.2013 Injunction on peaceful assemblies on a part of Izyum territory
05.12.2013	Chuhuyiv territorial organization of HROMADA party	100	Kharkiv region (Chuhuyiv)	Support for European integration	07.12.2013 – 07.01.2014 Automatic injunction on peaceful assembly at Lenin Square in Chuhuyiv (for unlimited number of people)
30.12.2013	Kharkiv regional organization of All-Ukrainian Association Svoboda		Kharkiv region (Barvinkove)	Installing informational tents for dissemination of print materials	01.01.2014 – 20.01.2014 Injunction on propaganda tents on parts of Barvinkove territory
25.11.2013	Cherkasy regional organization of the Communist Party of Ukraine, Cherkasy city organization of All-Ukrainian Association Batkivshchyna political party		Cherkasy region (Cherkasy)	Counter-demonstrations (in support of European integration and joining the Customs Union)	26.11.2013 – 25.01.2014 Automatic injunction on peaceful assembly on a large part of Cherkasy territory (for unlimited number of people)
29.11.2013	Uman city committee of the communist party of workers and villagers of Ukraine, Uman city and regional organization of the Red Cross of Ukraine	«European Integration – the road to nowhere», 200-500, Event related to combating HIV/AIDS (200)	Cherkasy region (Cherkasy)	Simultaneous assemblies (in support of joining the Customs Union and a meeting to commemorate the Day on Combating HIV/AIDS)	02.12.2013 – 07.01.2014

06.12.2013	Regional Union of Women of Cherkashchyna, Cherkasy city organization of the Party of Regions, Cherkasy city organization of Vitaliy Klytchko's UDAR political party		Cherkasy region (Cherkasy)	Counter-demonstration	07.12.2013 - 15.01.2014 Automatic injunction (for unlimited number of people)
29.01.2014	Cherkasy city organization of the Party of Regions, Regional Union of Women of Cherkashchyna, Cherkasy Regional Veterans' Association	Up to 6000 from different sides	Cherkasy region (Cherkasy)	Counter-demonstration (in support and protesting against actions of the President)	30.01.2014 – 04.02.2014 Injunction on peaceful assembly on a large part of Cherkasy territory
05.02.2014	Cherkasy city organization of the Party of Regions, Regional Union of Women of Cherkashchyna, Cherkasy Regional Veterans' Association	Up to 3000 from different sides	Cherkasy region (Cherkasy)	Counter-demonstration	06.02.2014 – 28.02.2014 Automatic injunction on peaceful assemblies at Soborna Square in Cherkasy (for unlimited number of people)
23.11.2013	Chernihiv regional organization of Democratic Alliance political party	«I choose the EU» 150	Chernihiv region (Chernihiv)	Support for European integration	23.11.2013 – 07.01.2014 Automatic injunction on installing small architectural structures (tents, kiosks, including temporary and mobile), using sound and video equipment
21.11.2013	All-Ukrainian public organization «Coalition of participants of the Orange Revolution», public movement «Ukrainian Patriotic Alternative», civic organization «Orthodox choice»	5000.	Kyiv	Support for European integration	22.11.2013 – 07.01.2014 Automatic injunction on installing small architectural structures (tents, kiosks, including temporary and mobile)
30.11.2013	Kyiv City organization of All-Ukrainian Association Batkivshchyna political party, Parliamentary fraction of UDAR (Ukrainian Democratic Alliance for Reforms) political party of Vitaliy Klytchko, individuals	150000	Kyiv	Support for European integration	01.12.2013– 07.01.2014 Automatic injunction on peaceful assemblies in a large part of Kyiv (for unlimited number of people)
06.12.2013	Parliamentary fraction of UDAR (Ukrainian Democratic Alliance for Reforms) political party of Vitaliy Klytchko, individuals	150000	Kyiv	Support for European integration	07.12.2013 - 07.01.2014 Automatic injunction on peaceful assemblies in a large part of Kyiv (for unlimited number of people)
05.12.2013	Civic activists of Kyiv		Kyiv	Support for European integration	05.12.2013 – 07.01.2014 Automatic injunction on peaceful assemblies in a large part of Kyiv (for unlimited number of people)

06.01.2014	Parliamentary fraction of UDAR (Ukrainian Democratic Alliance for Reforms) political party of Vitaliy Klytchko, Kyiv City organization of All-Ukrainian Association Batkivshchyna political party, All-Ukrainian public organization «People's solidarity for social protection and support»	150000	Kyiv	Support for European integration	08.01.2014 – 08.03.2014 Automatic injunction on peaceful assemblies in a large part of Kyiv (for unlimited number of people)
29.11.2013	Public association «Municipal movement for citizens' rights «People's control»»	Up to 30	Sevastopol	Support for European integration	01.12.2013 Injunction on peaceful assemblies in parts of Sevastopol
30.11.2013	Public association «Municipal movement for citizens' rights «People's control»»	Up to 30	Sevastopol	Support for European integration	01.12.2013 Injunction on peaceful assemblies in parts of Sevastopol
14.12.2013	Public association «Municipal movement for citizens' rights «People's control»»	50	Sevastopol	Support for European integration	15.12.2013 Injunction on peaceful assemblies in parts of Sevastopol
20.12.2013	Public association «Municipal movement for citizens' rights «People's control»»	50	Sevastopol	Support for European integration	22.12.2013 Injunction on peaceful assemblies in parts of Sevastopol
23.12.2013	Gardeners' Association «Havan»	120	Sevastopol	Public expression of demands for the Prosecutor's Office	24.12.2013 Injunction on a peaceful protest near the Office of Prosecutor in Sevastopol
10.02.2014	Initiative group of citizens	Up to 20	Sevastopol	Piqueting of Sevastopol City State Administration	11.02.2014 Injunction on installing a tent with the use of a gas electricity generator (2.5 KW) for lighting and barrels and wood for heating
14.02.2014	Public organization «Union of Workers of Sevastopol»	200	Sevastopol	Protest against actions of the City Prosecutor's Office	17.02.2014 Injunction on a protest near the Office of Prosecutor in Sevastopol
18.02.2014	Public organization «Citizens' Union For Justice»	40	Sevastopol	Support for President's policy in the field of combating corruption and publication of facts of corruption in local Prosecutor's Office	21.02.2014 Injunction on a protest near the Office of Prosecutor in Sevastopol

19.02.2014	Public organization «Union of Workers of Sevastopol»	200	Sevastopol	Support of the President's policy on announcing 2014 as a year of combating corruption	21.02.2014 Injunction on a protest near the Office of Prosecutor in Sevastopol
20.02.2014	Individuals	50	Sevastopol	Memorial walk to commemorate people who died in Kyiv	21.02.2014 Injunction on a memorial march in parts of Sevastopol

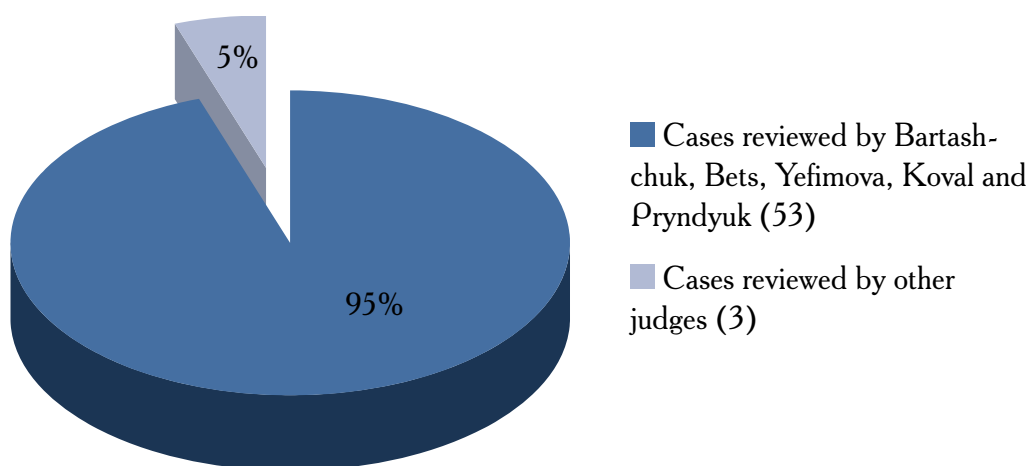
VIOLATIONS OF THE RIGHT TO FAIR TRIAL

During Euromaidan, OZON public monitoring group conducted trial monitoring in cases of accused protesters in Kyiv and the regions⁷⁴. According to results of the monitoring, the following violations were reported.

VIOLATION OF THE PRINCIPLE OF IMPARTIALITY

Same judges mostly tried cases related to Euromaidan. In particular, Kyiv Court of Appeals judges Bartashchuk, Bets, Yefimova, Koval, and Pryndyuk reviewed 95% of criminal cases monitored by OZON observers at the Kyiv Court of Appeal⁷⁵.

Diagram 1. Review of cases by judges of Kyiv City Court of Appeals



⁷⁴ <http://ccl.org.ua/wp-content/uploads/2013/10/Zvit-za-rezultatami-monitoringu-sudovogo-rozglyadu-spravshhodo-gromadskih-aktivistiv-ta-uchasnikiv-YEvromajdanu-gruden-2013-lyutij-2014r.r..pdf>

⁷⁵ In particular, in cases №№ 11-cc/796/2142/2013, 11-cc/796/202/2014, 11-cc/796/2145/2013, 11-cc/796/2213/2013, 11-cc/796/165/2014, 11-cc/796/164/2014, 11-cc/796/2181/2013, 11-cc/796/161/2014, 11-cc/796/194/2014, 11-cc/796/208/2014, 11-cc/796/200/2014, 11-cc/796/232/2014, 11-cc/796/224/2014, 11-cc/796/231/2014, 11-cc/796/2159/2013, 11-cc/796/2212/2013, 11-cc/796/2164/2013, 11-cc/796/198/2014, 11-cc/796/154/2014, 11-cc/796/155/2014, 11-cc/796/172/2014, 11-cc/796/170/2014, 11-cc/796/167/2014, 11-cc/796/2139/2013, 11-cc/796/199/2014, 11-cc/796/223/2014, 11-cc/796/2151/2013, 11-cc/796/204/2014, 11-cc/796/2162/2013, 11-cc/796/192/2014, 11-cc/796/203/2014, 11-cc/796/210/2014, 11-cc/796/193/2014.

Since the chamber on criminal cases of Kyiv City Court of Appeal has 46 judges⁷⁶, the fact that only five said judges were reviewing Euromaidan cases contradicts the objective and unbiased distribution of cases, which should be based on the principle of alternation and equal number of cases for each judge.

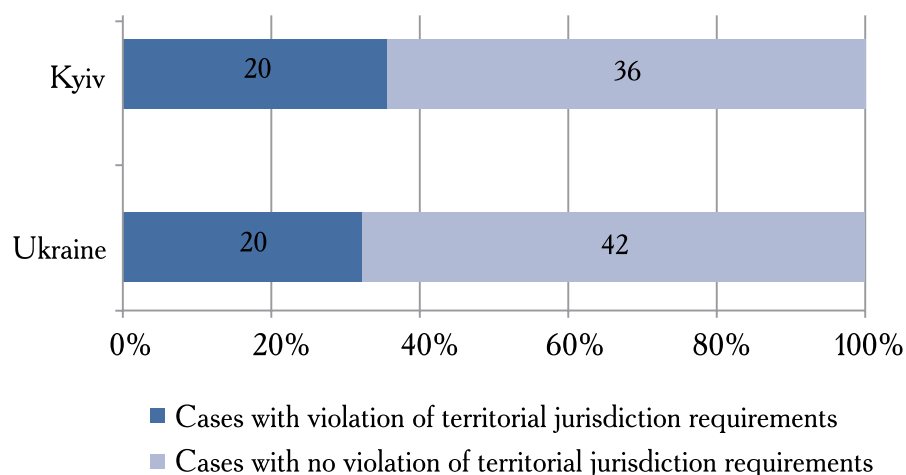
In addition, the said judges were taking decisions that can be considered politically motivated even before Euromaidan. For instance, judge Yefimova denied the appeal on lawfulness of Yulia Tymoshenko's arrest⁷⁷, judge Bets denied a complaint about unlawful arrest of Yuriy Lutsenko⁷⁸, judge Pryndyuk released and closed a criminal case against general Pukach in 2004 (he disappeared afterwards)⁷⁹

Thus, issues with impartial distribution of cases among judges and assigning Euromaidan cases to judges who were involved in politically motivated decisions, casts doubts on independence and impartiality of the court and eliminates guarantees of fair trial.

VIOLATION OF THE PRINCIPLE «TRIBUNAL ESTABLISHED BY LAW»

In approximately quarter of cases monitored during the project, trial was conducted with the violation of rules of territorial jurisdiction.

Diagram 2. Adherence to the principle of territorial jurisdiction



The rule of territorial jurisdiction in Ukrainian legislation is defined in the following way: «Criminal proceedings are conducted by a court where criminal offense took place in the limits of its territorial jurisdiction» (article 32 part 1 of the Criminal Procedure Code of Ukraine)⁸⁰

⁷⁶ Information portal of Kyiv City Court of Appeal, <http://www.apcourtkiev.gov.ua/>

⁷⁷ The court refused to review an appeal of Tymoshenko's arrest, <http://news.liga.net/news/politics/539982-sud-otkazalsya-rassmatrivat-apellyatsiyu-tymoshenko-na-arest.htm>

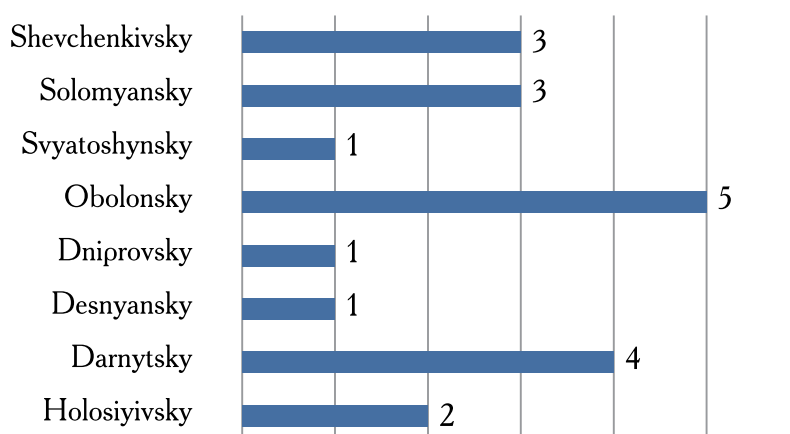
⁷⁸ Lutsenko was left in prison, <http://www.pravda.com.ua/news/2011/01/5/5754440/>

⁷⁹ President Yushchenko awarded a judge who closed the case against Pukach, <http://www.pravda.com.ua/news/2007/12/14/3337001/>

⁸⁰ Criminal Procedure Code of Ukraine, 13.04.2012 № 4651-VI.

However, cases of persons arrested at Hrushevskoho Street and at Kriposny Alley were reviewed not by Pechersk District Court of Kyiv, but by other courts (Holosiyivsky⁸¹, Darnytsky⁸², Desnyansky⁸³, Dniprovsky⁸⁴, Obolonsky⁸⁵, Svyatoshytsky⁸⁶, Solomyansky⁸⁷, and Shevchenkiivsky⁸⁸ District Courts of Kyiv)

Diagram 3. Review of cases with violation of rules on territorial jurisdiction by district court in Kyiv



Violation of rules of territorial jurisdiction thus casts doubts on respect of the right to fair trial by a tribunal established by law.

VIOLATION OF THE RIGHT TO DEFENSE

In 49 percent of monitored cases, the suspects were denied possibility for unobstructed communication with their representatives. In more than half of the cases the reasons for violation of the right to unimpeded communication was that the suspect was behind a metal barrier that separates the defendant from the court and public («the cage») or at a long distance from their representative⁸⁹. In seventeen trials, the suspects were in the premises of pre-trial detention facility and participated in the court hearing through video conference⁹⁰.

⁸¹ In particular, in cases №№ 11-cc/796/161/2014, 11-cc/796/155/2014.

⁸² In particular, in cases №№ 11-cc/796/202/2014, 11-cc/796/165/2014, 11-cc/796/154/2014, 11-cc/796/203/2014.

⁸³ In particular, in cases № 11-cc/796/164/2014.

⁸⁴ In particular, in cases № 11-cc/796/170/2014.

⁸⁵ In particular, in cases №№ 11-cc/796/208/2014, 11-cc/796/200/2014, 11-cc/796/232/2014, 11-cc/796/199/2014, 11-cc/796/208/2014.

⁸⁶ In particular, in cases № 11-cc/796/167/2014.

⁸⁷ In particular, in cases №№ 11-cc/796/194/2014, 11-cc/796/172/2014, 11-cc/796/192/2014.

⁸⁸ In particular, in cases №№ 11-cc/796/2181/2013, 761/2233/14-к, 11-cc/796/204/2014.

⁸⁹ In particular, in cases №№ 11-cc/796/200/2014, 11-cc/796/208/2014, 11-cc/796/193/2014, 11-cc/796/2162/2013, 11-cc/796/192/2014.

⁹⁰ In particular, in cases №№ 11-cc/796/194/2014, 11-cc/796/208/2014, 11-cc/796/232/2014, 11-cc/796/224/2014, 11-cc/796/2164/2013, 11-cc/796/199/2014, 11-cc/796/204/2014.

Diagram 4. Adherence to requirements for unimpeded communication with a legal representative

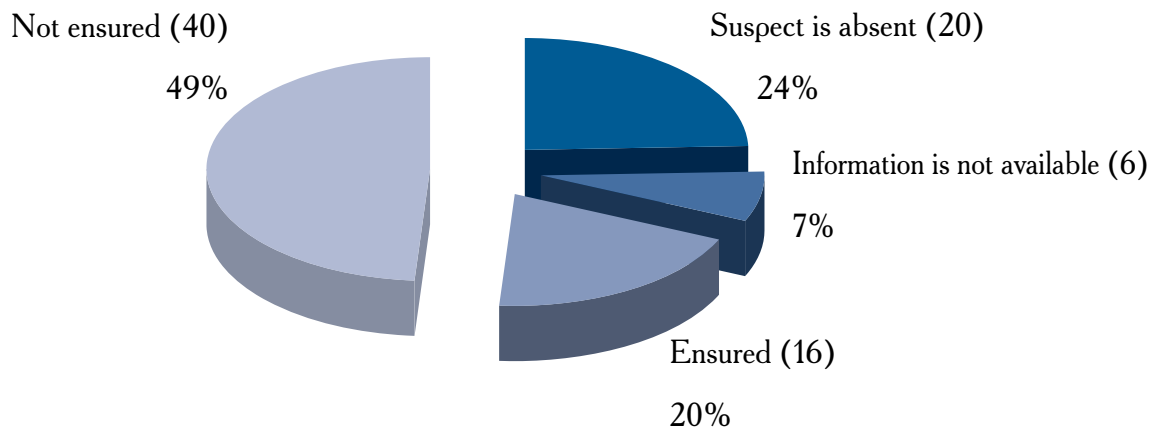
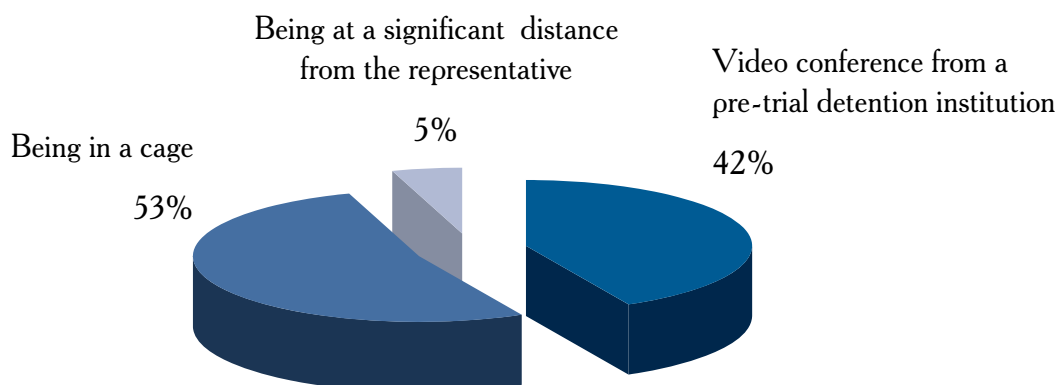


Diagram 5. Violations of requirements for unimpeded communication with a legal representative



Standards of the right to defense are provided by paragraph 3 part 3 of article 42 of the Criminal Procedure Code of Ukraine whereby the suspect or accused person is guaranteed the right at his/her first request to «have a representative and meet him before the first interrogation in confidential environment, as well as to have these meetings without limitation in their number and length after the first interrogation, as well as to participation of the representative during interrogation and other procedural actions»⁹¹. Consequently, Ukrainian legislation recognizes the importance of unimpeded communication of the defendant with the representative at all stages of criminal proceedings. Thus, the lack of conditions for such communications, including those caused by the specifics of seating arrangements in the courtroom, is a violation of the right to defense.

Proceeding via video conference during court hearings deserve particular attention in the light of the right to defense⁹². The mechanism of participation in trial via video conference excludes

⁹¹ Criminal Procedure Code of Ukraine, 13.04.2012 № 4651-VI.

⁹² Ibid.

the possibility for unobstructed communication of the defendant with a representative, since the former is not in the same room with the representative and cannot receive advice or consultations while answering questions of trial participants. As a result, video conference does not provide complete guarantees for the right to defense. In addition, the list of reasons for using video conference is non-exhaustive, and the court can arbitrarily consider sufficiency of grounds for using video conference. Such discretion of the court, not limited by any concrete criteria, creates room for judges' self-will.

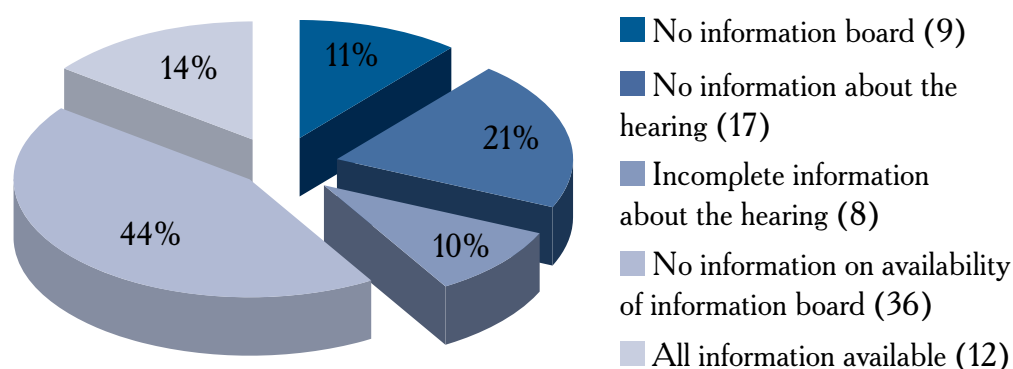
Public observers witness unusually large number of instances where video conference was used in court hearings, which could serve as evidence of the court's abuse of its right to identify grounds for using this procedural tool.

VIOLATION OF THE RIGHT TO PUBLIC TRIAL

There were significant obstacles to securing the right to public trial identified through monitoring. According to article 27 of the Criminal Procedure Code, publicity and openness of proceedings is one of the key principles.

Regarding information about a court hearing, the law provides that «no one can be restricted in the right to receive information about the date, time and place of a hearing in court»⁹³. Laws and normative acts in Ukraine do not set requirements about the procedure of providing this information. However, there is practice when court (in particular the Supreme Court of Ukraine⁹⁴, Kyiv City Court of Appeal⁹⁵) set specific rules for making this information public in their regulations. In particular, these include placement of the information on information boards or electronic monitors. In practice, putting information on the information board is most widespread in Ukraine. At least in one third of monitored trials, there was no information about the hearing or no information board/monitor itself, which influenced the publicity of a trial⁹⁶.

Diagram 6. Information about a court hearing



⁹³ Criminal Procedure Code of Ukraine, 13.04.2012 № 4651-VI.

⁹⁴ Regulation on access to public information at the Supreme Court of Ukraine, http://zakon4.rada.gov.ua/laws/show/v16_0700-11

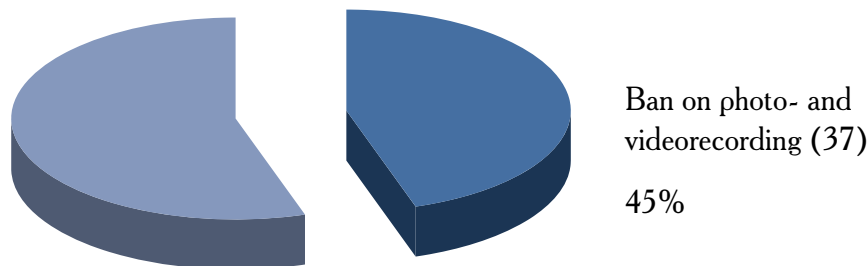
⁹⁵ Regulation on access to public information at the Kyiv City Court of Appeals, <http://www.apcourtkiiev.gov.ua/apcourtkiiev/uk/publish/article/85028;jsessionid=DC839ADB595140DC958A89C550AA4C06>

⁹⁶ In particular, in cases №№ 11-cc/796/2142/2013, 11-cc/796/2145/2013, 11-cc/796/2213/2013, 761/2549/14-к, 757/1139/14-к, 761/2233/14-к, 686/1833/14-п, 11-cc/796/2212/2013, 11-cc/796/2164/2013, 11-cc/796/2139/2013, 11-cc/796/2151/2013, 11cc/796/2162/2013, 3/463/90/14.

Access to a court hearing. The monitoring showed cases of unfounded denial of access to public hearings by the public. In particular, law enforcement officials denied access to court premises despite fulfillment of all security and identification requirements⁹⁷. In addition, despite high public attention to these cases, all those who wanted to be present at a hearing could not do it due to the lack of space in small courtrooms⁹⁸.

Audio recording, photography and videotaping of a court hearing. In 45 percent of cases, the court introduced a ban on photo and video recording of hearings⁹⁹.

Diagram 7. Audio and video recording of trials



While in most cases the defense insisted on photo and video recording of the hearing, the court banned photo and video records by the public and the media. For instance, one of the injunctions was based on the prosecutor's opinion that video record of the hearing will compromise the secrecy of investigation¹⁰⁰. At the same time, free use of portable audiotaping devices at open hearings is allowed by paragraph 6 of article 27 of the Criminal Procedure Code¹⁰¹. Therefore, it is unclear how a video record could lead to compromising the secrecy of investigation while an audio record could not. In addition, in cases a chance of compromising the secrecy of investigation can be a ground for conducting a closed court hearing (paragraph 2 of article 27 of the Criminal Code)¹⁰². Therefore, if there was a threat to secrecy of investigation in a specific case, the court should have ordered a closed hearing instead of banning photo and video recording.

In addition, in one monitored case a judge notwithstanding paragraph 6 of article 27 of the Criminal Procedure Code of Ukraine¹⁰³ made an observation to the present person who was conducting audio recording of the hearing. The judge noted that audio recording is only allowed following an oral permission of the judge according to general rules of ethics¹⁰⁴.

⁹⁷ In particular, in case № 11-cc/796/2160/2013.

⁹⁸ In particular, in cases №№ 11-cc/796/224/2014, 11-cc/796/198/2014.

⁹⁹ In particular, in cases №№ 11-cc/796/202/2014, 11-cc/796/2213/2013, 11-cc/796/165/2014, 11-cc/796/164/2014, 11-cc/796/2181/2013, 11-cc/796/161/2014, 11-cc/796/208/2014, 11-cc/796/232/2014, 11-cc/796/224/2014, 11-cc/796/231/2014, 11-cc/796/2212/2013, 11-cc/796/198/2014, 11-cc/796/154/2014, 11-cc/796/199/2014, 11-cc/796/223/2014, 11-cc/796/204/2014, 11-cc/796/2162/2013, 11-cc/796/192/2014, 11-cc/796/210/2014, 11-cc/796/193/2014, 11-cc/796/203/2014.

¹⁰⁰ Case № 11-cc/796/161/2014.

¹⁰¹ Criminal Procedure Code of Ukraine, 13.04.2012 № 4651-VI.

¹⁰² Ibid.

¹⁰³ Ibid.

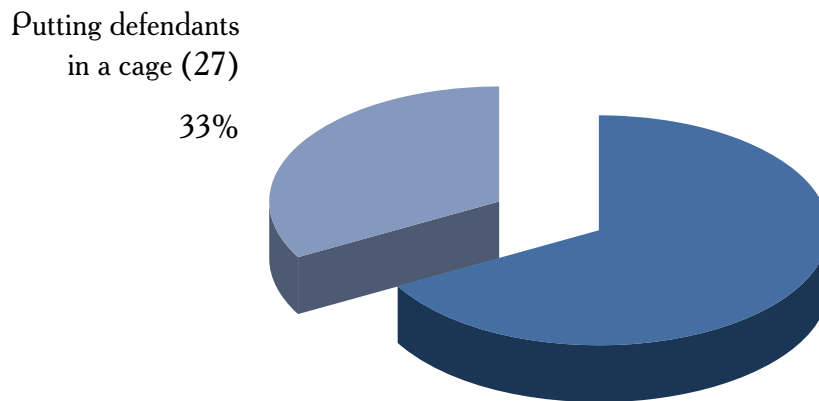
¹⁰⁴ Case on administrative liability of T.M. Babiy under article 122 of the Code on Administrative Offences of Ukraine reviewed by a judge of Ivano-Frankivsk City Court V.V. Barashkov on 11.02.2014 (no decision found in the registry of court decisions).

Given the high public interest to Euromaidan case and the lack of access to court hearings for different reasons, there were instances of violations of the Euromaidan participants' right to fair trial, particularly of its requirements on publicity of a hearing.

VIOLATION OF THE PRESUMPTION OF INNOCENCE

A third of monitored cases included instances where a suspect was confined in a «cage»¹⁰⁵. Putting the suspects into a «cage» or use of other restraint means that undoubtedly suggests that the defendant or his/her behavior is dangerous to society is unjustified and incompatible with the presumption of innocence guaranteed to every suspect or defendant.

Diagram 8. Ratio of instances where defendants were confined in caged during trial



According to one of the requirements of the presumption of innocence, the person suspected or accused of committing a crime must be treated in accordance with the presumption of innocence. «Defendants should normally not be shackled or kept in cages during trials or otherwise presented to the court in a manner indicating that they may be dangerous criminals»¹⁰⁶.

OSCE has developed similar standards recognizing that along with key elements of justice, the right «to be presumed innocent until proved guilty according to law»¹⁰⁷ contributes to comprehensive protection of inherent dignity and inalienable and equal rights of person. In addition, all persons deprived of their liberty shall be treated «with humanity and with respect for the inherent dignity of the human person and will respect the internationally recognized standards that relate to the administration of justice and the human rights of detainees»¹⁰⁸.

¹⁰⁵ In particular, in cases №№ 11-cc/796/2142/2013, 11-cc/796/2145/2013, 11-cc/796/2213/2013, 761/2549/14-к, 11-cc/796/2181/2013, 761/2233/14-к, 11-cc/796/200/2014, 11-cc/796/2159/2013, 11-cc/796/2212/2013, 11-cc/796/198/2014, 11-cc/796/170/2014, 11-cc/796/2139/2013, 11-cc/796/2151/2013, 11-cc/796/208/2014, 11-cc/796/193/2014, 11-cc/796/2162/2013, 11-cc/796/192/2014, 11-cc/796/210/2014, 11-cc/796/203/2014.

¹⁰⁶ General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, http://ccprcentre.org/doc/ICCPR/General%20Comments/CCPR.C.GC.32_En.pdf

¹⁰⁷ Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, <http://www.osce.org/odihr/elections/14304?download=true>

¹⁰⁸ Document of the Moscow Meeting of the Conference on the Human Dimension of the OSCE, <http://www.osce.org/odihr/elections/14310?download=true>

The European Court of Human Rights in its interpretation of presumption of innocence concluded that keeping a person in a «cage» without «any specific reasons» and due to «the simple fact that it was the seat where he, as a defendant in a criminal case, was meant to be seated» amounts to inhuman and degrading treatment¹⁰⁹. In this regard, it is important to consider whether there is «a danger that they would resort to violence or abscond»¹¹⁰.

Thus, keeping a suspect in a cage without relevant reasoning by the court amounts to a violation of the presumption of innocence and the right to respect for human dignity.

¹⁰⁹ Case of Piruzyan v. Armenia, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-111631>

¹¹⁰ Case of Svinarenko and Slyadnev v. Russia, Applications nos. 32541/08 and 43441/08, GC Judgment, 17 July 2014, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-145817>.

4. KEY EVENTS DURING EUROMAIDAN IN KYIV

On November 21, 2013, at around 22:00, first spontaneous assembly organized through social networks started in Kyiv at Maidan Nezalezhnosti. Its participants demanded to revoke the decision of the government and sign the Association Agreement at the EU Summit in Vilnius.

On the same day, an administrative court decision introduced an injunction for installing tents and kiosks during assemblies at Maidan Nezalezhnosti, Khreshchatyk Street and Yevropeyska Square from November 22 until January 7, 2014. On the following day, students from several universities went on strike, and the evening assembly at the central square of Kyiv attracted at least 20 thousand participants¹¹¹.



Taras Shevchenko Park, Kyiv. December 24, 2013. Photo credit: Ruslan Kanyuka/Den Newspaper

After November 21, 2013, lasting peaceful assemblies in support of European integration named Euromaidan started in different cities of Ukraine, including Donetsk, Luhansk, Ivano-

¹¹¹ Ukraine has a tradition of long-term political protests known as «Maidan». During Maidan, people place tents in a certain place where they live and do not leave until their requirements are met. Supporters of the protests bring clothes, food and necessities to Maidans. First protest of this kind took place in the early 1990s. Later, there were other protests, the largest and longest ones occurred in 2001, 2004 and 2010.

Frankivsk, Lutsk, Kharkiv, Uzhhorod, Lviv, Sevastopol, Rivne etc. Usually, public activists, bloggers, and student leaders organized these peaceful assemblies. Expat Ukrainians in Italy, France, Sweden, Great Britain, Germany, Poland, Czech Republic, Canada, the USA and other countries also held rallies in support of protests in Ukraine.



Maidan Nezalezhnosti, Kyiv. December 28, 2013. Photo credit: Mykola Tymchenko/Den Newspaper

DISPERSAL OF MAIDAN ON NOVEMBER 30, 2013

Several days before the OSCE Ministerial Council in Kyiv, on the night of November 29 to 30, 2013, law enforcement bodies dispersed the Student Maidan, an indefinite peaceful protest in support of European integration. The official reason was the need to clear the square for installing a New Year's tree. This took place at approximately 4 a.m. when a small group of protesters at Maidan (the numbers vary from 200 to 400 people), comprised mostly of students and young people, some of them sleeping, was still at Maidan. During the violent dispersal of the assembly, police resorted to disproportionate violence and use of special gear¹¹². Regardless of age and sex, people who showed no disobedience were beaten with rubber batons, kicked and followed along the nearby streets all the way to Mykhailivsky Cathedral, a refuge for the injured protesters¹¹³.

¹¹² Later, an internal investigation within the MoI confirmed excessive use of force by police, yet nobody was prosecuted.
¹¹³ <https://www.youtube.com/watch?v=FMdk1D1ktBw>.

«We were trying to get warmer in a tent on that night. A guard ran in saying ‘Guys, let’s go to the Stela, Berkut is surrounding’. ‘Instigators?’ I asked. We ran. Berkut was there in a line. In less than five minutes, they started an attack. They began hitting... People did not defend themselves. Everybody was singing the anthem of Ukraine. Then shouting ‘Police is with the people’, but it didn’t stop the specialized unit guys. They were beating cruelly... Taking people out of the crowd and hitting, hitting... And throwing to the police car. I even saw Berkut hitting girls very seriously, as if they were boys», says 15-year old Bohdan¹¹⁴.

Another witness Nina Prokofyeva remembers, «People who were standing there were beaten regardless of whether they were girls or boys. Majority of them were students. They were being pushed, thrown off the stairs and onto the glass, all chaotic»¹¹⁵.

The dispersal resulted in arrests of 34 people with 29 administrative protocols. According just to the official information, 71 person received medical help, including three journalists. According to Reuters, their camera operator and photographer also sustained injuries¹¹⁶.

On the morning of November 30, 2013, people spontaneously started going to the square next to Mykhailivsky Cathedral. During that time, Euromaidan SOS public initiative started its work on providing free legal assistance to protesters¹¹⁷.

«This night of November 30 became a catalyst for the revolution. It was a dispersal, a cruel and violent one. Afterwards, I came to Mykhailivska Square and saw how people were gathering there ready to defend. Young men with sticks were doing trainings; the injured people received help in the cathedral. I realized then that revolution would happen», recollects an activist Illya Krotenko¹¹⁸.



St. Michael's Cathedral, Kyiv. December 1, 2013. Photo credit: Mykola Tymchenko/Den Newspaper

¹¹⁴ <http://www.golos.com.ua/Article.aspx?id=365118>

¹¹⁵ http://www.bbc.co.uk/ukrainian/politics/2013/11/131130_maidan_riots_rl

¹¹⁶ <https://www.youtube.com/watch?v=6NeJfmbvFHE> https://www.youtube.com/watch?v=P6_XDSBgKVc.

¹¹⁷ <https://www.facebook.com/EvromaidanSOS?pnref=lhc>

¹¹⁸ <http://www.radiosvoboda.org/content/article/26710943.html>

EVENTS OF 1 DECEMBER AT BANKOVA STREET

Outraged by the violent dispersal of the Student Maidan, people joined a large-scale peaceful protest on December 1, 2013, in Kyiv. According to different estimates, the number of participants reached 500 thousands. Their demands included prosecution of perpetrators in the violent assault against the youth, immediate resignation of the government, early parliamentary and presidential elections. Having blocked access to Maidan Nezalezhnosti, the police was forced to step back because of the extremely large numbers of protesters. The protesters used the occasion to occupy the central part of Kyiv, Maidan, adjacent streets, the road, and buildings of Kyiv City State Administration and Budynok Profspilok (House of Trade Unions).

Approximately two thousand protesters were at Bankova Street. A group of 20-60 people in semi-military outfits initiated violent confrontation. For several hours, they were trying to use a grader tractor to break through a line of 150 soldiers of Internal Military Forces¹¹⁹ to enter the Presidential Administration¹²⁰. The unknown persons were armed with chains, reinforcing bars, flares, flame liquid, and tear gas. Most protesters (over 800-1500 people) present did not participate in clashes. Moreover, some of them created a live shield to protect young soldiers. A public activist Sashko Solontay, an artist Sashko Polozhynsky and the future President Petro Poroshenko put in many efforts to stop the tractor and were calling on people not to follow provocations. Throughout this time, officers of Berkut were standing behind the Internal Military Forces soldiers¹²¹. Everyone was shocked that law enforcement did not try to neutralize the attackers¹²².

Suddenly, Berkut and Internal Military Forces started an attack¹²³ and began beating¹²⁴ everyone¹²⁵ with particular cruelty, including passersby and journalists¹²⁶ who had been surrounded. Nine random people were then arrested and held for several hours in a courtyard where they were severely beaten while lying on the ground (this is documented on a video¹²⁷). These random people known as the «Bankova prisoners» were further accused of organizing mass riots and put into pre-trial detention for two months.

«Attack on Bankova took five minutes. The situation was unclear... People were beaten, beaten, beaten... If someone yelled «Press», he was beaten even harder... Someone convinced that those journalists were enemies. Someone did. It was obvious. There was a foreign journalist there. He only knew that word 'press' in Russian. A Berkut officer came to him and told him to kneel. He did not understand and said 'press'. He was forced to kneel and beaten after all. It looked like a military operation... I had an association as if it was 1941 and German tanks are heading to Kyiv...» says Stas, a historian, 24¹²⁸.

¹¹⁹ Internal Military Forces are a specialized military unit of the Ministry of Interior with law enforcement functions. Its tasks include protection of life, health, rights and freedoms, and lawful interests of citizens, society and state, constitutional order, security and sovereignty of Ukraine from criminal and other illegal threats. Personnel of the IMF are drafted.

¹²⁰ <http://www.pravda.com.ua/articles/2013/12/1/7003664/>

¹²¹ Berkut is a specialized police unit within the structure of regional bodies of the Ministry of Interior of Ukraine. It was terminated (in practice — reorganized) on February 25, 2014. Therefore, more than 60 percent of its staff continue working in the Ministry. Berkut was responsible for keeping public safety and combating organized crime.

¹²² <https://www.youtube.com/watch?v=9dl2HYBfgXY#t=15>; <https://www.youtube.com/watch?v=vv5jFjwyoJU>.

¹²³ https://www.youtube.com/watch?v=bNE_3C9AZF0; <https://www.youtube.com/watch?v=SC4G0ma1KHc>.

¹²⁴ <https://www.youtube.com/watch?v=3Qll2bKC8OI>.

¹²⁵ https://www.youtube.com/watch?v=IaWCh_pQcHs.

¹²⁶ <http://www.youtube.com/watch?v=V7MFPzLMH7E>.

¹²⁷ <https://www.youtube.com/watch?v=8SjOTg7fQQs>.

¹²⁸ <http://www.golos.com.ua/Article.aspx?id=365118>

Ihor, an entrepreneur and a member of the Red Cross emergency groups describe these events, «They are beasts! They could have received an order to «clear out» but executed it in a different manner. Berkut was deliberately beating people. Most victims were journalists, the lost and the elderly who did not understand what was going on. They were not even trying to escape. I remember an old woman with a bag and blue-and-yellow ribbon on it. She tried to stop a Berkut officer, ‘what are you doing, son?’ And he hit her several times with a baton. In addition, there was an old man with a bandaged head. He was shouting that he would not leave. Turned out he was from St. Petersburg, this true Ukrainian with a St. Petersburg dialect. He said, ‘I’m not going anywhere — what if they start beating children again...’ I asked him whether he had any relatives there. He said, ‘It is not my children but my Motherland that is here’...»¹²⁹

«Around 6 p.m. on December 1, I was with other journalists next to the Presidential Administration filming clashes between protesters and Berkut. Suddenly, a gas grenade exploded at the feet of one man (most likely, he was a journalist as he was standing next to me and had a camera. He fell down, and I tried bringing him to consciousness, but he was unconscious. In few seconds, Berkut started an attack. I dragged the man to a building so the crowd would not run over him. After five minutes, the man was still unconscious, and I went to police so they would help me taking him to an ambulance near the Administration’s entrance. The ambulance left while I stayed behind. I put on a hood and was standing near a wall and holding my phone next to my ear. I pretended to report something in Russian and videotaped these tortures with another phone in my pocket. Bastards, calling themselves Berkut, were severely beating people who were doing nothing and just lying on the concrete. A police officer found a piece of paper on one man, shoved it right into his mouth, and spit in his face. In 15 minutes, some official with a walkie-talkie approached me asking who I was. I responded, «Sergey Petrovych told me to stay here». The man asked me for an ID. I was going through the contents of my bag for a while, suddenly someone called him, and I left quickly. I am confident that if police knew I was a journalist who was standing for 15 minutes next to people who were kicked and beaten with batons, nobody would see this video», says the author of a video of the beating of «Bankova prisoners» Volodymyr Tyshchenko¹³⁰.

After this moment, an indefinite protest started in Kyiv. A weekly Sunday viche (public gathering) became traditional for Kyiv. The number of participants ranged from several hundred thousand to one million people.

¹²⁹ <http://www.golos.com.ua/Article.aspx?id=365118>

¹³⁰ From description of the published video: <https://www.youtube.com/watch?v=8eflRkjecks>



Maidan Nezalezhnosti, Kyiv. December 8, 2013. Photo credit: Mykola Tymchenko/Den Newspaper

One of the active forms of non-violent resistance, an informal movement called AutoMaidan was also created during that time. Drivers participating in AutoMaidan held protests by blocking roads in the center of Kyiv demanding release of arbitrarily detained people. Later they would conduct regular rides of automobile convoy to residencies of high officials¹³¹, block roads for buses with law enforcement personnel, as well as went to the regions to support local Euromaidan. For this reason, traffic police constantly persecuted AutoMaidan during the entire period by forging administrative cases for alleged violations of traffic regulations in order to suspend their driver's licenses¹³². As a rule, courts approved police requests. The database with license plate numbers of protesters' vehicles was published on the Internet. Later, many vehicles were burnt or damaged by unknown perpetrators.

DISPERSAL ATTEMPT ON THE NIGHT OF DECEMBER 10-11, 2013

On the night from December 10-11, 2013, the Internal Military Force and Berkut made another attempt at a violent dispersal of Maidan. Before the attack, exits to the city at central subway stations were closed. After law enforcement came, protesters put on helmets for protection, and women moved closer to the stage. All participants were warned not to hold anything in their hands. People on the stage were emphasizing the peaceful nature of protest and saying prayers. Berkut officials started to destroy barricades.

During the entire night, law enforcement were using the tactics of pushing people out from the square. To achieve this, they attempted to attack people who showed no resistance and using special gear (in particular, teargas). There were several instance of setting protesters' tents on

¹³¹ https://en.wikipedia.org/wiki/Mezhyhirya_Residence

¹³² <http://yanukovychleaks.org/stories/automaiddan-black-list-found-in-mezhyhirya.html>

fire. The law enforcement officials pulled people out of the crowd and escorted them behind the lines of attack where officers of Berkut specialized unit were beating people. A large number of people who came to the square saved Maidan from dispersal. By 9 a.m., there were approximately 50 thousand people who had arrived during the night by different means of transport. The morning onslaught by Berkut on the Kyiv City State Administration, a building used for inventory purposes by the protesters, was also unsuccessful. According to official data only, during the attack by the specialized unit, at least 49 people sustained injuries, including 11 law enforcement officials.



Maidan Nezalezhnosti, Kyiv. December 11, 2013. Photo credit: Artem Slipachuk/Den Newspaper

«The priests are reading prayers from the stage. The law enforcement broke through to Maidan. There have been no clashes yet [...] People on the stage are asking Berkut not to hurt Ukrainians and not to turn Ukraine into a disgrace. They are saying that the protest is peaceful and non-resistant. Ruslana speaks, ‘Viktor Fedorovych, they are writing a bad script for you. Do you want a skating rink at Maidan? You already put the Christmas tree, and people got together! If you want a skating rink on December 15, the entire Ukrainian population will be here on December 17’», tweeted Ukrayinska Pravda newspaper¹³³.

A message from the EU Delegation to Ukraine said, «The EU Delegation to Ukraine is trying to contact all competent and responsible law enforcement officials TO PREVENT use of force against ordinary citizens. We admire peaceful determinations and calm of protesters at Maidan»¹³⁴.

«We defended it. Never in my life have I been waiting for the sunrise so much. It was scary for the first two hours. I was calmer when people started coming to Maidan. I could not believe until the very end, and even know it seems like a nightmare. One cannot forgive this», posted a journalist Sevhil Musayeva on Facebook¹³⁵.

¹³³ <http://www.pravda.com.ua/articles/2013/12/11/7005267/>

¹³⁴ <http://www.pravda.com.ua/articles/2013/12/11/7005267/>

¹³⁵ <http://www.pravda.com.ua/articles/2013/12/11/7005267/>

Following an unsuccessful attempt to disperse Euromaidan, the government initiated negotiations with the opposition mistakenly considering them as coordinators of the protest. A result of these negotiations was the so-called law on amnesty adopted on December 19, 2013¹³⁶.

As a counter to peaceful protest movement, the party in power, the Party of Regions, and the Communist Party of Ukraine, with the organizational and financial support from the government authorities, started organizing gatherings support of the regime known as «Antimaidan». There was a widespread practice of forcing personnel of state institutions, such as teachers, doctors, factory workers and students, to attend these assemblies, as they were threatened with sacking otherwise. At the same time, cases of dispersal of local Euromaidan and persecutions in the regions became more frequent.

EVENTS OF 19-22 JANUARY AT HRUSHEVSKOHO STREET

On January 16, 2014, in breach of the voting procedure, the parliament adopted the so-called «dictatorship» laws that significantly limited rights and fundamental freedoms. In particular, according to these laws, all forms of peaceful protest were criminalized and outlawed¹³⁷. The so-called second law on amnesty was also adopted. Its norms extended not only to protesters, also to police officials who used excessive force against Euromaidan participants.

In the morning of January 19, 2014, another Viche with several thousand of participants started at Maidan. The protesters required to annul the laws of 16 January¹³⁸.



Maidan Nezalezhnosti, Kyiv. January 19, 2014. Photo credit: Mykola Tymchenko/Den Newspaper

¹³⁶ <http://zakon1.rada.gov.ua/laws/show/712-18>.

¹³⁷ <http://www.cvu.com.ua/ua/view.php?id=861>

¹³⁸ Viche is a general assembly of people, a form of peaceful assembly. Historically, general assemblies of Kyiv Rus citizens were called viche. Viche were organized to decide on particularly important public issues.

Part of the people went towards the parliament through Hrushevskoho Street. At the entrance to Dynamo stadium, the peaceful demonstration was blocked by the specialized unit Berkut and the soldiers of the Internal Military Forces. The road was also blocked with trucks and busses.

During several hours, people were convincing police officers to let the peaceful demonstration pass. Around 3 p.m. on January 19, a separate group of protesters attempted to break through the line of police and move towards the government quarter. The clashes¹³⁹ resulted in injuries and wounds sustained by many protesters, a Berkut bus was set on fire, and officers of this unit were pelted with stones and firecrackers. The specialized unit officers used special gear, tear gas, and water cannon despite freezing temperature ranging from -5 to -15 C outside¹⁴⁰. In response, protesters started throwing rocks and Molotov cocktails.

During an attack, Berkut officers were assaulting everyone who had not retreated regardless of whether they had participated in the confrontation¹⁴¹. They were demonstratively beating people on the ground with thousands of witnesses around, including those who climbed up the arch at the stadium entrance. They pushed one of them down from a height over 10 meters¹⁴² while he was not moving. According to the official sources, at least twenty-four injured people sought medical help due to trauma from the clashes. Three of them were hospitalized. However, most protesters were afraid to go to medical institutions due to arrests and were treated at volunteer field hospitals and medical stations. All protesters arrested on that day or afterwards were charged with organization of mass riots and disobedience regardless of whether they actually had resisted to law enforcement officers.

During the whole night near Dynamo stadium, Berkut were shooting the barricades constructed by protesters for protection with tear gas grenades and stun grenades. Despite freezing temperatures, they were pouring water from water cannons. In addition, several protesters sustained severe eye and head injuries from targeted shooting with rubber bullets.

¹³⁹ <http://www.pravda.com.ua/articles/2014/01/19/7008810/>

¹⁴⁰ <https://www.youtube.com/watch?v=3rQARCBNaWs&oref=https%3A%2F%252>

¹⁴¹ <http://www.youtube.com/watch?v=v1nzzO5Vbfg>, <https://www.youtube.com/watch?v=9wdjIjs8Y44>.

¹⁴² <https://www.youtube.com/watch?v=I4uUPRAywrE#t=210>.



Hrushevskoho Street, Kyiv. January 19, 2014. Photo credit: Artem Slipachuk/Den Newspaper

«Tonight my father Stanislav Chernilevsky was injured at Maidan. He sustained a gunshot wound to his thigh; two bullets went in his arm, one bullet hit the forearm, and the other one broke the bone. He went through a successful surgery at City Hospital #17», wrote a daughter of a famous Ukrainian screenwriter¹⁴³.

During clashes on January 21, 2014, law enforcement used not only special gear (rubber batons, tear gas grenades, rubber bullets), but also Molotov cocktails and stones throwing them into the crowd¹⁴⁴.

At approximately 8 a.m. on 22 January, Berkut attacked people behind the barricades at Hrushevskoho Street. Half an hour later, protesters pushed the law enforcement back behind the line of burnt busses. Berkut attack resulted in around 200 protesters injured. First people died from firearms. A 20-year old Serhiy Nihoyan¹⁴⁵ died from gunshot wounds. He sustained one gunshot wound to the neck and one to the head. A citizen of Bilorus, Mykhaylo Zhyznyevisky¹⁴⁶ died from a direct gunshot to the heart. During the attack, Roman Senyk sustained a gunshot wound to the lungs and had his hand amputated later. He died later in a hospital on 25 January without gaining consciousness¹⁴⁷.

At 10 a.m. on January 22, unarmed protesters came to the neutral zone despite shots coming from the specialized units. They tried, unsuccessfully, to negotiate with police. During the cease-fire, few meters ahead of the main barricade the protesters build another small barricade from snow and tires to prevent advances of the law enforcement.

¹⁴³ http://espresso.tv/new/2014/02/19/na_maydani_vohnepalnoyu_zbroyeyu_poranyly_vidomoho_ukrayinskoho_scenarysta

¹⁴⁴ https://www.youtube.com/watch?v=PmpBD_MoeAw#t=70.

¹⁴⁵ <http://www.youtube.com/watch?v=shwYneNpVCs>.

¹⁴⁶ http://censor.net.ua/resonance/269229/pochemu_ya_uveren_chno_lyudeyi_na_barrikadah_ubil_berkut.

¹⁴⁷ <http://www.youtube.com/watch?v=vAu8lKEHbqM>.



Hrushevskoho Street, Kyiv. January 22, 2014. Photo credit: Artem Slipachuk/Den Newspaper

During January 19-22, at least 42 journalists were injured¹⁴⁸. The character of injuries (eyes and head) points to the fact that law enforcement officers undertook targeted shooting at people in orange vests and helmets signed «Press»¹⁴⁹. In addition, around 30 medics were injured: Berkut destroyed the medical assistance station in the Parliamentary Library at Hrushevskoho. After that, journalists refused to wear the «Press» vests, and the Red Cross issued a statement that the use of force towards medics with appropriate insignia was unacceptable¹⁵⁰.

¹⁴⁸ <http://imi.org.ua/analytics/42777-spisok-postrajdalih-jurnalistiv-pid-chas-sutichok-19-20-sichnya-onovlyuetsya.html>

¹⁴⁹ http://www.youtube.com/watch?v=KkuH9PK_ICY.

¹⁵⁰ <http://www.redcross.org.ua/modules/news/index.php?id=1012>.



Hrushevskoho Street, Kyiv. January 22, 2014. Photo credit: Artem Sliwachuk/Den Newspaper

Priests tried to stop the clashes by coming to the neutral zone and calling both sides to stop the bloodshed, which was accomplished after long negotiations.

Events at Hrushevskoho Street catalyzed the protest movement in different regions of Ukraine. As of January 27, 2014, protesters occupied 11 state regional administrations without use of arms, in five regions these attempts resulted in assault and dispersal of people; in four more regions, mass protests took place.

During this period in Kyiv the so-called «titushky», criminal groups coordinating their actions with the law enforcement¹⁵¹, were active. They were assaulting and injuring people in different districts of the city, destroying vehicles and organizing provocations. Since police refused to perform its obligations in protecting public order, these functions were taken by ordinary citizens in self-organized district self-defense groups, as well as by AutoMaidan participants.

¹⁵¹ <http://www.pravda.com.ua/news/2015/02/2/7057145/?attempt=1>; <http://ua.comments.ua/life/216353-spokiyu-nich-maydanu-zatmarili-titushki.html>; http://ukr.lb.ua/news/2014/02/21/256450_pod_vidom_titushek_deystvuyut_opera.html



Hrushevskoho Street, Kyiv. January 22, 2014. Photo credit: Mykola Tymchenko/Den Newspaper

During one of these raids, a group of AutoMaidan participants, which was called to protect a hospital, became the victims of an organized operation by Berkut specialized unit, Kyiv police anti-drug trafficking unit and DAI. The operation took place at Shchorsa Street near Hospital #17 and at Kriposny Alley. The law enforcement officials were pulling people out of their cars, assaulting severely regardless of age, and destroying vehicles. The arrestees were then beaten in a bus, while part of them were brought to the park, put on their knees, forced to undress in subzero temperatures, and humiliated. Later, all arrested were accused of organizing mass riots and disobedience to police¹⁵². The courts assigned a restraint measure of arrest for two months for AutoMaidan activists¹⁵³.

A widespread practice of arbitrary arrests of actual or perceived protesters in Kyiv and the regions started. There was targeted persecution even of those people who were transporting tires in their vehicles, which resulted in criminal prosecution (the so-called «tire case»). There was control over people filling up canisters at gas stations. Oftentimes, people in civilian clothes or titushky were apprehending people. Some were kidnapped from hospitals, on their way from Maidan home or next to the place of work. In most cases, their relatives were not informed about family members being in police stations. In addition, there was a common practice of denying access to defendants by lawyers.

During all these winter months, despite low temperatures, Maidan Nezalezhnosti (Independence Square) and its surroundings had several dozen thousands of people constantly present there, and several thousands were living there, both outside and in the administrative buildings

¹⁵² <http://www.pravda.com.ua/news/2014/01/25/7011247>.

¹⁵³ http://www.youtube.com/watch?v=F_y2fwWwyrU, <http://www.youtube.com/watch?v=QMDPSOdtoos>.

occupied by protesters. On certain days, particularly weekends, numbers of protesters reached a million of people. The so-called law on hostages was adopted on January 29, 2014, providing that release of detained protesters would happen only in exchange for vacating streets and administrative buildings, virtually for stopping the protest¹⁵⁴. By 18 February, most of administrative buildings and Hrushevskoho Street were vacated. The government stated that demands of the law were not met.

EVENTS OF FEBRUARY 18, 2014



Instytutska Street, Kyiv. February 18, 2014. Photo credit: Oleksandr Ratushnyak/www.ratushniak.com

On February 18, the parliament was supposed to vote for returning to the 2004 edition of the Constitution of Ukraine. For this reason, part of protesters started a peaceful march towards the parliament. A line of law enforcement stopped the march. Following a provocation by police, the violent confrontation began. The law enforcement began an attack¹⁵⁵, destroyed the barricades and started an onslaught on Maidan. They were throwing Molotov cocktails at Maidan and set several tents on fire.

¹⁵⁴ <http://zakon2.rada.gov.ua/laws/show/737-vii>.

¹⁵⁵ <http://www.youtube.com/watch?v=oWKz471g0vw&feature=youtu.be&a>.



Near Verkhovna Rada (Parliament of Ukraine), Kyiv. February 18, 2014.
Photo credit: Artem Slipachuk/Den Newspaper

From the recollections of a participant of these events, «... at that moment, a grey KrAZ water cannon truck crashed into the barricade at high speed. The jammed people were screaming from horror and despair. KrAZ drove back and again attacked the barricade. Right away, beasts in dark blue uniform with white light-reflecting stripes on their sleeves and rubber batons in their hands started jumping over the barricade. Having passed few barricade defenders who were showing resistance, they started beating people in the crowd. They were hitting people's heads while holding batons with both hands (for a month after these events I had a recurring nightmare with a truck crashing into the barricade and beasts beating helpless people who were lying on top of each other). People were screaming that they were hitting dead bodies to stop them, but it was all in vain...¹⁵⁶.

¹⁵⁶

<http://maydan18-20feb.com.ua/index/1/327.html>



Instyutaska Street, Kyiv. February 18, 2014. Photo credit: Oleksandr Ratushnyak/ www.ratushniak.com

For isolating the protesters at Maidan, at approximately 15-30, central subway stations (Khreshchatyk, Maidan Nezalezhnosti, Arsenalna, and Poshtova Ploshcha) were shut down for exit and entrance; traffic towards the city center was prohibited. At the same time, an independent Channel 5 was switched off; traffic of all types of transport from the regions towards Kyiv, including private vehicles, was limited. Paramilitary criminal groups, the so-called *titushky*, were acting hand in hand with the law enforcement beating people on the ground¹⁵⁷. Protesters set tires on fire and started throwing Molotov cocktails to stop the law enforcement and prevent them from shooting people from rooftops.

¹⁵⁷

<http://www.youtube.com/watch?v=53kN04pFEYw>, <https://www.youtube.com/watch?v=tD3wTKruLoY>.



Instytutska Street, Kyiv. February 18, 2014. Photo credit: Artem Slipachuk/Den Newspaper



*Near Verkhovna Rada (Parliament of Ukraine), Kyiv. February 18, 2014.
Photo credit: Artem Slipachuk/Den Newspaper*

«...During an attack on Zhovtnevy on February 18, I noticed a young man with wounded legs and assisted him in coming down the stairs to the House of Trade Unions. I put a red cross with a duct tape on a construction helmet. It was my initiation into the doctors of Maidan. There, at the House of Trade Unions, I learned to provide first aid, administer injections. In the evening, a group of doctors was going up to the occupied Zhovtnevy. I still don't know why I decided to join them. Berkut let us pass. First thing we saw there was incredible looting. People who called themselves guardians of the law were blatantly going through personal belongings of protesters and taking not only valuables and money, but also socks and shaving gels. I was stunned when one of the «volunteers» was carrying a box full of other people's things, since 'it will go to waste anyway'. There were no 'our people' injured. However, when you see a 20-year old boy from the Internal Military Force who is crawling with his legs injured and biting his lip not to cry, everyone who needs help becomes 'ours'. They are no longer enemies. They are ordinary people who are badly hurting», a volunteer doctor Larysa Sulimenko, continues to speak¹⁵⁸.



Instytutska Street, Kyiv. February 18, 2014. Photo credit: Oleksandr Ratushnyak/ www.ratushniak.com

¹⁵⁸

<https://www.facebook.com/maydan18february/posts/676859665728199>



Instytutska Street, Kyiv. February 18, 2014. Photo credit: Oleksandr Ratushnyak/ www.ratushniak.com

ASSAULT ON MAIDAN ON THE NIGHT OF FEBRUARY 18-19 AND BURNING DOWN THE HOUSE OF TRADE UNIONS

The assault on Euromaidan lasted the entire night from February 18 to 19. Two armored vehicles were used to destroy barricades. Water cannons were used to disperse protesters and put out burning tires. One armored vehicle crashed at full speed into a barricade where people were standing. As a result, protesters fell down from the height of two meters and sustained various injuries. Finally, it was possible to stop the armored vehicles with Molotov cocktails. One of them was stopped during an attack as it was approaching. Yet, though burnt entirely, Maidan survived. In two days, at least 25 people died. It is impossible to say how many were injured since there was no registration of medical assistance through the system of undercover hospitals and medical stations.

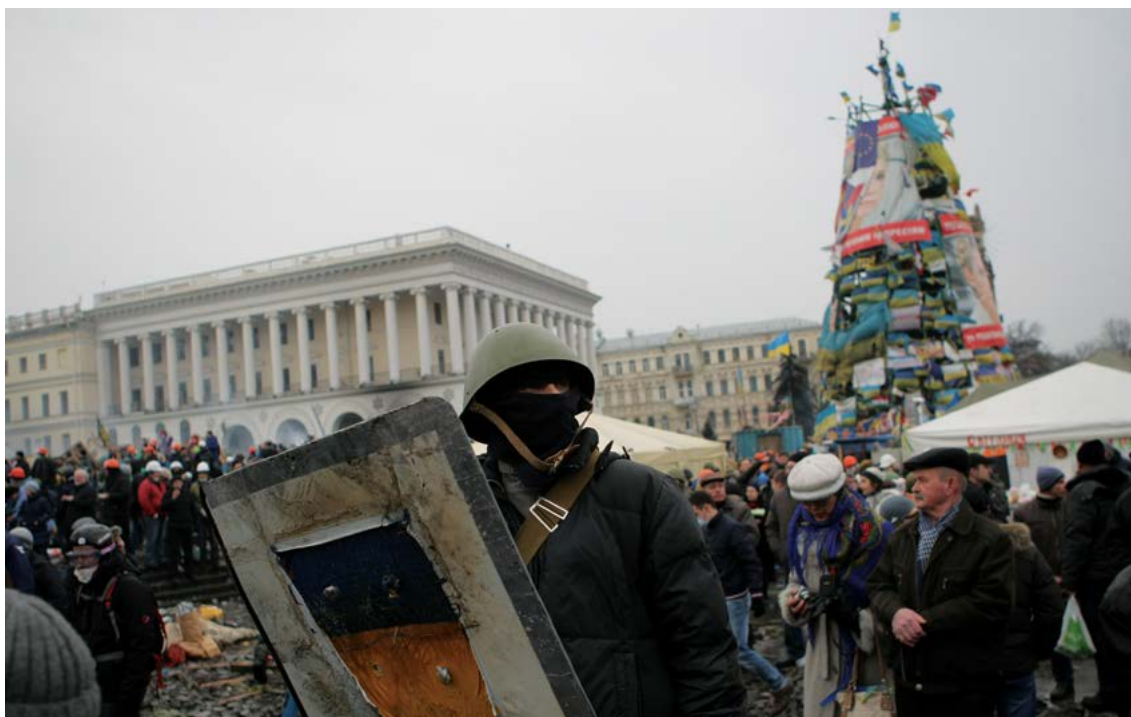
On the night of February 18-19, the House of Trade Unions was set on fire. It had been used for material and technical support of Euromaidan. In particular, the hospital for in-house treatment of injured protesters was located there. After the fighters of the Alfa, specialized unit had entered the House of Trade Unions from the upper floors, a fire started¹⁵⁹. At least two protesters died in the fire¹⁶⁰.

«The fire at the House of Trade Unions was distinguished into a separate episode. Two bodies were found there after the fire. The degree of burns makes it impossible to establish the cause

¹⁵⁹ http://www.moskal.in.ua/?category=news&news_id=1099.

¹⁶⁰ http://espreso.tv/news/2014/05/15/moskal_nazvav_lyudey_yaki_shturmuvaly_budynok_profspilok_pid_chas_zachystky_maydanu.

of death. In addition, there are no signs of violent death, including bullets or stab wounds. We distinguish this episode since on that night fighters of Alfa specialized unit were trying to take over the House of Trade Unions. The attack was conducted in the framework of an anti-terrorist operation announced by the former Head of the State Security Service Oleksandr Yakymenko. All documents on the operation are destroyed, but there are sufficient grounds to consider that anti-terrorist operation took place», says Serhiy Horbatiuk, the head of special investigations department and the leader of the joint law enforcement group for investigation of crimes against Euromaidan activists¹⁶¹.



Maidan Nezalezhnosti, Kyiv. February 19, 2014. Photo credit: Artem Slipachuk/Den Newspaper

On 19 February, the Head of Security Service of Ukraine Oleksandr Yakymenko publicly announced a start of an anti-terrorist operation and dispensing firearms¹⁶². On February 20, 2014, the acting Minister of Interior Vitaliy Zakharchenko signed an order on providing the police with assault weapons¹⁶³. At the same time, part of law enforcement officials left voluntarily their posts refusing to use arms against unarmed people.

Andriy Yurkevych posted on Facebook, «We are passing the usual distance from the City Administration to Maidan. There are shots, fireworks, ‘Slava Ukraini’ shouts... We are looking at people’s eyes, and no one is panicking. Despite everything, including onslaughts, dozens dead and hundreds injured, the burning House of Trade Unions, everyone is rather calm and concentrated on their own task. Some people are simply standing along the perimeter for simple presence; some are breaking the pavement, rolling tires, or pouring cocktails. Without active leadership of distribution of responsibilities, everyone found a useful task and realized where s/he could be useful. It is hard to express my admiration with these people»¹⁶⁴

¹⁶¹ <http://www.pravda.com.ua/rus/articles/2015/01/23/7056061/>

¹⁶² https://www.youtube.com/watch?v=z_fiBUBxI2s.

¹⁶³ <https://www.youtube.com/watch?v=ownNrDbiQsU>.

¹⁶⁴ <https://www.facebook.com/maydan18february/posts/658448457569320>

MASS SHOOTINGS AT MAIDAN ON FEBRUARY 20, 2014

During the entire night of February 19-20, the transport police continued blocking traffic towards the center of Kyiv (the blocking started in the afternoon on February 18). At the same time, people were bringing tires, food, and clothes. The metro was shut down according to an order from the Kyiv City State Administration.

On the morning of February 20, around 8 a.m., confrontations at Maidan Nezalezhnosti began. Law enforcement tried to take over the Academy of Music (Konservatoriya) where the medical station of Maidan was located. They were throwing Molotov cocktails at the building. Then, they were shot at by unknown persons. After several attempts at taking over the Academy of Music, the law enforcement stepped back. Participants tried to push the law enforcement back from Maidan. Berkut started moving from Zhovtnevy Palace and Stella at Maidan. At around 9 a.m. protesters started moving towards Zhovtnevy Palace pushing the law enforcement back and up Instytutska Street towards the National Bank of Ukraine. At that point, targeted shootings of protesters from firearms started¹⁶⁵. A group of law enforcement in black uniform with Berkut signs and yellow ribbons on their sleeves, armed with rifles, was shooting at protesters first from the side of Zhovtnevy Palace, and then from a barricade next to the club of the Cabinet of Ministers of Ukraine.

None of the protesters moving up Instytutska Street was noticed with firearms; part of them were holding protective shields and sticks. Their initial purpose was to push Berkut and other law enforcement outside of Maidan territory. Later, protesters tried to create a smoke curtain with burnt tires with an obvious purpose of protecting themselves and others from shootings and constructing protective structures (barricades).

At that point, the law enforcement were standing in several lines from Luteranska Street towards Khreshchatyk. The roads were blocked by KAMAZ trucks and concrete blocks. Armored vehicles were moving down Instytutska Street.

There were reports about snipers on roofs of administrative buildings in the governmental quarter¹⁶⁶. Law enforcement officers in black clothes with yellow ribbons on their sleeves started shooting¹⁶⁷ unarmed protesters¹⁶⁸, which is documented on numerous videos¹⁶⁹. From Zhovtnevy Palace and Instytutska Street, people started bringing the injured and killed protesters, among them were those who tried to provide medical assistance to those injured¹⁷⁰.

Protesters pushed law enforcement out of Maidan to Hrushevskoho Street. A part of unarmed protesters started moving up Hrushevskoho Street. They regained control of Ukrayinsky Dim (Ukrainian House), came close to Zhovtnevy Palace, and started restoring barricades at Hrushevskoho Street, Tryohsvyatytska Street and Volodymyrsky Descent.

In the meantime, Russia's Prime Minister Dmitri Medvedev addressed the President of Ukraine urging him not to be a doormat.

«Seven of us decided to rest during the night at the academy of music that had a dining room and a medical station. We stretched our backs on mats. Around 2 a.m., we woke up from the

¹⁶⁵ <https://www.youtube.com/watch?v=gqISuBI1tzI>.

¹⁶⁶ <https://www.youtube.com/watch?v=PfgSu5bgoTo>, <https://www.youtube.com/watch?v=IsE7IYVa5kk/>.

¹⁶⁷ Video compilation <https://www.youtube.com/watch?v=gqISuBI1tzI>.

¹⁶⁸ Interview with a relative <https://www.youtube.com/watch?v=PfgSu5bgoTo>

¹⁶⁹ One of many available videos <https://www.youtube.com/watch?v=T6IbEIBhb8o>, a video of the unit that was using firearms <http://www.youtube.com/watch?v=oWKz471g0vw&feature=youtu.be&>.

¹⁷⁰ http://texty.org.ua/mod/datavis/apps/em_time/.

sound of hammering on barrels and ran out. Everything seemed to be fine, but we stayed at the barricade. In the morning, Berkut started throwing cocktails at the academy; there were isolated rifle shots. Thank God, cocktails did not get into the windows. I was next to a burnt down bus below, wearing a white helmet. I was handing the necessary (pavement pieces...) to a young man above. In a moment, I heard an automatic gunfire and single shots of an automatic rifle. Berkut started retreating; the young man shouted, «Go!» and gave me his hand. In a second, I was above next to the bus, grabbed a wooden shield and some piece of a shovel handle, and we ran ahead. Under the bridge over Instytutska, I realized that there was an uncoordinated crowd of people running. I gave a command to form a line and keep safe distance to let Berkut retreat. We almost reached the corner of Ukrayina hotel where I shouted 'Stop' because I thought that there could be a nipper in that part of the hotel. We stopped and put our shields to the ground with other shields over our heads. Several men on my right side got up and headed towards the nearest tree. I was screaming for them to stop but.... There were five or six of them. Most likely, five. As soon as they sat down behind the tree, there was a gunshot. The bullet hit one of them who was on the left; it went through his body and hit the corner of the hotel leaving it smoking. I had an impression that it came from the first floor of the hotel, but the shooting came from the top. In a second, another shot came; and one more man from the group of five on the right fell down. It was a shot from the hotel, as I had predicted. We took off and tried to pull the injured back. Then, a round from an automatic gun came at us; bullets were singing around us, there were pieces of pavement, falling branches and torn wood chips from the tree trunks. I ran up to the first on and take him by the collar (it was a light-brown coat with a warm collar). His face was grey as cement and I could not pick him up as the coat rolled up and he was heavy as concrete. Two more people came, grabbed his hands, and we were dragging him that way. The one on the left had a metal shield. A rifle shot, a hole in the shield, but he was alive, I was alive, and the man on the right survived. I have no idea how the bullet passed us all. I see something flying. 'Grenade!' I scream and push the shield to the ground. An explosion, one cannot see anything. Eyes started tearing and my moth burning (I had a respirator but had not changed the filter for a day). We are dragging. I feel the left leg burning and failing. I lost the collar but we were behind the hotel corner and others came. Other men were rescuing the second man. I put the piece of wood on the shoulders and went down limping with everyone», recollects Mykhaylo Khomik¹⁷¹.

¹⁷¹<https://www.facebook.com/maydan18february/posts/730307080383457>



Instytutska Street, Kyiv. February 20, 2014. Photo credit: Den Newspaper

Another participant of these events Oleksandr Nechyporuk describes his own story, «I was taking the green metal fence up those stairs together with others. Then, we turned right and went ahead along Zhovtnevy. We were using the shield to protect young men and went further ahead. I was on the left side with that shield. I had no bullet vest or helmet, and tried not to expose myself. At first, they were shooting rubber bullets. When assault bullets were used, many people escaped, and many were injured. I was injured (the bullet crashed 10 cm of the bone in the lower part of the leg, and ligaments were torn). I started slowly retreating too. I crawled from the front line back to a safe place. Someone picked me up and moved. At first, I was standing with others, and then many left or were shot. At some point, there were very few left. Then, someone was calling for retreat, and someone for an attack. Many people retreated. Later, help came and I started crawling back somehow with my injury. At the beginning, someone from my hundred was with me behind that green fence. I never got a chance to know him, and he disappeared somewhere. I did not see any photographers on the left side, most like because it was life threatening there starting with the clearing of Zhovtnevy. There was extremely heaving shooting when I was wounded. Everything was covered with blood»¹⁷².

¹⁷²

<https://www.facebook.com/maydan18february/posts/659336370813862>



Instytutska Street, Kyiv. February 20, 2014. Photo credit: Den Newspaper

Yakub Shymchak describes in a Facebook post, «Hell broke loose the next day. It was the black Thursday... On my way to the barricade, I met a photographer. He said I should not go further since there was a war. He ran away from there. I went to check what was happening. First, I saw someone injured on a stretcher. Then, there was a successful resuscitation. When I reached the front barricade, the shooting started. A middle-aged man was shot nearby. He is in one of my photos. The bullet tore his head. I only saw spatter of his brain on the sidewalk...»¹⁷³



Maidan Nezalezhnosti, Kyiv. February 20, 2014. Photo credit: web-resource¹⁷⁴

Meanwhile, trains to and from the Western regions are stopped due to alleged damage of the tracks. Parliament members announced a session scheduled for 3 p.m.

At 16-45, a sniper kills Volodymyr Melnychuk near Zhovtnevy Palace.

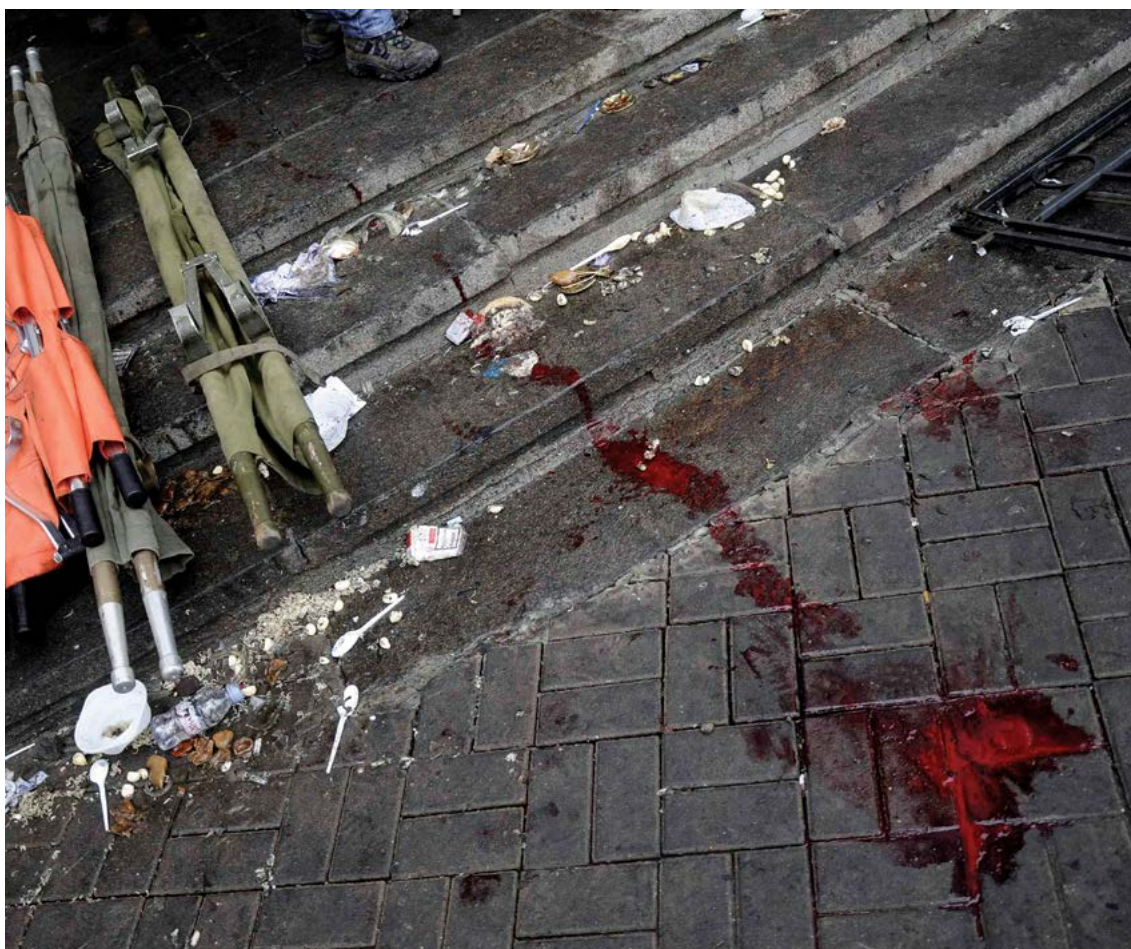
By 5 p.m., subway service to the center is partially resumed¹⁷⁵. At the same time, people in Dnipropetrovsk lay down on the train track and stop the train with the troopers heading to Kyiv. At 22-20, the parliament prohibited execution of the so-called «anti-terrorist operation» throughout the country¹⁷⁶.

¹⁷³ <https://www.facebook.com/media/set/?set=a.671992762881556.1073741846.607486945998805&type=3>

¹⁷⁴ <http://kyiv-city.com/fullnews/137276>

¹⁷⁵ <http://www.youtube.com/watch?v=hABr4t7Xnb0&feature=youtu.be>.

¹⁷⁶ <http://zakon2.rada.gov.ua/laws/show/740-vii>.



Maidan Nezalezhnosti, Kyiv. February 20, 2014. Photo credit: web-resource¹⁷⁷

During the entire night of February 20-21, negotiations with involvement of Yanukovich, the opposition, EU and Russia's representatives are in progress. At 5 a.m., news appear about the resignation of the Deputy Head of the Headquarters of the Ministry of Defense Dumansky (several hours later, he stated that Viktor Yanukovich ordered the use of army against the people)¹⁷⁸.

On February 21, 2014, leaders of the opposition and Viktor Yanukovich signed an agreement on regulating the crisis in Ukraine¹⁷⁹. At the same time, protesters did not accept the conditions of this agreement announced by opposition from the stage; they demanded resignation of the President. On February 22, reports appeared about the escape of Viktor Yanukovich from Kyiv. He was later found to be in Russia. On the same day, the constitutional majority of the parliament adopted a Resolution on Removing Yanukovich from the Post of the President of Ukraine, which marked a shift of power to the opposition.

¹⁷⁷

<http://www.volynnews.com/news/extreme/zatrymaly-trokh-berkutivtsiv-pidozriuvanykh-u-rozstrili-liudey/>

¹⁷⁸

<http://tsn.ua/video/video-novini/yuriy-dumanskiy-podav-u-vidstavku.html>

¹⁷⁹

<http://zakon4.rada.gov.ua/laws/show/742-18>.

5. PERSECUTION OF «REGIONAL EUROMAIDAN»

There were mass protests in 15 out of 27 administrative units of Ukraine, in particular in Vinnytsya, Dnipropetrovsk, Donetsk, Zhytomyr, Zaporizhzhya, Kyiv, Luhansk, Lviv, Odesa, Poltava, Sumy, Ternopil, Kharkiv, Cherkasy region and in Kyiv. In most of these regions, the authorities attempted at illegal violent dispersal of peaceful protests with the use of both legal procedures and illegal methods. Some protest participants in the regions sustained injuries; protesters were subjected cruel treatment or torture. Some participants were arrested and accused of organizing mass riots or disobedience to law enforcement, the courts then assigned restraint measures such as wearing bracelets, house arrest, detention for two-months etc.

An array of all possible state tools was used against protesters, including knowingly unjust court injunctions on protests, discriminatory decisions of local authorities against Euromaidan, and illegal acts by officials, in particular, assaults, torture, arbitrary detention etc.

Local authorities interfered with peaceful assemblies in different ways. For instance, a powerful sound system was installed at the central square of Luhansk where peaceful protests were held regularly from December 25, 2013 until January 5, 2014. This rendered the rally impossible. Every time the protesters tried to change their location on the square, the speakers were turned in their direction.

Setting fire to vehicles was one of the widespread practices of damaging property of Euromaidan participants throughout different regions of Ukraine¹⁸⁰.

One of violent dispersals of peaceful protesters at local Euromaidan took place in Dnipropetrovsk on January 26, 2014¹⁸¹. During the rally with at least 5 thousand participants, protesters were attacked by law enforcement and titushky. Protesters were assaulted with rubber batons, pushed to the ground and beaten on the ground. Dozens of protesters sustained injuries inflicted by traumatic weapons. Several dozens of people, including ordinary passersby, were arrested since, according to the law enforcement and titushky, they looked like protesters. People with video cameras were deliberately arrested too.

On one day of January 24, 2014 alone, approximately 47 people were arrested at the protest in Cherkasy, including at least five minors. People were assaulted during arrest while showing no resistance. The children's parents were not notified about their arrest. At the same time, there was interference with the lawyers' access to defendants. In addition, law enforcement officials arrested people who did not take part in protest but happened to be nearby. One of them is a student Vladyslav Kompaniyets¹⁸². Though the young man had a disability

¹⁸⁰ http://espreso.tv/news/2013/12/24/u_kharkovi_spalyly_avto_yevromaydanivcya

¹⁸¹ <http://www.newsru.ua/data/video/4138.html>

¹⁸² http://www.bbc.co.uk/ukrainian/news/2014/01/140125_cherkasy_conveyer_courts

and required a strict diet, the court chose a two-month detention as restraint measure.

During this period, protests against the «dictatorship laws» of different scale took place in all regions of Ukraine. Below are several examples of protests in administrative centers.

On January 23, there was a blocking of Ivano-Frankivsk State Regional Administration. On the next day, protesters occupied the building. In several hours, they constructed barricades 2-3 meters high at the central entrance. The police opened a criminal investigation into the takeover case.

On January 23, 2014, protesters occupied the building of Lviv Regional State Administration and proclaimed establishment of People's Council in Lviv.

On January 23, part of protesters tried to occupy the building of Zhytomyr Regional State Administration during a peaceful assembly of citizens. The police opened a criminal investigation into the takeover case.

On January 23, several thousand of Rivne citizens occupied the hall of Rivne Regional State Administration. Following negotiations, deputy heads of the administration resigned. The police opened a criminal investigation into the takeover case.

On January 23 in Ternopil, the building of Ternopil Regional State Administration was blocked. Later, protesters occupied the building.

On January 23, thousands of protesters were picketing Khmelnytsky Regional State Administration with a demand to have an emergency session to address the incumbent government. On the following day, protesters occupied the building.

On January 24, protesters were picketing the building of Chernivtsi Regional State Administration and the Regional Council. In the afternoon, activists entered the building from a service entrance and started negotiations with police. As a result, part of law enforcement left the building.

On January 24, 2014, protesters tried to occupy Chernihiv Regional State Administration. During the protest, several people sustained injuries and were taken by an ambulance. The police opened a criminal investigation into the takeover case.

On January 24, protesters occupied Volyn Regional State Administration. After four hours of the protest on the street, the head of the Administration resigned.

On January 25, 2014, protesters occupied Vinnytsya Regional State Administration despite the fact that its perimeter was secured by several hundreds of law enforcement officials.

On January 25, protesters occupied the session room of Poltava Regional Council and started constructing barricades.

On January 25-26, there was a protest in Mykolayiv. After protesters walked along the central street, their number reached over one thousand people.

On January 26-27, there was an assembly in Odesa. Up to one thousand people came to the Duke monument at Prymorsky Boulevard.

On January 27, several hundreds of law enforcement officials dispersed late in the night

a peaceful assembly at the Independence Square in Sumy. The police opened a criminal investigation into the case of occupation of Sumy Regional State Administration.

On January 27, protesters came to the building of Zakarpattya Regional State Administration that was surrounded by the law enforcement. The people's viche on January 27 in Uzhhorod decided to create the People's Council of Zakarpattya on January 28.

On January 27, meetings of several thousand participants took place in Zaporizhzhya. They were suppressed by illegal actions of law enforcement and the so-called titushky. There were arrests of activists on the following day.

On January 28, several thousand activists came to a protest in Simferopol initiated by Mejlis of the Crimean Tatars. The organizers had to hold an event under the permanent representation of the President of Ukraine in Crimea to avoid violence from pro-Russian forces. Crimean Euromaidan activists and pro-Ukrainian organizations supported the assembly.

In addition, persecutions of local Euromaidan organizers started in the regions, particularly through forging criminal cases. For instance, local council members and public activists in Lutsk were accused of committing a crime for turning the portrait of Viktor Yanukovych upside down. On December 17, 2013, the Lutsk District Court assigned house arrest as a restraint measure for Lutsk Euromaidan activist Maya Moskvych¹⁸³. Activists from Kalush were in a similar situation for burning a portrait of Viktor Yanukovych with the following criminal case on charges of hooliganism.

On December 31, 2013, the law enforcement stopped and forced to get into a car Yevhen Nasadyuk, one of Donetsk Euromaidan activists, for a questioning under alleged accusations of child molestation. Similarly, five unknown people in civilian clothes detained Oleksandr Chyzhov, a Euromaidan activist from Kharkiv, and brought him to a police station directly from the street on January 4, 2104. The activist faced accusations of spreading pornography¹⁸⁴.

There were numerous cases of violence against organizers and leaders of local Euromaidan. For instance, on December 24, 2013, in the center of Kharkiv, two unknown persons attack one of the organizers of Kharkiv Euromaidan Dmytro Pylypets¹⁸⁵. He sustained four stab wounds as a result.

Outside of Kyiv, murders of peaceful protesters¹⁸⁶ took place in the western, central and south-central regions of Ukraine, namely in the cities of Khmelnytsky and Lviv, and in Cherkasy and Zaporizhzhya regions.

In total, eight persons died outside of Kyiv. In particular, two activists of Euromaidan (one of them was a woman) were shot to death in Khmelnytsky on February 19, 2014, at a gathering next to the local Security Service building¹⁸⁷. On February 13, 2014, a body of another protester was found in a burnt vehicle between villages of Ivan Horod and Chervony Yar in Zaporizhzhya region. Police stated it was a suicide. However, relatives of the deceased think he was murdered. According to them, activists from the previously unknown

¹⁸³ <https://www.youtube.com/watch?v=4-3TzRrwmQs>

¹⁸⁴ <http://www.pravda.com.ua/news/2014/01/4/7009032/>

¹⁸⁵ <https://www.youtube.com/watch?v=teQ0Pi-gwv4>

¹⁸⁶ <http://www.youtube.com/watch?v=mqeuYRsF2eI>.

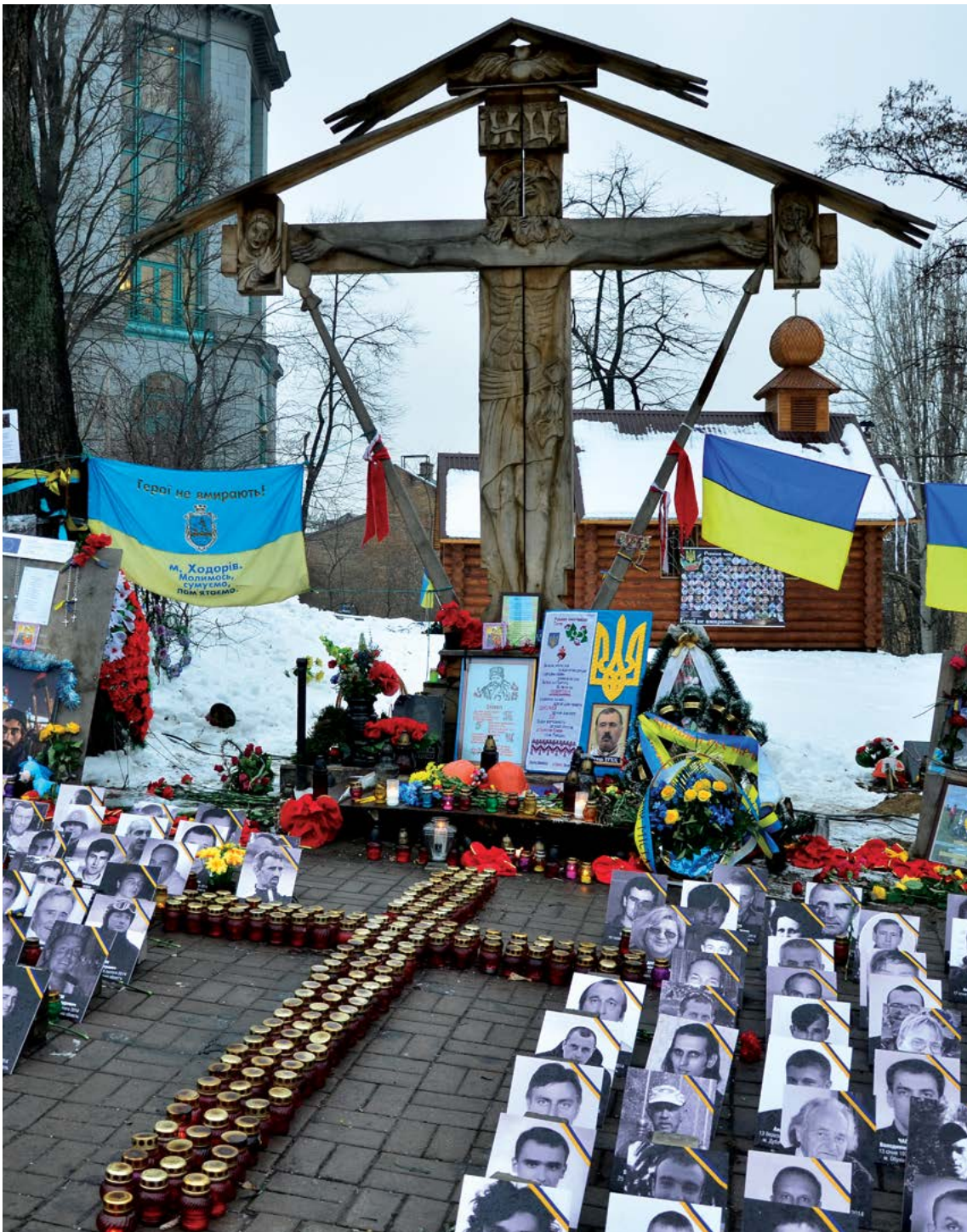
¹⁸⁷ <https://www.youtube.com/watch?v=6jplruDVyqk>.

organization «Ghosts of Sevastopol» claimed responsibility stating, «They would hold revenge against Maidaners».

Another protester died on the 186th kilometer of Kyiv-Odesa road on February 19, 2014. On that day, residents of Mankivka and Uman established a checkpoint near Podibna village to prevent titushky and specialized units from getting to Kyiv where protests were violently dispersed. A driver of unidentified jeep, who was making way for the Internal Military Force, killed a 37-year old resident of Podibna hitting him at high speed in front of many witnesses.

Exact location of the death of another Euromaidan activist is unknown. The body of Taras Slobodyan with signs of torture and an amputated hand was found in the woods in Sumy region. He started attending protests at Maidan Nezalezhnosti from the onset of Euromaidan. Last contact with him took place in December 2013.

6. LIST OF PEOPLE KILLED DURING EUROMAIDAN



In December 2013 – January 2014, nine participants of Euromaidan died or sustained fatal injuries.

Pavlo Mazurenko was severely beaten by three law enforcement officers when he was returning home on December 18, 2013. He died on December 22, 2013 in the intensive care unit of Kyiv city clinical hospital #12 from a two-side pneumonia, as indicated in the forensic examination results. Involvement of law enforcement officers in his death was denied during Euromaidan.

Yuriy Verbytsky was kidnapped on January 21, 2014 by people in civilian clothes at Oleksandrivska hospital. Importantly, Yuriy had an injury that was specific for Euromaidan participants – an eye trauma (law enforcement officials were deliberately aiming at protesters' eyes). His body with signs of torture was found on January 22, 2014 near Hnidyn village of Boryspil district, Kyiv region.

Serhiy Nihoyan, Mykhaylo Zhyznevsky and **Roman Senyk** were shot on January 22, 2014 at Hrushevskoho Street in Kyiv, where clashes between protesters and police took place. The first two died immediately, and Roman Senyk died three days later in a hospital from blood loss.

Serhiy Nihoyan was hit with a buckshot around 6 a.m. on January 22, during a ceasefire between protesters and Berkut. He sustained wounds to the head, neck and chest and died from blood loss.

Mykhaylo Zhyznevsky and **Roman Senyk** were hit with special bullets used by specialized units (12-mm caliber). The bullet hit Mykhaylo Zhyznevsky's heart when he was moving back from the place of clashes at Hrushevskoho Street and was protecting other retreating protesters with his body.

Several more protesters died from injuries or illnesses sustained in January 2014 from the use of arms or other special gear by law enforcement. For instance, **Bohdan Kalynyak** died on January 28, 2014 in a hospital in Ivano-Frankivsk. During confrontations at Hrushevskoho Street, he was hit by a water cannon stream, developed an illness, and died from pneumonia four days later (police was illegally using water cannons to disperse protesters as the temperature outside fell to -15 degrees centigrade).

From February 1-22, 2014, one hundred and five people died or sustained fatal injuries, including 85 Euromaidan activists, 17 law enforcement officials, two random victims, one supporter of Antimaidan/the ex-president Viktor Yanukovich. The majority of these people died in the period of February 18-20, 2014.

On February 18, 2014, during a peaceful walk to Verkhovna Rada of Ukraine Berkut and titushki attacked the protesters. Clashes started near Mariyinsky Park and continued on Instytutska, Lypska, Hrushevskoho Streets and Kriposny Alley.

Volodymyr Kishchuk died on February 18 during the peaceful walk following a firearm shot to the head sustained in clashes between protesters and Berkut.

Serhiy Shapoval died on February 18 at Hrushevskoho Street from two firearm wounds to the abdomen and the heart.

Serhiy Didych died on 18 February at Kriposny Alley. The law enforcement officials surrounded and severely assaulted him. His skull was broken. He was then run over by an automobile.

Artem Mazur was injured with grenade debris in Mariyinsky Park on February 18, during an attack by Berkut and titushki. He died in a hospital on March 3, 2014.

Ihor Serdyuk was shot point-blank on February 18 from a firearm, during an attack by Berkut and titushki at the time of construction of a barricade in Mariyinsky Park.

Anatoliy Nechyporenko was beaten by Berkut officers on February 18 at Instytutska Street. He sustained a subcutaneous craniocerebral trauma and depressed fracture of skull bones. He remained in a coma for a long period and died on April 11, 2014 in Kyiv.

Oleksandr Plekhanov, a student, was shot in the head at approximately 6 p.m. at Instytutska Street. He died in a hospital on the night of February 18-19.

Andriy Korchak died on February 18 in a hospital from injuries to internal organs after an assault by law enforcement officials.

Oleksandr Kapinos, Viktor Shvets, Valeriy Brezdenyuk, Volodymyr Kulchytsky, Andriy Chernenko, Vasyl Prokhorsky, Volodymyr Boykiv died from gunshot wounds during an onslaught on Maidan by the specialized units in the evening of February 18 and the night of February 19. Most injuries were caused by buckshot. Witnesses stated that MoI officials were shooting at protesters from guns while hiding behind the protective shields.

Serhiy Bondaryev died on the evening of February 18 near the House of Trade Unions at Khreshchatyk Street in Kyiv from four bullet injuries to the torso with penetration to the right pleural cavity and damage to the right lung.

Yuriy Paskhalin sustained multiple firearm injuries on February 19 at Maidan Nezalezhnosti. He died in hospital #18 in Kyiv on the same day.

Dmytro Maksymov died on February 18 from blood loss. During an attack of Berkut on Maidan, he lost his arm from a stun grenade explosion. He died in the House of Trade Unions.

Volodymyr Topiy and **Oleksandr Klitynsky** died in the fire on the night of February 18-19 in the House of Trade Unions at Maidan Nezalezhnosti. The fire started after law enforcement officials entered the building.

Ivan Nakonechny died on March 7 in the Neurosurgery Institute in Kyiv from severe head and neck trauma resulting from a blast by a blunt metal object during clashes with the law enforcement officials on February 18 at Instytutska Street.

Around midnight on February 18-19, as **Vyacheslav Veremiy** was coming home from Maidan, his taxi was stopped with stun grenades by a group of titushki with over 200 people at the corner of Velyka Zhytomyrska and Volodymyrska streets. He was attacked, beaten by sticks (bats), and when he was able to get up and run, he was shot in the back from a gun. Veremiy died from blood loss and fatal injuries in a hospital.

It is likely that the same group of titushki injured several protesters and murdered **Vitaliy**

Vasiltsov approximately 50 minutes prior to injuring Veremiy on the same location.

On February 18, 2014, an employee of the office of the Party of Regions **Volodymyr Zakharov** died in the fire at the Party of Regions office at 10 Lypska Street.

On February 18-19, during clashes with protesters, nine MoI officials died – **Vasyl Bulitka, Dmytro Vlasenko, Vitaliy Honcharov, Oleksiy Ivanenko, Ivan Teplyuk, Maksym Tretyak, Andriy Fedyukin** and **Serhiy Tsvigun**. **Vitaliy Zakharchenko** died on March 2, 2014, from a gunshot wound sustained on February 19, 2014. In most cases, the death was caused by gunshot wounds.

In the morning of February 20, the law enforcement undertook several attempts to take the building of the Academy of Music (Conservatory). At around 9 a.m. protesters started moving towards Zhovtnevy Palace forcing police out and up on Instytutska Street towards the National Bank of Ukraine. At that time, targeted shooting of protesters from firearms started. A group of law enforcement officers in black uniform with Berkut chevrons and yellow ribbons on the sleeves, armed with machine guns and rifles, was shooting at protesters first from Zhovtnevy Palace and then from the side of the barricade next to the club of the Cabinet of Ministers of Ukraine¹⁸⁸.

None of the protesters moving up Instytutska Street was seen carrying firearms. Some of them were holding protective shields and sticks. The initial goal of the protesters was to push Berkut and other law enforcement officials back from the territory of Maidan, and later protesters tried to create a smoke curtain by burning tires with an obvious purpose of protecting themselves and others from shots and constructing protective structure (barricades)¹⁸⁹

Andriy Sayenko died at around 09:00 on the left side of Instytutska Street from a gunshot wound to the chest during an attempt to move towards Zhovtnevy Palace by a group of protesters.

Vitaliy Smolensky died at Instytutska Street at around 9 a.m. from a gunshot wound to the chest during an attempt to move towards Zhovtnevy Palace by a group of protesters.

Oleksiy Bratushka died at Instytutska Street at around 9 a.m. from a perforating gunshot wound to the back.

Roman Varenysya died at around 10 a.m. from a perforating gunshot wound at Instytutska Street below an exit from Khreshchatyk metro station.

Ivan Pantelyeyev died at around 10 a.m. from a perforating gunshot wound to the body at Instytutska Street below the exit from Khreshchatyk metro station. There were seven gunshot wounds found on his body.

Roman Tochyn died at around 10 a.m. from a perforating gunshot wound to the head at Instytutska Street below the exit from Khreshchatyk metro station.

Viktor Chmilenko died from a gunshot wound to the left shoulder and neck at Instytutska Street below the exit from Khreshchatyk metro station when he was walking with a stretcher for evacuating the wounded from a shooting area.

¹⁸⁸ <https://www.youtube.com/watch?v=CvtP7mgHsMY>, http://ukrstream.tv/ru/videos/striilianina_na_maidani_20_04_2014_mvs_opriliudnilo_novie_vidieo#.VHotWcmQXb4.

¹⁸⁹ Дуб. <https://www.youtube.com/watch?v=17ZN5BLLawc>

Oleh Ushnevych died at around 10 a.m. from a perforating gunshot wound to the torso with damage to aorta at Instytutska Street below the exit from Khreshchatyk metro station.

Ihor Tkachuk died at Instytutska Street from a perforating gunshot wound to the head.

Oleksandr Tsaryok died at around 10:15 on the right side of Instytutska Street from a bullet wound to the neck.

Ustym Holodnyuk died from a gunshot wound to the back of his head at 10 a.m. at Instytutska Street below the exit from Khreshchatyk metro station.

Oleksandr Shcherbanyuk died on February 20 at Maidan Nezalezhnosti from two gunshot wounds to the chest.

Ihor Kostenko died near Zhovtnevy Palace on the left side of Instytutska Street at approximately 09:30 from a gunshot wound while moving in a group of unarmed protesters.

Yosyp Shylinh died near Zhovtnevy Palace on the morning of February 20 from a gunshot wound to the head.

Yuriy Parashchuk died from a gunshot wound to the head sustained at around 10 a.m. at Instytutska Street below the exit from Khreshchatyk metro station.

Mykola Dzyavulsky died at Instytutska Street on the morning of February 20 from a gunshot wound to the torso.

Bohdan Solchanyk died at around 09:10 on the right side of Instytutska Street near Ukrayina Hotel (Hotel Ukraine) from a gunshot wound to the neck.

Serhiy Bondarchuk died near Zhovtnevy Palace at around 9:32 a.m. on February 20 from a gunshot wound to the back sustained while carrying a wounded person from the place.

Vasyl Moysey died near Zhovtnevy Palace at around 9 a.m. on February 20 from a gunshot wound to the chest.

Serhiy Baydovsky died near Zhovtnevy Palace at around 9 a.m. on February 20 from a gunshot wound to the torso.

Heorhiy Arutyunyan died at Maidan Nezalezhnosti from a gunshot wound by a grapeshot to the neck on February 20.

Nazar Voytovych died at Instytutska Street on the morning of February 20 from a gunshot wound to the head.

Eduard Hrynevych died at around 10:20 a.m. at the eighth barricade opposite to Khreshchatyk metro station at Instytutska Street from a gunshot wound to the temple.

Anatoliy Zhalovaha died at approximately the same time as Eduard Hrynevych opposite from Khreshchatyk metro station at Instytutska Street from a gunshot wound to the head.

Volodymyr Zherebny died from a perforating gunshot wound to the neck sustained at around 10 a.m. at Instytutska Street below the exit from Khreshchatyk metro station.

Serhiy Kemsy died on the left side of Instytutska Street above Zhovtnevy Palace on the

morning of February 20 at around 09:35 a.m. from a gunshot wound to the chest, as the group of protesters was moving up the alley to provide medical assistance to the injured.

Andriy Movchan died at Instytutska Street from blood loss following a gunshot wound to the thigh.

Ihor Dmytriv died at 09:20 a.m. on the right side of Instytutska Street above Ukrayina Hotel from perforating gunshot wounds to the chest and abdomen.

Andriy Dyhdalovych was murdered at around 09:27 a.m. by a firearm shot to the chest when he was trying to call for help for **Ihor Dmytriv** who had been injured.

Bohdan Vayda died from 9 to 10 a.m. at Instytutska Street from a gunshot wound to the head.

Roman Huryk died from a gunshot wound to the head sustained at around 11 a.m. at Instytutska Street below the exit from Khreshchatyk metro station.

Anatoliy Korneyev died from gunshot wounds to the chest and abdomen and multiple damage to internal organs sustained around 11 a.m. at Instytutska Street below exit from Khreshchatyk metro station.

Vitaliy Kotsyuba died from a gunshot wound to the head sustained at 09:10 a.m. near Zhovtnevy Palace next to the stairs.

Valeriy Opanasyuk died at Instytutska Street from a gunshot wound to the chest while helping to move the injured from the shooting area.

Mykola Pankiv died from a gunshot wound to the chest at Instytutska Street below the exit from Khreshchatyk metro station while helping to move the injured from the shooting area.

Oleksandr Khrapachenko died near Zhovtnevy Palace at around 9 a.m. on February 20 from a gunshot wound to the chest.

Maksym Shymko died at Instytutska Street from a three gunshot wounds to the neck from 9-10 a.m.

Ivan Blyok died near Zhovtnevy Palace at around 9 a.m. on February 20 from a gunshot wound to the chest.

Ivan Tarasyuk died in the morning of February 20 from a gunshot wound to the chest. According to the witnesses, he was trying to hang up a flag of Ukraine.

Leonid Polyansky died at 11:30 on the upper platform of Hlobus Mall from a gunshot wound to the chest.

Yevhen Kotlyar died from gunshot wounds to the neck and thigh at around 10 a.m. while attempting to evacuate the injured.

Volodymyr Melnychuk died at 16:45 at the area near Zhovtnevy Palace from a gunshot wound to the neck. All dynamic actions had finished by that time. Volodymyr went out of Zhovtnevy Palace to meet a friend¹⁹⁰.

¹⁹⁰ http://ukrstream.tv/ru/videos/posiril_snaipiera_u_nieozbroieni_liudinu_bilia_zhovtnievogho_palatsu_sniper_shot_at_unarmed_man_near_zhovtnevy_palace_in_kiev#.VHotoMmQXb4

Ihor Pekhenko died on February 20 near the House of Trade Unions from a gunshot wound to the chest.

Volodymyr Chaplinsky died on February 20 from a gunshot wound to the neck and lungs.

Oleksandr Balyuk died on February 20 from a gunshot wound to the chest. According to witnesses, he was heavily wounded and trying to save another injured person's life.

On 20 February, law enforcement officials **Mykola Symysyuk**, **Serhiy Spichak**, **Serhiy Mykhaylovych**, and **Volodymyr Zubok** died from gunshot wounds.

Andriy Tsepun was kidnapped on the night of February 20-21 on his way home at the checkpoint on the road from Kyiv to Hostomel. He was guarding the entrance to the city from paramilitary groups and Berkut. On February 21, he was found alive at Verbolozna Street with signs of severe beating and a craniocerebral trauma; however, he died in the ambulance from hypothermia.

Some of the protesters died later from injuries sustained on February 20. For instance, **Bohdan Ilkiv** died on February 22 from two gunshot wounds to the abdomen. **Vasyl Aksenyn** died in Poland on March 12 from gunshot wounds to the abdominal cavity and coxofemoral bones. **Vladyslav Zubenko** died on February 28 from gunshot wounds to internal organs. All injuries were sustained at Maidan in Kyiv.

The last one who died was Euromaidan activist **Yuriy Sydorчук** who had sustained a gunshot wound at Maidan Nezalezhnosti in Kyiv on February 18. He was in a coma for 130 days. First, he was treated in Prague for a month, and was then transferred to Olomouts (Czech Republic). He suffered from a complex brain infection and sepsis. He died from heart arrest on June 28, 2014.

Importantly, victims in the ranks of the law enforcement appeared only after the deaths of peaceful protesters that led to a significant radicalization of a certain part of protesters. On February 18, seven police officials died, on February 19, another five officials of the Internal Military Force died or sustained fatal injuries, five police officers died on February 20. Thirteen police officers died during protests in the central part of Kyiv; and the death of another 4 persons might not be linked to protests: two Lviv Berkut officers, **Nazariy Myrka** and **Roman Kyzyk**, died on February 20 in Lviv from an explosion at the Berkut base, which could have been related to destruction of arms and documentation; two more DAI inspectors, **Volodymyr Yevtushok** and **Petro Savytsky**, were shot by unknown persons on February 19, 2014, at the corner of Heroyiv Sevastopolya Street and Vidradny Avenue in Kyiv.

In addition, several deaths of Euromaidan activists bear no direct proof of involvement of law enforcement officials or paramilitary groups. However, circumstances of these deaths require further investigation.

Ihor Bachynsky died on February 25 from acute ischemic heart disease, however, according to the medics, he sustained injuries at Euromaidan on February 19. He lost his teeth, sustained burns from a stun grenade, constantly had complaints about headaches.

Petro Hadzha sustained gas poisoning on February 18 during events at Verkhovna Rada in the center of Kyiv. From February 26, underwent hospital treatment from gas burns to

his bronchi and lungs. He died on March 22, 2014, from acute ischemic heart disease.

Maksym Horoshyshyn died in a hospital on February 18, after receiving gas poisoning at Hrushevskoho Street in the central part of Kyiv from 19 to 22 January.

Ivan Horodnyuk was assaulted by Berkut on February 17 at Hrushevskoho Street, and on February 18, he was doused by water cannon. He got ill and died in a hospital on 20 February.

Zurab Hurtsiya and **Antonina Dvoryanets**, according to medical documents, died of heart attacks at the barricade at Instytutska Street in Kyiv on February 18. However, at least in the case of Dvoryanets witnesses point out that law enforcement officers assaulted her before her death, yet this was not included into medical papers as on that date (18 February) medical staff refused to include this information into medical documentation.

Viktor Prokhorchuk's body was found on February 18 in the courtyard at Khreshchatyk Street with signs of violent death and cut throat.

Yakiv Zayko died from a heart attack in the metro between 15:00 and 17:00 on February 18, 2014, escaping from Berkut attack at Instytutska Street.

Bohdan Kalynyak, as indicated above, died on January 28, 2014, in a hospital in Ivano-Frankivsk after illegal use of water cannons for dispersal of protests.

According to some statements, Vasyl Sheremet was beaten and doused from water cannon at Instytutska Street on 18 February. He died in a hospital on March 4, 2014, from hypothermia.

The official cause of death of Euromaidan activists **Volodymyr Naumov** (on the morning of 18 February at Trukhaniv Island) and **Viktor Khomyak** (morning of January 27 at Maidan Nezalezhnosti) is suicide. However, there are doubts whether these are the only possible causes of death. Investigation is in progress.

The majority of victims died or sustained fatal injuries in Kyiv — 106 people (at least 94 Euromaidan activists, 2 random victims and 15 law enforcement officials). However, murders of protesters took place in other locations of protests. In total, at least eight protest participants died outside of Kyiv.

Dmytro Pahor and **Lyudmyla Sheremeta** died from gunshot wounds in Khmelnytsky on February 19 at a gathering next to the local Security Service building. They shots came from the Security Service building.

The body of **Serhiy Synenko** was found in a burnt vehicle between villages of Ivan Horod and Chervony Yar in Zaporizhzhya region on February 13. Police officially suggested it was a suicide. However, relatives of the deceased consider it a murder.

Viktor Chernets died on the 186th kilometer of Kyiv-Odesa road on February 19, 2014. On that day, residents of Mankivka and Uman established a checkpoint near Podibna village to prevent titushki and specialized units from getting to Kyiv. A driver of unidentified Jeep, who was making way for the Internal Military Force, killed a 37-year old resident of Podibna hitting him at high speed in front of many witnesses.

The body of **Taras Slobodyan** with signs of torture and an amputated hand was found in the woods in Sumy region. He started attending protests at Maidan Nezalezhnosti from the onset of Euromaidan. There had been no contact with him since December 2013.

One more person who died outside of Kyiv, **Dmytro Pokhilko**, was not a Euromaidan activist. He represented the opposing side of the conflict. He was a supporter of Viktor Yanukovich and a deputy for Dniprodzerzhynsk from the Party of Regions. According to Dnipropetrovsk regional organization of the Party of Regions¹⁹¹, he was shot by a group of unknown people on Boryspil-Zaporizhzhya road near Novodmyrivka village (Zolotonosha district, Cherkasy region). He died in a local district hospital.

It is important to point out that almost in all cases of deaths and injuries of protesters from November 30, 2013 to February 21, 2014 there is a connection with actions of the law enforcement or titushki who were coordinating their actions with the law enforcement.

¹⁹¹<http://gorod.dp.ua/news/88887>

7. «THOSE WHO FAIL TO REMEMBER THE PAST ARE DOOMED TO REPEAT IT»

As the key Euromaidan demands included those in support of human rights, the protest can be described as one of largest human rights movements in the new independent countries of the post-Soviet space. Importantly, surveys show that the majority of people who joined the peaceful protest on December 1, 2013, did so to oppose impunity of the law enforcement following the violent dispersal of Student Maidan. The protest slogans also exemplify the human rights focus of the protest. For instance, one of the key slogans «Human Rights Above All!» was used near the court building early December 2013 for the first time. The protesters accused of criminal offences, known as the «prisoners of Bankova», were brought to the court on that day.

The underlying values of the protest movement were freedom and human dignity. Protesters themselves began calling Euromaidan the Revolution of Dignity.

Organizers of Euromaidan were ordinary people of different age, sex, occupation, property status, social background, place of residence, religious beliefs, and ideological views etc. Some estimates show that number of participants reached 2 million. Approximately 5 million people were maintaining the infrastructure by establishing various volunteer initiatives helping the injured people, bringing necessary things and food, providing free legal aid, organizing free transportation from the regions to Kyiv etc.

Decentralization of the protest and absence of a single command center made the suppression significantly more difficult. Euromaidan was a conglomerate of different horizontal initiatives. Importantly, the opposition politicians had little influence on Maidan as, for instance, protesters did not accept the agreement with Viktor Yanukovich on February 21, 2014.

Importantly, the majority of Euromaidan participants always emphasized that their goal in the indefinite protest is not for a certain political group to come to power. The aims were quick democratic changes, as well as strong position of rights and freedoms in the country.

It is important to mention the role of the Right Sector at Maidan deliberately exaggerated by state propaganda. On January 19, 2014, there were less than 300 people in the Sector. By the end of February, its leader Dmytro Yarosh estimated their «mobilizing potential» around 500 people. In contrast, the self-defense of Maidan had approximately 12 thousand people in the ranks of its structural units by early February¹⁹².

The peaceful protest movement spread throughout the country as local Euromaidan was happening in different cities and towns. There were mass protests in Vinnytsya, Dnipropetrovsk, Donetsk, Zhytomyr, Zaporizhzhya, Kyiv, Luhansk, Lviv, Odesa, Poltava, Sumy, Ternopil,

¹⁹² http://polit.ru/article/2014/09/06/radical_nationalism/

Kharkiv, and Cherkasy regions. A one-person protest in Smila where a local citizen spent several days at the only square in the town with a poster «Maidan! I am with you» became widely known.

The authoritarian regime gradually used all pressure methods for intimidation and suppression of the protest movement, including destruction of property, assaults, kidnappings, torture, arbitrary detention, fabricated administrative and criminal cases, detention etc. Realizing that these actions were unproductive, the government resorted to a violent dispersal of Maidan and mass shootings of unarmed people. These crimes led to at least 114 deaths, including 94 Euromaidan activists, imprisonment for different terms of at least several hundreds of people, physical injuries to over a thousand of activists. The fate of 27 missing protests participants is still unknown. Over a three-month period, the government carried out a widespread and systematic attack on actual or perceived participants of Euromaidan across the country, which constitutes a crime against humanity, one of the gravest violations of international law.

Responsibility for this widespread and systematic attack and underlying crimes lies on the President Viktor Yanukovich and his administration, high-level governmental officials, heads of law enforcement bodies and specialized units, and judges. In addition to using law enforcement and judiciary for persecution of protesters, the authorities created, organized, supported and provided funding for paramilitary groups with the aim of intimidating and attacking protesters, destroying property and conducting provocations. The use of these paramilitary groups against participants of a peaceful protest proves directly the state intent to suppress the protest by any means.

Following the fall of a repressive regime, Ukraine received another chance to move freely on its way to democratic transformations. However, less than two weeks after the killings of unarmed protesters in Kyiv, the country had to face new challenges of a military occupation of Crimea by Russia and Russia's «unannounced war» in the East led under the cover of supported terrorist groups known as Luhansk and Donetsk People's Republics.

That is why Euromaidan is not over. Ukraine has to defend its sovereignty in the war with Russia, regain the temporarily occupied territories, conduct urgent reforms to become a developed democracy, and ensure the observance in practice of the key demand of Euromaidan — «Human Rights Above All!»

