

## **BRIEFING NOTE ON ACCOUNTABILITY FOR KILLINGS AND VIOLENT DEATHS DURING THE MAIDAN PROTESTS**



### **I. EXECUTIVE SUMMARY**

1. The United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) was deployed in March 2014. One of its objectives is to “establish facts and circumstances and conduct a mapping of alleged human rights violations committed in the course of anti-Government demonstrations and ensuing violence between November 2013 and March 2014”.<sup>1</sup>
2. In its periodic public reports<sup>2</sup> on the human rights situation in Ukraine, HRMMU regularly documents the developments in bringing those responsible for human rights violations perpetrated during the events known as Maidan protests<sup>3</sup> to justice. Although other human rights violations occurred during the Maidan protests, this briefing note (i) summarizes the developments in investigations and prosecutions of the killings and violent deaths of 98 individuals (96 men, including one boy, and two women) during Maidan protests and (ii) offers recommendations to address shortcomings in administering justice for these crimes.
3. All victims from the Maidan protests died or sustained lethal injuries in January-February 2014, when the protests turned violent following the adoption by Parliament of a series of laws that limited freedom of peaceful assembly and expression, and introduced criminal responsibility for extremism and the seizure of administrative buildings. The internal troops of the Ministry of Internal Affairs (disbanded since and reformed into the National Guard) and Berkut special riot police units (disbanded shortly after the end of the Maidan protests and reformed into special units within regional police departments), who had been dispatched to restrain the protestors, were reinforced with civilian counter-protestors, so-called ‘titushky’<sup>4</sup>, allegedly upon coordination with the former senior police officials.
4. Five years after the end of the Maidan protests accountability for the killings and violent deaths of 84 protestors, a man who did not participate in the protests<sup>5</sup>, and 13 law enforcement officers is yet to be achieved. The investigation into the killing of 17 protestors and 13 law enforcement officers has still to identify individual perpetrators. Only one person has been found guilty of unintentional killing of a protestor. Two others were found guilty of hooliganism in relation to an incident that resulted in the killing of another protestor.
5. Prosecution is ongoing in relation to: (i) the leader of the group of ‘titushky’ charged with organizing the abduction and killing of one protestor on 21 January 2014 in Kyiv; (ii) the former Head of the Security Service of Ukraine (SBU) department for Kyiv city and Kyiv region and former deputy Head of Public Safety Department of the Ministry of Internal Affairs charged with abuse of authority, resulting in the killing of 15 protestors on 18-19 February 2014 in Kyiv; (iii) a member of ‘titushky’ group accused of attempted killing one Maidan protestor during the night of 19 February 2014 in Kyiv; (iv) two SBU officers charged with abuse of authority that resulted in the unintentional killing of a woman on 19 February 2014 in Khmelnytskyi; and (v) five Berkut officers charged with killing 48 protestors and an internal troops sniper charged with the killing one protestor on 20 February 2014 in Kyiv.
6. HRMMU is concerned that law enforcement agencies failed to take measures to prevent identified alleged perpetrators from fleeing the country, resulting in them escaping justice. Some, having been charged with the killing of the protestors, managed to abscond following the courts’ decisions to release them from custody without taking measures that would ensure their appearance for trial.
7. HRMMU notes that many of the identified alleged perpetrators fled to the Russian Federation, where they found refuge. According to the Prosecutor General’s Office, the Russian Federation granted citizenship to 18 former police officers suspected of killing protestors and a number of former senior officials suspected of organizing such killings. As a result, they became unreachable for the Ukrainian justice authorities. The chances of bringing the alleged perpetrators to justice in Ukraine are even more remote due to the reported refusal of Interpol to issue detention notices and put them on a wanted list, referring to their possible political persecution in Ukraine.<sup>6</sup>

<sup>1</sup> See para 5.1.c) of the Agreement between the Government of Ukraine and the United Nations Office of the High Commissioner for Human Rights on deployment of the short-term human rights monitoring mission in Ukraine of 31 July 2014. Full text of the Agreement is available from: [http://zakon.rada.gov.ua/laws/show/995\\_001-14](http://zakon.rada.gov.ua/laws/show/995_001-14).

<sup>2</sup> HRMMU expressed concerns about the progress in investigations of the killing of Maidan protestors and police officers in its thematic report on accountability for killings in Ukraine from January 2014 to May 2016.

<sup>3</sup> The protests were named after the place gathering of first protestors in central Kyiv – Maidan Nezalezhnosti (Independence Square).

<sup>4</sup> ‘Titushky’ is a term used to refer to athletically-built civilians recruited and equipped by law enforcement to oppose protestors; their harassment and attacks against protestors enabled police to intervene and use force to disperse the protestors.

<sup>5</sup> One male office worker died in the office of the then ruling political party (‘Party of Regions’), which was set on fire during the clashes on 18 February 2014 in Kyiv.

<sup>6</sup> <https://www.interpol.int/About-INTERPOL/Legal-materials/Neutrality-Article-3-of-the-Constitution>.

8. HRMMU notes efforts of the Government of Ukraine to prosecute *in absentia* those who absconded.<sup>7</sup> The procedure of bringing perpetrators to account *in absentia* does not envisage, however, their full retrial after they have been located, contrary to international human rights standards. This shortcoming, coupled with difficulties in ensuring effective legal representation of such perpetrators<sup>8</sup>, may in turn lead to the non-execution in other countries of delivered verdicts in the *in absentia* proceedings.

9. Since police investigations into the killings have raised concerns of independence and impartiality given that they participated in the clashes and were suspected of protestors' killings, the Special Investigations Department (SID) was established within the Prosecutor General's Office on 8 December 2014. It was tasked specifically to take over investigations into crimes committed during Maidan protests pending the set-up of the State Bureau of Investigations<sup>9</sup>, responsible for investigating crimes perpetrated by *inter alia* senior Government officials and law enforcement officers.

10. The fact that a number of senior police officers suspected of committing crimes against Maidan protestors retained their positions had a chilling effect on their subordinates. The resulting reluctance of police officers to testify about police involvement in the killings, and the then disregard by senior police officials of their duty to ensure that police officers wearing masks and balaclavas during the Maidan protests bore identification signs, poses a serious challenge to identifying perpetrators.

11. Excessive delays in producing forensic examinations, vital for establishing circumstances and causes of deaths and identifying perpetrators, present additional challenges. The delays partially stem from insufficient funding of forensic examination bureaus and their heavy workload due to the ongoing armed conflict in eastern Ukraine. Some examinations are pending for more than two years, others are scheduled to start no earlier than in one year.

12. The transfer of the majority of ongoing investigations to the State Bureau of Investigations after 20 November 2019 is expected to further hamper their progress.<sup>10</sup>

13. HRMMU notes that investigations into the killing of the law enforcement officers during Maidan protests have been particularly ineffective. In part this is due to the reluctance of the Prosecutor General's Office to prosecute the only alleged perpetrator identified by the SID on intentional killing charges and the provisions of the Law on prevention of prosecution and punishment (the immunity law)<sup>11</sup>, which prohibits the prosecution of protestors for crimes they had committed during Maidan protests, including the killing of a law enforcement officer.

14. The trials in the Maidan-related proceedings are protracted. Many are marked by significant delays due to the recusal and self-recusal of judges for vague reasons, the returns of indictments to the prosecution, and the infrequent scheduling court hearings at best once a month. The delays discourage victims and witnesses from participating in Maidan-related trials, especially if they need to travel from other regions of Ukraine.

15. Due to the protracted nature of the trials, HRMMU is concerned that some defendants have been in detention for almost five years pending trial, which may jeopardize the presumption of their innocence. The judges' reluctance to apply measures of restraint other than detention is due to the failure of the law enforcement to implement the non-custodial measures of restraint that would ensure the appearance of the defendants at trial.

16. Combined the issues outlined above suggest that the Government of Ukraine is doing too little to ensure the prompt, independent and impartial investigation and prosecution of the killings perpetrated during Maidan protests. HRMMU is therefore concerned that these challenges pose a serious impediment to justice for the victims of the killings and their families.

## II. METHODOLOGY

17. This briefing note is based on HRMMU trial monitoring, coupled with a comprehensive research of court decisions, and analysis of information provided by lawyers of victims and defendants and representatives of the Government of Ukraine, as well as publicly available information. Findings are included in the briefing note where the "reasonable grounds"

<sup>7</sup> According to the Prosecutor General's Office, five former senior Government officials including then President Viktor Yanukovich are under *in absentia* proceedings.

<sup>8</sup> Most notable in this regard is the *in absentia* investigation into the role of then President Viktor Yanukovich in the crimes committed against the protestors. On 7 February 2018, the Pecherskyi district court of Kyiv allowed for *in absentia* investigation into his involvement in the killing of protestors in Kyiv between 18 and 20 February 2014. His state-appointed lawyer did not have the opportunity to discuss the defence strategy with him and was subsequently disbarred following the complaint by Yanukovich's hired lawyers to the Qualification and Disciplinary Bar Commission of Kyiv.

<sup>9</sup> According to article 216 of the Criminal Procedure Code of Ukraine, the State Bureau of Investigations is authorized to investigate crimes committed by the senior Government officials of Ukraine, judges and the law enforcement officials. The SBI started functioning on 27 November 2018.

<sup>10</sup> With the adoption of the Criminal Procedure Code of Ukraine on 13 April 2012, the Ukrainian authorities launched the criminal justice reform, which *inter alia* envisaged the disposal of the investigative function of the prosecution. Consequently, since 20 November 2017, five years after the Code had entered into force, the SID lost its powers to initiate new criminal proceedings and had two years to finish the ongoing investigations by 20 November 2019 or hand them over to the State Bureau of Investigations after that date.

<sup>11</sup> The Law on prevention of prosecution and punishment of individuals in respect of events, which have taken place during peaceful assemblies and recognising the repeal of certain laws of Ukraine, adopted by the Parliament on 21 February 2014, available from: <https://zakon.rada.gov.ua/laws/show/743-18>.

standard of proof is met. The standard is met when a sufficient and reliable body of primary information collected through interviews (with victims, witnesses, relatives of victims and lawyers), meetings with Government representatives, civil society and other interlocutors, and trial monitoring is consistent with secondary information assessed as credible and reliable, such as reviews of court documents, official records, open-source material.

#### **INVESTIGATION AND PROSECUTION OF THE ACTS OF KILLING DURING THE MAIDAN PROTESTS**

18. The killings and violent deaths that occurred during the Maidan protests can generally be divided into five episodes, based on the date, place and context of the killings: (i) killing of protestors on 21-22 January 2014 in Kyiv; (ii) killing of protestors, law enforcement officers and a person who did not participate in the protests, on 18 February 2014 in Kyiv; (iii) killing of protestors and law enforcement officers during the “anti-terrorist operation” on 18-19 February 2014 in Kyiv; (iv) killing of two protestors on 19 February 2014 in the city of Khmelnytskyi; and (v) killing of protestors and law enforcement officers on 20 February 2014 in Kyiv.

## Killing of four protestors on 21-22 January 2014

**Where:** Kyiv

### Context:

On 16 January 2014, the Parliament adopted a package of laws that introduced restrictions on freedom of peaceful assembly and expression and established criminal responsibility for extremism, defamation and seizure of administrative buildings. On 19 January 2014, a protest rally against these laws met with the police forces midway to the Parliament. Clashes erupted after police refused to let protestors pass: some protestors threw stones, Molotov cocktails and set on fire four police buses and two trucks. Police used water cannon, rubber bullets and uncertified stun grenades against the protestors.

### Victims (four men):

- **Yurii Verbytskyi** - abducted in early hours of 21 January 2014 from the hospital where he was receiving treatment for an eye injury sustained during the clashes with the police. His abductors took him and another protestor to the outskirts of Kyiv. After hours of interrogation and torture both men were let free in a forest in the evening of 21 January. Due to his injuries Yurii Verbytskyi could not walk and froze to death. The second man managed to reach an inhabited area and survived;

- **Serhii Nihoian** – was killed with a hunting case shot;

- **Mykhailo Zhyznevskiy** and **Roman Senyk** –died from injuries inflicted by bullets normally used by the police to stop vehicles. All three died in the epicentre of clashes near the Dynamo Stadium in the first half of 22 January 2014.

## Prosecution for the killing of Yurii Verbytskyi

19. The SID identified 14 members of a ‘titushky’ group as being involved in the abduction, torture and killing of Yurii Verbytskyi. As of February 2019, 12 of them have absconded.

20. On 23 April 2014, police detained two male members of the ‘titushky’ group. The first man owned a garage in the outskirts of Kyiv where both abducted protestors were tortured and interrogated. He absconded shortly after being indicted on charges of abduction, torture and intentional killing.<sup>12</sup>

21. The second man who acted as a lookout is currently on trial facing abduction charges. On 17 July 2018, after almost three years of hearings on the merits of the case, the judge recused herself from the case.<sup>13</sup> As of February 2019, the new judge has still to be appointed.

22. On 28 July 2017, SID investigators detained another member of the ‘titushky’ group on charges of the creation of a criminal organization, interference with public assemblies, abduction, torture and intentional killing of Yurii Verbytskyi.<sup>14</sup> On 24 July 2018, he was indicted and his case was sent for trial.<sup>15</sup> As of February 2019, the defendant remains in detention<sup>16</sup> while the court hears testimonies of prosecution witnesses, including other members of ‘titushky’ groups.

23. HRMMU is concerned that not all aspects of the killing of Yurii Verbytskyi were fully investigated. For instance, in a separate case, the Department for Organized Crime Investigation indicted two police officers for unlawful surveillance over the man abducted together with Verbytskyi during Maidan protests.<sup>17</sup> Given that the circumstances and the purpose of the abduction suggest coordination between the police and ‘titushky’ groups,<sup>18</sup> the criminal proceeding into the organization of unlawful surveillance is merged with the case of abduction, torture and killing of Yurii Verbytskyi.

24. The prosecution for the killing of Yurii Verbytskyi was marred by the failure of the Government to ensure the appearance at court of

one of the key defendants. Failure to ensure the trial without undue delay of the second member of the group is also concerning.

## Investigation into the killing of Serhii Nihoian, Mykhailo Zhyznevskiy and Roman Senyk

25. As of February 2019, SID investigators are yet to identify any suspects. According to a forensic examination, the killers were 7-21 meters from the victims. Based on the type of bullets used and the distance from which the shots were fired, the SID identified at least 11 Berkut units that as having been at the crime scene on 22 January 2014.

26. According to the SID, the Ministry of Internal Affairs did not extend their cooperation to the investigators. The fact that some high-ranking police officers charged with various crimes against protestors retained their positions could have a chilling effect on many police officers to testify. The SID emphasizes that as a result, there is a lack of credible accounts of police officers about the Berkut servicemen who were at the crime scene on 22 January 2014<sup>19</sup> and their superiors’ actions on that and other dates.

<sup>12</sup> Defence lawyers notified the police about the suspect’s disappearance, however, the prosecution closed the case having established that he had not been abducted. After his repeated non-appearance for court hearings on 26 August, 8 September and 16 October, the Boryspilskiy town-district court of the Kyiv region ordered his detention. A full text of the ruling is available from <http://reyestr.court.gov.ua/Review/40934761>. The suspect is currently on a wanted list: <https://wanted.mvs.gov.ua/searchperson/details/?id=32406184>.

<sup>13</sup> Ruling of the Pecherskyi district court of Kyiv of 17 July 2018, available from: <http://reyestr.court.gov.ua/Review/75448688>.

<sup>14</sup> Ruling of Pecherskyi district court of Kyiv of 29 July 2017, available from: <http://reyestr.court.gov.ua/Review/68090613>. The ruling was issued by the same judge that considered the case of the abductor of Yurii Verbytskyi and another protestor, on which she based her self-recusal.

<sup>15</sup> [https://www.gp.gov.ua/ua/news.html?\\_m=publications&\\_c=view&\\_t=rec&id=233697](https://www.gp.gov.ua/ua/news.html?_m=publications&_c=view&_t=rec&id=233697).

<sup>16</sup> Ruling of the Kyiv city court of appeal of 9 November 2017, available from: <http://reyestr.court.gov.ua/Review/70260014#>.

<sup>17</sup> On 15 September 2016, two police officers of violation of privacy of mail, telephone conversations, telegraph and other correspondence conveyed by means of communication or via computers and forgery in office for unlawful wiretapping of a Maidan protestor abducted together with Yurii Verbytskyi from the hospital. Press-release of the Prosecutor-General’s Office: Prosecutor-General’s Office completed pre-trial investigation in the criminal proceeding concerning law enforcement officers who violated the secrecy of telephone conversations, of the Euromaidan activist I.Lutsenko, dd 22 September 2016, available from [https://www.gp.gov.ua/ua/news.html?\\_m=publications&\\_c=view&\\_t=rec&id=192997](https://www.gp.gov.ua/ua/news.html?_m=publications&_c=view&_t=rec&id=192997).

<sup>18</sup> A number of facts suggest that ‘titushky’ coordinated the abduction of actions with the police. The abductors knew the protestor whom they abducted together with Yurii Verbytskyi and came after him very fast. The police tracking his movement knew of his whereabouts and resorted to ‘titushky’ groups to unlawfully detain and interrogate him as an active protestor.

<sup>19</sup> Lack of true-life accounts of the law enforcement servicemen in the absence of cooperation in terms of investigation from the Ministry of Internal Affairs of Ukraine. According to the Special Investigations Department, at the moment of pressing criminal

## Killing on 18 February 2014

**Where:** Kyiv

### Context:

Violent clashes erupted between protestors and police forces as the protestors marched towards the Parliament building to urge the parliamentarians to vote on constitutional amendments, which would limit presidential powers in favour of the Parliament. On their way, the protestors burnt down several police trucks that were used to block their passage. The office of the ruling political party (Party of Regions) was set on fire when the protestors stormed the building. An office worker died in fire. Police used stun grenades and batons to push the protestors back to Maidan. As a result of clashes 11 protestors were killed or died. Four police officers were shot and killed.

### Victims (14 men and one woman):

*A person who did not participate in Maidan protests:*

- **Volodymyr Zakharov** died of carbon monoxide poisoning in the burning Party of Regions office;

### Protestors:

- **Volodymyr Kishchuk, Ihor Serdiuk** and **Serhii Shapoval** were shot and killed;

- **Serhii Didych** died of a head injury after being hit by a police truck hijacked by another protestor;

- **Ivan Nakonechnyi, Anatolii Nechyporenko, Andrii Korchak** and **Artem Mazur** died of injuries received in clashes;

- Ms **Antonina Dvorianets** and **Zurab Khurtsia** were trampled to death when protestors fled from advancing Berkut forces;

- **Yakiv Zaiko** died from heart condition as he ran from advancing Berkut forces.

### Police officers:

- **Maksym Tretiak, Ivan Tepluk, Vitalii Honcharov** and **Dmytro Vlasenko** were shot and killed near the Independence Square.

## Investigation into the killing of Volodymyr Kishchuk, Ihor Serdiuk and Serhii Shapoval

27. On 16 October 2015, SID investigators detained a commander of the 2<sup>nd</sup> company of Berkut regiment in Kharkiv and charged him with abuse of authority or official powers resulting in the killing of Volodymyr Kishchuk, Ihor Serdiuk and Serhii Shapoval and injuring 107 protestors on 18 February 2014. In an interview he confirmed to a journalist that servicemen of the 'Berkut' special police regiment from Kyiv, Lviv, Kirovohrad (currently – Kropyvnytskyi) and Kharkiv had been present in central Kyiv on that day. Some of them reportedly received ammunition that was not recorded appropriately.<sup>20</sup>

28. On 23 June 2016, two servicemen of the 2<sup>nd</sup> company of Berkut regiment in Kharkiv were arrested on charges of attempted killing of 33 Maidan protestors. Additionally, one of the suspects was charged with the killing of protestors Kishchuk, Serdiuk and Shapoval. By the end of 2016, the court released both suspects from custody and in April 2017 both fled to the Russian Federation.<sup>21</sup>

29. HRMMU notes that in some cases related to the killing of the protestors, courts released the alleged perpetrators from custody without taking the measures required to ensure their appearance for trial.

### Prosecution of the killing of Serhii Didych

30. On 12 March 2016, the court in Kyiv found guilty a Maidan protestor who unlawfully seized a police truck and hit Serhii Didych causing his death. Referring to the immunity law the court absolved the perpetrator from criminal responsibility.<sup>22</sup> On 6 September 2016, an appeal court overruled the verdict based on the complaints from the prosecution and the victim's family, and sent it for retrial. The court established that the immunity law should not apply for this case since the accused committed the crime not against the law enforcement officer in defence of his rights, but against another, and thus is contrary to the spirit of the immunity law.

31. On 27 September 2018, after the perpetrator repeatedly failed to appear in court for retrial, the court ruled to put the defendant on a wanted list.<sup>23</sup> The police, however, did not register him as fugitive, making it impossible to effectively search for him. As of

February 2019, the defendant's whereabouts remain unknown.

32. HRMMU is concerned that the overly broad application of the 'immunity law' by the court, as well as the police's failure to search for the absconded perpetrator allowed him to escape justice.

---

charges in relation to the crimes committed in the context of Maidan protests 66 suspects have continued serving in the National Police or the internal troops (25 of them holding the ranks of senior officers). As of November 2018, 33 of them continue serving in the National Police, including ten senior officers.

<sup>20</sup> The police officers disregarded the procedure of keeping record of the caseshots they received. Video of the interview is available from: [https://www.youtube.com/watch?v=4\\_M0yVT16PA&index=3&list=PLPnX89fQLdsiQhL7XxYU\\_Fuv2\\_4hk331P](https://www.youtube.com/watch?v=4_M0yVT16PA&index=3&list=PLPnX89fQLdsiQhL7XxYU_Fuv2_4hk331P).

<sup>21</sup> On 6 April 2017, Kyiv city court of appeal released the 'Berkut' servicemen accused of attempted killing of 33 protestors from custody under personal commitment not leave and on 13 April 2017, along with three other former 'Berkut' servicemen he fled to the Russian Federation. The next day, all four appeared in the video saying that they fled Ukraine fearing persecution for what they called was "performing constitutional duty" at Maidan (available from: <https://www.youtube.com/watch?v=IXPykJcCv0U>). The 'Berkut' serviceman who was accused of killing three protestors had absconded by 19 September 2017, when after repeated non-appearance for trial, the court allowed for his coerced attendance. Find footnote. On 2 November 2017, he was put on a wanted list, available from: <https://bit.ly/2VsQ97G>.

<sup>22</sup> Ruling of Pecherskyi district court of Kyiv of 12 March 2016, available from: <http://reyestr.court.gov.ua/Review/56433235>.

<sup>23</sup> After his repeated non-appearance for trial on 4 and 14 July 2018, the court ruled on his compulsory attendance (ruling of Pecherskyi district court of Kyiv of 4 July 2018, full text of the ruling is available at: <http://reyestr.court.gov.ua/Review/75107909>; ruling of Pecherskyi district court of Kyiv of 14 July 2018, full text of the ruling is available at: <http://reyestr.court.gov.ua/Review/67852399>), ordered his arrest on 10 August 2018 (ruling of Pecherskyi district court of Kyiv of 10 August 2018, full text of the ruling is available at: <http://reyestr.court.gov.ua/Review/75916874>), and put him on the wanted list on 27 September 2018 (ruling of Pecherskyi district court of Kyiv of 27 September 2018, full text of the ruling is available at: <http://reyestr.court.gov.ua/Review/76996487>).

### **Investigation into the killing of Andrii Korchak, Artem Mazur, Ivan Nakonechnyi and Anatolii Nechyporenko**

33. Investigators looking into the killing of protestors Andrii Korchak, Artem Mazur, Ivan Nakonechnyi and Anatolii Nechyporenko on 18 February 2014 have failed to identify suspects. According to available information, there are grounds to believe that the victims could have received lethal injuries in the clashes with the law enforcement. Difficulties in identifying actual perpetrators stem from the substantial number of people involved in the clashes and it is problematic in the majority of cases of establishing who inflicted the lethal blow that killed or led to the death of a victim. In addition, former senior police officials disregarded the obligation to ensure that all police officers had to have personal identification signs on their uniform or helmets, and to conduct internal investigation into such facts.

### **Investigation into the killing of four police officers**

34. As of February 2019, SID investigators have yet to identify the perpetrators in the of killing of four police officers Maksym Tretiak, Ivan Tepluk, Vitalii Honcharov and Dmytro Vlasenko. HRMMU notes, however, certain progress in the investigation into the killing of two internal troops servicemen Maksym Tretiak and Ivan Tepluk. The SID established that the weapon used by members of the extreme right-wing group 'Right Sector' in an attack on a checkpoint controlled by armed groups of the self-proclaimed 'Donetsk people's republic' on 20 April 2014 was the same weapon used to kill Tretiak and Tepluk and injure three other law enforcement officers on 18 February 2014.<sup>24</sup> The investigation traced the location of a person who had the weapon during 18 February 2014, and other 'Right Sector' members whom he was in touch with, however, it did not identify the alleged shooter<sup>25</sup>

35. HRMMU notes the lack of public demand to investigate the killing of these four and nine other law enforcement officers during Maidan protests. Public demand has proven to be key in ensuring effective investigation into other high-profile cases and in ensuring justice for victims.

### **Investigation into the deaths of Antonina Dvorianets, Zurab Khurtsiia and Yakiv Zaiko**

36. The investigation into the deaths of Antonina Dvorianets, Zurab Khurtsiia and Yakiv Zaiko has not yet resulted in identification of perpetrators. The victims reportedly died due to a pre-existing heart condition. Available video footage of the 18 February events processed by the Jus Talionis Reconstruction Lab<sup>26</sup> suggests, however, that Dvorianets and Khurtsiia were trampled to death when a crowd of protestors rushed down the Instytutska Street away from the approaching 'Berkut' special forces.<sup>27</sup>

### **Investigation into the death of Volodymyr Zakharov**

37. The investigation into the death of Volodymyr Zakharov in fire that burnt through the office of the Party of Regions was initially conducted by the Prosecutor General's Office and in autumn 2014 was transferred to the police. The SID took over the investigation in January 2018. HRMMU is concerned that the investigation into the arson of the building and consequently identification of those responsible for the death of Volodymyr Zakharov has produced no results.

<sup>24</sup> Ruling of Pecherskyi district court of Kyiv of 20 November 2015, available from: <http://reyestr.court.gov.ua/Review/54278484>.

<sup>25</sup> Ruling of Pecherskyi district court of Kyiv of 12 February 2016, available from: <http://reyestr.court.gov.ua/Review/55996751>.

<sup>26</sup> <https://talio.org/en/about-us.html>.

<sup>27</sup> A barricade, erected by the protestors had a very narrow passage, which caused a crowding, in which protestors trampled each other. See the reconstruction of the events of 18 February 2014 prepared by Jus Talionis Reconstruction Lab at: <https://talio.org/en/events/labety>.

## Killing of protestors and police officers during 'anti-terrorist operation' in Kyiv on 18-19 February 2014

**Where:** Kyiv

### Context:

After killing of law enforcement officers near the Independence Square, the SBU and Ministry of Internal Affairs launched an "anti-terrorist operation" in central Kyiv to apprehend armed protestors and clear the Independence Square. At the same time, a few dozen 'titushky' gathered several blocks away from the Square, to prevent protestors from retreating in that direction. As a result of these events 17 protestors and five police officers were killed.

**Victims** (twenty two men):

#### Protestors:

- **Volodymyr Boikiv, Valerii Brezdeniuk, Serhii Bondarev, Oleksandr Plekhanov, Vasyl Prokhorskyi, Andrii Chernenko, Viktor Shvets** and **Yurii Paskhalin** were shot and killed, two others died later in hospital after being shot at Independence Square: **Viktor Orlenko** (died on 3 June 2014) and **Yurii Sydorchuk** (died on 28 June 2014);

- **Volodymyr Kulchytskyi** died of a gunshot injury;
- **Dmytro Maksymov** died of blast trauma and **Oleksandr Kapinos** died of open head injury;
- **Viktor Prokhorchuk** was found dead with his throat cut;
- **Oleksandr Klitynskyi** and **Volodymyr Topii** died in fire in the House of Trade Unions;
- **Vitalii Vasylytsov** was shot near the area controlled by 'titushky';
- **Viacheslav Veremii** was a journalist who filmed the 'titushky' gathering near Sofiiska Square from inside the taxi. Once 'titushky' noticed him doing that, they dragged him out of the car, beat and shot him dead.

#### Police officers:

- **Andrii Fediukin, Vasyl Bulitko, Oleksii Ivanenko, Vitalii Zakharchenko** and **Serhii Tsvihun** were shot and killed near the Independence Square during the "anti-terrorist operation" in central Kyiv.

## Prosecution of the killing of fifteen Maidan protestors

38. Nine former senior Government officials are charged in relation to the unlawful organization and launch of the "anti-terrorist operation" in central Kyiv on 18 February 2014, which resulted in the killings and violent deaths of Volodymyr Boikiv, Valerii Brezdeniuk, Serhii Bondarev, Oleksandr Plekhanov, Vasyl Prokhorskyi, Andrii Chernenko, Viktor Shvets, Yurii Paskhalin, Viktor Orlenko, Yurii Sydorchuk, Volodymyr Kulchytskyi, Dmytro Maksymov, Oleksandr Kapinos, Oleksandr Klitynskyi and Volodymyr Topii. The *in absentia* investigation into the role that five of them<sup>28</sup> played in the organization and launch of this operation is ongoing.

39. The trial of the former Head of the SBU department for Kyiv city and Kyiv region charged with the abuse of power that resulted in the killing of the protestors is ongoing. The defendant has been in detention since 20 August 2015 when the SID indicted him. The trial started in early 2017, because the defence challenged the court's jurisdiction for almost a year significantly delaying the proceeding.

40. On 25 May 2018, the SID submitted to court the indictment against former Deputy Head of Public Safety Department of the Ministry of Internal Affairs on charges *inter alia* of killing fourteen protestors in the context of the "anti-terrorist operation" in central Kyiv. As of February 2019, the court is yet to finish the preparatory hearing in the case. HRMMU is concerned that despite the gravity of charges he is facing, the accused retained the high-level position within the Ministry of Internal Affairs<sup>29</sup>, which refused to dismiss him pending trial.

41. The investigation is still looking for those who killed or caused the deaths of the fifteen protestors. According to the main version of the investigation, they served in law enforcement and security units who participated in the "anti-terrorist operation" in central Kyiv. HRMMU is concerned that the failure of the Government to allocate the necessary resources to the forensic bureaus negatively affects identification of actual perpetrators. A number of forensic examinations that would facilitate the perpetrators' identification have been pending for more than two years.

## Investigation into the killing of two other protestors

42. The SID investigation into the killing of Viktor Prokhorchuk and Vitalii Vasylytsov has not identified possible suspects.

## Prosecution of the killing of Viacheslav Veremii

43. Of the thirteen 'titushky' allegedly involved in the beating and subsequent killing of journalist Viacheslav Veremii, only three were found and prosecuted. Two men were convicted on hooliganism charges for beating Veremii. A third man is currently on trial facing additional charges of intentional killing, unlawful handling of weapons and unlawful interference with public assemblies. The suspected perpetrator and the organizers of the killing are on a wanted list.

44. On 13 June 2018, the Kyiv city court of appeal found a leader of the 'titushky' group, who had gathered around 20 people a few blocks away from Independence Square, guilty of hooliganism and sentenced him to five years in prison.<sup>30</sup> As of February 2019, the convict remains in custody pending a cassation review of his case.<sup>31</sup>

45. On 3 September 2018, the Darnytskyi district court of Kyiv convicted the second defendant, a bodyguard of the 'titushky' leader to three years and three months of imprisonment for hooliganism following his guilty plea.<sup>32</sup> On 5 November

<sup>28</sup> Then President Viktor Yanukovich, former Minister of Internal Affairs and his deputy, and former Head of the SBU and his deputy.

<sup>29</sup> The accused currently serves as a Head of the Public Safety Department of the National Guard of Ukraine.

<sup>30</sup> Verdict of the Kyiv city court of appeal of 13 June 2018, available from: <http://reyestr.court.gov.ua/Review/74688253>.

<sup>31</sup> On 17 September 2018, the Supreme Court opened a cassation case upon the appeal of the defendant's lawyer <http://reyestr.court.gov.ua/Review/76503088>.

<sup>32</sup> Ruling of the Darnytskyi district court of Kyiv of 3 September 2018, available from: <http://reyestr.court.gov.ua/Review/76896530>.

2018, the same court ruled to credit the period of his pre-trial detention against the imposed sentence at ratio one to two.<sup>33</sup>

46. Another member of the 'titushky' group is currently on trial facing charges of attempted killing. He remains in detention since March 2017. The investigation established that he fired a number of shots from his handgun at the cabin of the taxi with three people inside before the other 'titushky' dragged Viacheslav Veremii out of the car and started beating him.

47. Investigators also identified a member of another 'titushky' group who allegedly shot and killed Viacheslav Veremii. With his last known location being Horlivka, currently controlled by the self-proclaimed 'Donetsk people's republic', he remains beyond the reach of the investigation.

### **Investigation into the killing of five police officers**

48. The SID investigation into the killing of police officers Andrii Fediukin, Vasyl Bulitko, Oleksii Ivanenko, Vitalii Zakharchenko and Serhii Tsvihun has not resulted in identification of suspects due to the type of injuries they had sustained. Some victims died of exit wounds, others were killed by shots from hunting weapons. Both factors complicate the identification of the weapons used. The latter factor, however, raises the possibility of attribution of the killing to the protestors.

---

<sup>33</sup> Ruling Darnytskyi district court of Kyiv of 5 November 2018, available from: <http://reyestr.court.gov.ua/Review/77681785?fbclid=IwAR2cFCpqrqepJySrxRtoPsSNlrXRLY-PK2B3VGytnQYrQMvb-pjPUjjPrVL8>. The court referred to the provisions of article 72.5 of the Criminal Code as amended on 26.11.2015, according to which the period of pre-trial detention shall be counted as a part of a sentence at a ratio of one day to two.

## Killing of two protestors on 19 February 2014

**Where:** Khmelnytskyi

### **Context:**

Following violent clashes between law enforcement and Maidan protestors on 18 February 2014 in Kyiv, public protests erupted in cities of western Ukraine. In the evening of 18 February, protestors in Lviv and Ivano-Frankivsk stormed and seized offices of the regional police and the SBU. Some protestors carried bats and threw Molotov cocktails.

In the morning of 19 February, a group of protestors stormed into the SBU office in Khmelnytskyi. As a result of the shooting from inside the building by the SBU officer one protestor inside and three protestors outside the building received gunshot injuries, one of them died. In response to shooting, protestors blocked the building entrances and exits. Later that day, another protestor was shot and killed near the back entrance of the building.

### **Victims** (one woman and a man):

- **Liudmyla Sheremet** died from gunshot injury to the head in front of the SBU building in the morning;
- **Dmytro Pahor** was shot and killed in the evening near the back entrance of the SBU building.

## Prosecution of the killing of Liudmyla Sheremet

49. The investigation into the killing of Liudmyla Sheremet conducted by the military prosecution for about three years after the incident has not been effective. According to the Head of the SID, the office of the military prosecution lost the bullet extracted from the victim's body, and failed to identify a suspect who could be charged with the killing. The military prosecution investigated the role of the former Head of Khmelnytskyi regional SBU in the killing of Ms Sheremet, however, in March 2015 closed the case against him. He reportedly ordered his subordinates to open fire in the event of protestors storming the SBU building.

50. On 21 June 2018, the SID, having taken over the case, charged a Khmelnytskyi SBU officer suspected of shooting and killing Liudmyla Sheremet and injuring three other protestors. A few days prior to being served the notice of suspicion, the SBU deployed him to serve in the armed conflict zone in eastern Ukraine.<sup>34</sup> According to the SID, the Ministry of Defence classified the information about his whereabouts effectively hiding the suspect from the investigation. Despite the fact that the suspect was put on a wanted list, the Joint Forces Operation military commanders did not detain him. In September 2018, despite the progress achieved by the SID in the investigation of the killing of Sheremet, the case was transferred back to the military prosecution without any legal grounds provided for in the Criminal Procedure Code.

51. On 14 December 2018, the former Head of Khmelnytskyi regional SBU was charged with abuse of power, negligent killing

of Liudmyla Sheremet, intentional grievous bodily injury and unintended grievous bodily injury to other protestors. On 18 December, the court in Kyiv ruled not to place him in detention.<sup>35</sup> On 15 February 2019, the court in Kyiv quashed the March 2015 military prosecution decision to close the investigation against the suspect upon the appeal of the lawyer of one of the victims injured on that day.<sup>36</sup>

52. On 20 December 2018, the military prosecutor's office located the SBU officer suspected of shooting Liudmyla Sheremet and injuring three other protestors on 19 February 2014 in Khmelnytskyi and served him the notice of suspicion with abuse of power, negligent killing and unintended grievous bodily injury.<sup>37</sup> The next day the court in Kyiv ruled to place him under house arrest. On 3 January 2019, another court in Kyiv ruled to release him under personal guarantee of his fellow senior military officer.<sup>38</sup>

53. HRMMU notes that the delays in bringing perpetrators of the killing one and injuring three protestors to justice were caused by an ineffective investigation conducted by the military prosecution. HRMMU is concerned that the Prosecutor General's decision to transfer the case back to the military prosecution may be an example of interference with the independent investigation and result in absolving the perpetrators from justice.

## Investigation into the killing of Dmytro Pahor

54. As of February 2019, the investigation into the killing of Dmytro Pahor has not resulted in the identification of any suspects.

<sup>34</sup> See 23<sup>rd</sup> HRMMU report on the human rights situation in Ukraine, para 69, available from: [https://www.HRMMU.org/Documents/Countries/UA/ReportUkraineMay-August2018\\_EN.pdf](https://www.HRMMU.org/Documents/Countries/UA/ReportUkraineMay-August2018_EN.pdf).

<sup>35</sup> Ruling of Podilskyi district court of Kyiv of 18 December 2018, available from: <http://reyestr.court.gov.ua/Review/78821440#>.

<sup>36</sup> <https://www.facebook.com/eugeniyazz/posts/2231319286907858>.

<sup>37</sup> According to the SID, the military prosecution dropped the charges of intended grievous bodily injury to one protestor that was established by the SID.

<sup>38</sup> Ruling of Pecherskyi district court of Kyiv of 3 January 2019, available from: <http://reyestr.court.gov.ua/Review/79001111>.

## Killing of forty nine protestors and four police officers on 20 February 2014

**Where:** Kyiv

### **Context:**

In the early hours of 19 February 2014, the active phase of the “anti-terrorist operation” in central Kyiv was over as the police and security forces retreated to their positions around the Independence Square. For approximately a day, there have been no major clashes between the law enforcement and the protestors.

By 9 a.m. of 20 February, 39 police officers cordoning the Square sustained gunshot injuries, two were killed. At approximately 9 a.m. the protestors took the offensive trying to push the police back from the Independence Square. Instead of identifying the actual shooters from among the protestors and neutralizing them, the police started indiscriminately shooting at those who carried bats and improvised metal shields. As a result, 48 protestors and two other police officers were shot and killed. The law-enforcement stopped shooting around 12:00 p.m., when they retreated behind their barricade at the intersection of Instytutska and Olhynska Streets. The last victim, however, was shot and killed at approximately 5:00 p.m.

### **Victims (52 men and a boy):**

#### *Protestors:*

- **Oleksandr Baliuk, Heorhii Arutiunian, Bohdan Vaida, Maksym Shymko, Bohdan Solchanyk, Andrii Saienko, Vitalii Kotsiuba, Oleksii Bratushka, Ihor Pekhenko, Vasyl Moisei, Ivan Tarasiuk, Ihor Dmytriv, Andrii Dyhdalovych, Nazarii Voitovych** (17 years old), **Serhii Baidovskyi, Ivan Bliok, Andrii Movchan, Serhii Kemsnyi, Mykola Dziavulskyi, Valerii Opanasiuk, Anatolii Kornieiev, Serhii Bondarchuk, Ihor Kostenko, Oleksandr Shcherbaniuk, Eduard Hrynevych, Oleh Ushnevych, Anatolii Zhalovaha, Volodymyr Zhrebnyi, Roman Varenysia, Roman Tochyn, Yurii Parashchuk, Ihor Tkachuk, Ustym Holodniuk, Ivan Pantelieiev, Roman Huryk, Yevhen Kotliar, Mykola Pankiv, Oleksandr Tsariok, Volodymyr Chaplinskyi, Viktor Chmilenko, Yosyp Shilinh, Leonid Polianskyi, Oleksandr Khrapachenko, Vitalii Smolenskyi, Bohdan Ilkiv, Vladyslav Zubenko** and **Vasyl Aksenyin** were shot and killed between 9 a.m. and 12 p.m. on 20 February 2014 at Instytutska Street.

- **Volodymyr Melnychuk** was shot and killed at approximately 5 p.m. on 20 February 2014.

#### *Police officers:*

- **Serhii Spichak** and **Volodymyr Zubok** were shot and killed approximately at 8:30 a.m. on 20 February 2014;

- **Serhii Mykhailovych** and **Mykola Symysiuk** were shot and killed at approximately 9:10 a.m. on 20 February 2014.

## Prosecution of the killing of 48 protestors in central Kyiv on 20 February 2014

55. The SID identified 27 Berkut officers involved in the killing of 48 and attempted killing of 80 protestors in the morning of 20 February 2014. The SID has not established individual responsibility of each Berkut serviceman in the killing of 48 protestors. Instead, the prosecution tries to prove in court that they acted as a group with the same intent of indiscriminate killing of protestors. HRMMU is concerned that no attributing the each killing to a particular serviceman may result in problems with imposing fair punishment to each alleged perpetrator, based on the gravity of their actions.

56. As of February 2019, five of the 27 identified Berkut officers are on trial. Two servicemen of Kyiv Berkut were arrested on 3 April 2014; three other servicemen of Kyiv Berkut were arrested during 2015<sup>39</sup> and remain in detention ever since. HRMMU notes that due to the complexity of the case and the high number of victims, witnesses and material evidence, the trial is not expected to be completed soon. This raises concern as to the rights of the defendants who have been in custody between four and five years without the possibility of bail. At the same time, the flight of defendants released from custody in other Maidan-related proceedings suggests that mechanisms to ensure appearance of the defendants for trial are not always effectively implemented.

57. For instance, the commander of Kyiv Berkut who was arrested on 3 April 2014, absconded on 3 October 2014, after the court ordered his release under house arrest. The Russian Federation authorities granted citizenship to at least 18 absconded Berkut servicemen suspected of killing 48 protestors, and refused to extradite them or conduct investigative actions with them, which makes them unreachable for justice in Ukraine.

58. HRMMU also notes that a number of investigative actions, including crime re-enactment and forensic examinations are yet to be completed. The start of the construction of a museum dedicated to the killed protestors at Instytutska Street jeopardizes any crime re-enactment due to cleaning and construction works taking place on the actual crime scene. In addition, the situation-based examination of the 20 February 2014 events was scheduled for 2021 only, which is expected to further delay the prosecution for the killing of 48 protestors.

## Investigation into the killing of protestor Oleksandr Khrapachenko

59. Following the completion of additional ballistic examinations and other investigative actions, on 31 October 2018 the SID arrested an internal troops sniper on charges of killing Oleksandr Khrapachenko. On 3 November, the Pecherskyi district court of Kyiv ruled to remand him in custody for 60 days.<sup>40</sup> According to SID investigators, his case will be separated from the case of five ‘Berkut’ officers to avoid the restart of the trial. As of February 2019, the SID did not lift the charges of Oleksandr Khrapachenko’s killing from the five Berkut servicemen. As a result his killing is part of two cases: the five Berkut servicemen and the internal troops sniper.

## Investigation into the killing of protestor Volodymyr Melnychuk

60. The SID continues to investigate the killing of Volodymyr Melnychuk. He is the last person shot and killed at Instytutska

<sup>39</sup> They were arrested on 20 and 23 February, and on 26 June 2015 accordingly.

<sup>40</sup> Ruling of Pecherskyi district court of Kyiv of 3 November 2018, available from: <http://reyestr.court.gov.ua/Review/77715552#>.

Street on 20 February 2014, several hours after the 'Berkut' forces had retreated to their position up the street. The type of injury Melnychuk suffered and the direction of fire suggest that he could have been shot by law enforcement units from behind their barricade.<sup>41</sup> HRMMU is concerned that protracted forensic examination in the case delays the identification of the suspect.

### **Investigation into the killing of four police officers**

61. The SID established that some Maidan protestors used weapons against law enforcement officers. According to investigators, protestors seized some of these weapons from police and SBU armouries located in Ivano-Frankivsk and Lviv in western Ukraine<sup>42</sup> during the night of 18 to 19 February 2014 and then brought them to Kyiv.

62. The prosecutors identified two protestors (the owner of a gun and the shooter) allegedly involved in the shooting and killing two police officers on 20 February 2014. The owner of the gun absconded. The shooter was arrested on 3 April 2018 and charged with the killing two police officers and the attempted killing of another.<sup>43</sup> The first arrest of a Maidan protestor in relation to the killing of the police officers drew immediate criticism from prominent figures, including members of Parliament<sup>44</sup> who argued that the arrest was in violation of the 'immunity law'. On 4 April 2018, the Prosecutor General announced that the alleged violations imputed to the defendant had been wrongly qualified and replaced the head of the prosecution team with his deputy, who immediately dropped the intentional killing charges. As of now, the suspect's charges include attempted killing of a police officer and unlawful handling of weapons.

63. The 'immunity law' prevents the prosecution of protestors for the killing or attempted killing of police officers perpetrated during Maidan protests. It does not apply, however, to intentional killing. The killing of two police officers allowed the SID to qualify the suspect's action as intentional killing thus removing him from the 'immunity law' protection. HRMMU is concerned that the interference with the SID investigation by the Deputy Prosecutor General may preclude investigation of the killing of the two police officers. This in turn may have negative consequences for the victims' families seeking justice, and also impact on the proper qualification of crimes imputed to the five Berkut servicemen prosecuted for the killing of 48 protestors in the same context.

## **III. CONCLUSIONS AND RECOMMENDATIONS**

64. Five years after the Maidan protests, HRMMU notes limited progress in investigations and prosecution for the killings and violent deaths of 98 individuals (including two women and a boy) perpetrated during these events. The only person found guilty of unintentional killing a Maidan protestor was another protestor. Two members of one group of 'titushky' were found guilty of hooliganism, even though they were involved in an incident that resulted in the killing of another protestor.

65. Another twelve individuals are on trial or under investigation: (i) the leader of the group of 'titushky' charged with abduction and killing of a protestor on 22 January 2014 in Kyiv; (ii) the former Head of the SBU department for Kyiv city and Kyiv region and former deputy Head of the Public Safety Department of the Ministry of Internal Affairs charged with abuse of authority that led to the killing of fifteen Maidan protestors on 18 February 2014 in Kyiv; (iii) a member of 'titushky' group accused of killing one Maidan protestor in the night of 19 February 2014 in Kyiv; (iv) two officers of Khmelnytskyi SBU charged with abuse of authority that resulted in the unintentional killing of a woman in Khmelnytskyi on 19 February 2014; and (v) five Berkut servicemen accused of the killing 48 Maidan protestors and an internal troops sniper suspected of killing one of these protestors on 20 February 2014 in Kyiv.

66. In relation to the killings and violent deaths of 17 Maidan protestors the suspects are yet to be identified. HRMMU is concerned with the inadequate investigation of the violent deaths of another three protestors and a person who died during Maidan protests while not taking part in them.

67. Moreover, HRMMU urges for more to be done in the investigations of the killing of law enforcement officers. HRMMU recalls the obligation of the Government of Ukraine to ensure accountability and access to justice for all. All victims' families are entitled to truth and should be able to exercise their right to effective legal remedy. Moreover, the investigation of the killing of the law enforcement officers might have an impact on the qualification of the crimes imputed to law enforcement officers.

### **68. Recommendations to the Government of Ukraine:**

- a. Ensure independent and impartial investigation into all acts of killing perpetrated during Maidan protests both the protestors and the law enforcement officers;

<sup>41</sup> According to the SID, the killing of Volodymyr Melnychuk is incriminated to all 27 servicemen of Berkut unit, including the five who are tried for the killing of other 48 protestors on 20 February 2014.

<sup>42</sup> Two Berkut officers died in their barracks as a result of explosion in the armoury during the clashes near the Berkut military unit in Lviv.

<sup>43</sup> In his interview the suspect stated that on 20 February 2014 he shot dead two police officers and fired a number of shots at the law enforcement from the building of the National Tchaikovsky Music Academy of Ukraine that is located at Maidan. <https://www.youtube.com/watch?v=YLLZQMlzb54> [1:05:10].

<sup>44</sup> At least three members of Parliament, including Volodymyr Parasiuk (a symbolic person of Maidan protests who, according to the suspect, was with him at the conservatory building at Maidan) accused the prosecutor of not investigating the case of killing the protestors and instead focusing on "patriots" (video of 3 April 2018 court hearing available at: <https://www.youtube.com/watch?v=eWP33VrFCZY>).

- b. Ensure that there is no interference into the investigation into the killing perpetrated during Maidan protests;
  - c. Ensure adequate assistance to the SID investigation by the police and SBU criminal intelligence units;
  - d. Allocate necessary resources to the forensic examination bureaus in order to complete all pending forensic and ballistic examinations in the criminal cases related to the killing perpetrated in the context of Maidan protests;
  - e. Ensure that trials in the cases of killings perpetrated in the context of Maidan events are not unnecessarily and unreasonably delayed. Where such delays become necessary the courts should consider alternatives to pre-trial detention of the defendants;
  - f. Ensure appearance for trial of the defendants who were released pending trial;
  - g. Repeal the 'immunity law' in order to allow for prosecution of the killing of the law enforcement officers during Maidan protests;
  - h. Ensure more flexible rules for the transition of the investigations from the SID to the State Bureau of Investigations, which would allow the SID to finish the most advanced investigations after the existing deadline;
  - i. Ensure that the transition of ongoing investigations into the killings perpetrated during Maidan protests from the SID to the State Bureau of Investigations does not result in loss of quality of the investigations;
  - j. Consider as an option transferring SID specialists to the State Bureau of Investigations as a mechanism of ensuring continuous investigation by the same team;
  - k. Amend the procedure of *in absentia* prosecution in a way that it would envisage full retrial after the perpetrator has been located;
  - l. Ensure adequate response by respective Government authorities to violations of the legislation by the investigators and judges during investigation and trial, respectively;
  - m. Amend the existing legislation that would improve the procedure of obtaining permits for investigative actions, which currently takes from few days to few months.
69. **Recommendations to the international community:**
- a. Ensure that extradition requests for all absconded defendants in criminal cases related to the killings perpetrated in during Maidan protests are processed in due course;
  - b. Provide technical support as required to the investigations into the acts of killing perpetrated during the Maidan protests.