

United Nations Human Rights Monitoring Mission in Ukraine

**Accountability for Killings and Violent Deaths
on 2 May 2014 in Odesa**

2 May 2020 marks the sixth anniversary of the violence in Odesa that claimed the lives of 40 men, 7 women and 1 boy. For the past six years, the families of the victims have been fighting for justice for the deaths of their loved ones. Justice, however, has remained elusive: in some cases, proceedings have stalled at the pre-trial investigation stage, in others at the trial stage. **No individual has been held accountable for any of the 48 deaths.** The enclosed infographic illustrates the progress in ongoing trials.

Events in the city centre

Regarding events in the city centre, neither the investigations, nor trials have progressed since 2 May 2019.¹ The investigation has yet to establish those responsible for organizing the clashes or those that shot dead five men during these clashes. The trial of one member of the 'pro-unity' movement accused inter alia of shooting dead one member of the 'pro-federalism' movement has progressed with some 15 hearings scheduled over the past year. Following the acquittal in September 2017 of the 19 members of the 'pro-federalism' movement accused of participating in riots in the city centre, the appeal case has made little progress. Only in February 2020, two years after the commencement of the appeal proceedings, the court ordered the compulsory attendance of those defendants who systematically failed to appear for trial and hence contributed to the delays.²

Events at the Kulykove Pole square

Similarly, investigations into the events at the Kulykove Pole square have not progressed during the past year. The investigation failed to establish the identity of those who called on the crowd to move to the Kulykove Pole square from the city centre, and those who set the House of Trade Unions on fire, resulting in 42 deaths. The main criminal proceeding concerning the events at Kulykove Pole square are against three officials of the State Emergency Service for their breach of duty to rescue those trapped in the burning House of Trade Unions. The case has not moved beyond the preliminary stage due to the court's inability to notify two of the victims or failure to return the indictment to the prosecution to exclude unreachable victims listed there.³

Role of police officials in both events

Criminal proceedings against police officials, charged in relation to the clashes in the city centre and riots at the Kulykove Pole square, have also not significantly progressed over the past year. The trial in the case of three police officials accused of abuse of authority or official powers that led to the death of 48 people has stalled at the preparatory stage. Just like in the case of the SES officials the delays are caused by failure of the court to duly notify all victims or to return the indictment to the prosecution to exclude unreachable victims listed there. On a positive note, the case against the former Head of the Odesa Regional Department of the Ministry of Interior accused of abuse of authority or official powers and breach of duty to rescue was prioritized by the court and some 25 hearings took place this past year.

Separately, HRMMU notes that the cases against a deputy head of Odesa regional police for abuse of power and the Head of the Odesa regional department of the State Emergency Service for his failure to rescue those who died in the fire have also not progressed as the suspects remain out of reach of the Ukrainian justice system. While the suspects are reported to be in the Russian Federation or territory temporarily occupied by it, the Russian Federation has reportedly disregarded extradition requests and requests to facilitate the Ukrainian investigations. Prosecution in absentia could be an option, should the legislation allow for the full retrial of the defendants after the delivery of the verdicts, in line with international human rights standards.

HRMMU RECOMMENDATIONS

To the Government of Ukraine and the international community:

- The Office of the Prosecutor General to ensure effective, prompt, thorough and impartial investigations into the acts of killing and violent deaths perpetrated during the 2 May 2014 violence in Odesa and consider the possibility of transferring the lead investigative role from the Odesa Regional Police Department to the Main Investigation Unit of the National Police;
- Presidents of the relevant courts to take all appropriate measures to prioritise finalisation of criminal proceedings in the cases of killings and violent deaths perpetrated in the context of the 2 May 2014 violence in Odesa;
- Courts to duly notify all victims that are party to the proceedings, or return the indictment to the prosecution to exclude unreachable victims, in order to ensure continuation of trials without undue delays;
- Parliament to consider amending the procedure of in absentia prosecution to allow a full retrial after the perpetrator has been arrested irrespective of whether the verdict was delivered or not;
- International community to provide international legal assistance in investigations conducted by Ukrainian authorities against individuals in relation to 2 May 2014 violence, if requests of their extradition cannot be processed.

¹ On 2 May 2019, HRMMU released its briefing note "Accountability for Killings and Violent Deaths on 2 May 2014 in Odesa", available at:

http://www.un.org.ua/images/documents/4671/Accountability%20for%20Killings%20and%20Violent%20Deaths%20on%202%20May%202014%20in%20Odesa_1.pdf

² Twenty three hearings were postponed since February 2018, when the Mykolaiv court of appeals registered the case, including 12 postponed since 2 May 2019.

³ One is reportedly living in Donetsk; current place of residence of another is unknown. In these circumstances, there is no confirmation that they were duly notified of the date of the hearing, which is required for the court to proceed with the trial in their absence.

Colorcoding of progress in proceedings:

no progress | slow progress | progress

Killings at City Centre
6 [men killed]
 2 'pro-unity' supporters
 4 'pro-federalism' supporters



ODESA

Violent Deaths
 Unrest around Kulykove Pole
 Fire at House of Trade Unions
42 [victims]
 34 men 7 women 1 boy

KULYKOVE POLE SQUARE

