

United Nations Human Rights Monitoring Mission in Ukraine

**Accountability for Killings and Violent Deaths  
During the Maidan Protests**



20 February 2020 marks the sixth anniversary of the end of the most violent phase of the Maidan protests. Eighty-three protesters, a journalist, a bystander, and 13 law enforcement officers lost their lives between 21 January and 20 February 2014. Since February last year when the UN HRMMU<sup>1</sup> released its briefing note on Accountability for killings and violent deaths during the Maidan protests,<sup>2</sup> the cases have seen little progress.

Investigations into 55 killings have identified direct perpetrators. Despite being transferred to courts these cases have since been protracted. The trial of five Berkut special police officers, which advanced the most was interrupted due to their transfer to territory controlled by the self-proclaimed 'Donetsk people's republic' and the self-proclaimed 'Luhansk people's republic'. The return of two defendants gives hope that at least their trial should continue. The trial of the other three defendants will most likely be suspended pending a decision to try them in absentia, which will likely be problematic due to shortcomings in the legislation. Other trials are protracted due to delays caused by defendants and tolerated by judges. Noteworthy in this regard is the case of a high-ranking official of the Ministry of Interior accused of abuse of authority that resulted in the killings and violent deaths of protesters on 18 February 2014. Due to the defendant's frequent non-appearance for hearings, the court, which registered the case in May 2018, has yet to start hearing the case on its merits. Similarly, the trial of a man accused of abduction of a protester, who later froze to death in the woods, has not started since 2018 due to the self-recusal of five judges.

HRMMU welcomes the completion of investigations against a former high-ranking police official accused of abusing his powers and organizing killings of protesters on 18 February 2014 in Kyiv, and the former head and an officer of the regional office of the Security Service for abusing their official powers that has led to killing a woman in Khmelnytskyi on 19 February 2014. Trials in these cases, however, have not progressed. Delays in the first case were caused by the self-recusal of ten judges in two courts since July 2019. In the second case the delays were caused by the decision to merge the cases of the two defendants, who had been indicted separately.

Investigations into the deaths of 42 men and one woman have seen little progress. While in some of these cases the investigations established at least the organizers of the killings, it did not identify any direct perpetrators. The investigation into the deaths of 21 of them, including 13 law enforcement officers, failed to establish any perpetrators. Delays resulting from the transfer of investigations from the Prosecutor General's Office to the newly created State Bureau of Investigation, have been averted in the passage of legislation in December 2019 allowing the transfer of investigators from the PGO to the SBI under a simplified procedure and thus securing the institutional memory of the investigations.

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## IMPEDIMENTS TO EFFECTIVE INVESTIGATION

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Understaffing of courts, which authorized investigative actions, including forensic examinations.



Several high-ranking police officials accused of organizing crimes against the protesters were not suspended from office, having a chilling effect on their subordinates to testify about police involvement in these crimes.



The so-called 'immunity law', which prevents investigations into the killings of the law enforcement officers.



Underfunding and understaffing of forensic bureaus, which negatively impacts the ballistic examinations not only for Maidan-related investigations, but also for other crimes.

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## HRMMU RECOMMENDATIONS

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### To the Government of Ukraine

- Ensure independent and impartial investigation into **ALL** killings perpetrated during the Maidan protests;
- Allocate necessary resources to the forensic examination bureaus;
- Ensure that trials in the cases of killings perpetrated in the context of the Maidan protests are not unnecessarily and unreasonably delayed;
- Ensure appearance for trial of the defendants who were released pending trial;
- Repeal the 'immunity law';
- Amend the procedure of in absentia prosecution to allow a full retrial after the perpetrator has been located.

### To the international community

- Ensure that extradition requests for all absconded defendants in criminal cases related to the killings perpetrated in during the Maidan protests are processed in line with international standards;
- Extend legal cooperation to investigators of the acts of killing perpetrated during the Maidan protests;
- Provide technical support as required to support the effective investigation of the acts of killing perpetrated during the Maidan protests.

<sup>1</sup> The United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) was deployed in March 2014 inter alia "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". See para IV.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, available at: [http://zakon.rada.gov.ua/laws/show/995\\_001-14](http://zakon.rada.gov.ua/laws/show/995_001-14).

<sup>2</sup> Available on the UN in Ukraine website at: <https://bit.ly/38pt3ox>.

A man abducted and beaten by 'titushky', died of cold in a forest.

**14 alleged perpetrators identified**

12 absconded.  
2 on trial (organiser and abductor).

**Kyiv,  
21-22 January 2014**

Three men sustained lethal gunshot injuries in the epicentre of clashes.

**NO PERPETRATORS IDENTIFIED**

Three men died of gunshot injuries.

**1 alleged perpetrator identified**

A Berkut serviceman fled to the Russian Federation, currently wanted.

**One current and one former official of the Ministry of Interior are on trial for abuse of authority and organizing killing of protesters.**

**Kyiv,  
18 February 2014**

Died of gunshot injuries.

**NO PERPETRATORS IDENTIFIED**

A bystander, a man who died in fire in the office of the Party of Regions.

**NO PERPETRATORS IDENTIFIED**

Died after being hit by a police truck hijacked by another protester.

**2 alleged perpetrators identified**

A Berkut serviceman sentenced to 5 years for punching the victim with his baton, thus pushing him under a truck.

Another protester who hijacked the truck and committed hit and run is on trial.

**Former Head of Kyiv SBU is on trial for 4 years for abuse of official powers that had led to killing of ten and deaths of seven protesters.**

Four men died of injuries sustained in clashes. A man and a woman were trampled to death by protesters escaping from Berkut forces.

Another man died due to a heart condition after escaping from Berkut

**NO DIRECT PERPETRATORS IDENTIFIED**

**Kyiv,  
18-19 February 2014 ('anti-terrorist operation')**

25 men were killed during the 'anti-terrorist operation', including 7 law enforcement officers.

**NO DIRECT PERPETRATORS IDENTIFIED**

Except for the killing of the journalist.

Journalist was shot dead while filming 'titushky' gathering.

**13 alleged perpetrators identified**

10 absconded, including the alleged shooter.  
2 perpetrators convicted for hooliganism.  
Another perpetrator is on trial for killing.

Sustained a gunshot injury to the head in front of the SBU building as the protesters were storming it in the morning.

**2 alleged perpetrators identified**

Two trials commenced in second half of 2019.

**Khmelnytskyi,  
19 February 2014**

A man sustained a lethal gunshot near the back entrance of the SBU office as the protesters continued blocking the building after the morning shooting.

**NO PERPETRATORS IDENTIFIED**

Two police officers sustained lethal gunshot injuries between 8 and 9 a.m. Another two - between 9 and 9:30 a.m.

**NO PERPETRATORS IDENTIFIED**

47 men and a boy were shot dead between 9 a.m. and 12 p.m. Another man sustained a lethal gunshot at approximately 5 p.m.

**27 alleged perpetrators**

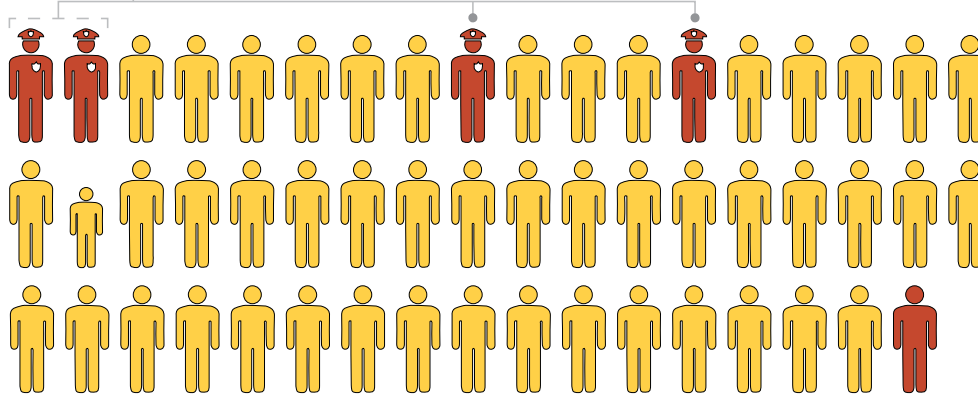
27 Berkut servicemen have been identified by the investigation as responsible for killing 48 and injuring 80 protesters in the morning.

22 absconded and are wanted.

Five have been on trial since February 2016. The court lifted house arrest from two, three others were released from custody and all were transferred to territory controlled by the 'republics' on 29 December 2019.

Only two returned to Kyiv to stand trial, three others remain out of reach for the Ukrainian justice system.

**Kyiv,  
20 February 2014**



Sustained gunshot injury from a sniper rifle.

**1 alleged perpetrator identified**

Omega special force sniper is under investigation for killing one protester.

Was shot dead in the evening after the main clashes had ended.

**NO PERPETRATORS IDENTIFIED**

