

“THE PRICE OF FREEDOM”

Summary of the public report of human rights organizations on crimes against humanity committed during the period of Euromaidan (November 2013 – February 2014)

1. Causes of Euromaidan protest movement.

Following the election of Viktor Yanukovich as a President of Ukraine in February 2010, the group in power started to centralize control over the country. 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 conditions and increased poverty of population. The unprecedented scale of corruption led to the loss of credibility by key state institutions, discontent and public protests. The state 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 systemic attacks 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 defenders, public activists⁶, and active youth became victims of repressions. Both legal means (unlawful arrests, fabricated

¹ In 2011, the Constitutional Court unlawfully cancelled amendments to the Constitution adopted in 2004 and restored the Constitution of 1997. This Constitution provided for broad presidential powers.

² See Annual human rights report Human rights in Ukraine – 2012, <http://helsinki.org.ua/en/index.php?r=3.3.1.9>.

³ See Chronicle of political persecution in Ukraine 2011 – 2012: <http://helsinki.org.ua/en/index.php?r=3.3.1.8>.

⁴ Case Lutsenko v. Ukraine (appl. # 6492/11), <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-112013>. Case of Tymoshenko v. Ukraine (appl # 49872/11), <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-119382>.

⁵ <http://roadcontrol.org.ua/node/1402>.

⁶ Case of Shvydka v. Ukraine (appl. # 17888/12), <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-147445>.

administrative⁷ and criminal cases) and illegal avenues (threats, destruction of property, assault, and even murder) were used for persecutions⁸.

By the beginning of 2013, the independence of judiciary and the principle of adversarial proceedings in cases against state institutions had slowly eroded. This was made possible through the amendments of the law on judiciary that provided state 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 for persecution of civil society leaders and suppression of any forms of expression of civic stance [has become widespread?]. The unlawful dispersal of the all-Ukrainian Vradiyivka march in June 2013 provides a vivid example. Its participants demanded the prosecution of the law enforcement officials who had raped and attempted to kill a woman⁹.

It is important to emphasize the growing influence of Russia on crucial state decisions in Ukraine. During several months before Euromaidan, the Russian Federation used various methods for halting the process of European integration, including the so-called trade wars¹⁰. Parliament members from the ruling Party of Regions in Ukraine proposed the bills analogous to those in Russia which aimed at limiting fundamental rights and freedoms, such as the bill on combating extremism. For these reasons, the unexpected decision of the government on November 21, 2013 to postpone the signature of the Association Agreement between Ukraine and the European Union at the EU summit in Vilnius in the end of November 2013 was perceived as the rejection of European integration and a shift towards closer cooperation with the Customs Union.

In a nutshell, the main causes of Euromaidan were:

- 1) Social and economic: unprecedented corruption of the ruling establishment and demonstrative impunity for embezzlement of state and municipal property;
- 2) Betrayal of state interests: unfavorable and imposed by Russia decisions, for instance, the so-called Kharkiv Agreements¹¹;
- 3) Ethnic and cultural: neglect of humanitarian values and aggressive promotion of the inherent attributes of the “Russian world”, in particular, the

⁷ See an overview of Ukrainian legislation on the right to peaceful assembly: ECtHR cases *Vyerentsov v. Ukraine* (application # 20372/11), <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-118393>, *Shmushkovych v. Ukraine* (application # 3276/10), <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-128050>.

⁸ See *Steadfast in Protest - 2011 Report - Annual Report* is produced by the Observatory for the Protection of Human Rights Defenders // http://www.fidh.org/IMG/pdf/obs_2011_uk-europecis.pdf. Переслідування громадянського суспільства в Україні в 2011 році (Persecution of Civil Society in Ukraine in 2011) <http://www.khpg.org/index.php?id=1321886708>.

⁹ <https://www.youtube.com/watch?v=I-5ByZ3ZxQo>

¹⁰ <http://www.radiosvoboda.org/content/article/25076876.html>

¹¹ http://zakon4.rada.gov.ua/laws/show/643_359

- de facto installment of Russian as a second state language¹² by the Kivalov-Kolesnichenko law contrary to the Constitution of Ukraine;
- 4) Creation of the authoritarian regime and limiting fundamental rights and freedoms, as well as the spread of political persecutions.

2. Description of the state-organized system of persecutions of protest participants

During the entire period of Euromaidan from November 2013 until February 2014, protesters were persecuted in various forms by the authoritarian regime of the President of Ukraine Viktor Yanukovich. The gravest of those were murders, but the most widespread were the destruction of property, assault, torture¹³, kidnapping¹⁴, unlawful arrest¹⁵, suspension of driver's licenses¹⁶, fabricated administrative and criminal cases¹⁷, detention¹⁸, etc. Persecutions also included different state action 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.

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 unknown¹⁹. 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. A large body of photo and video evidence of violent attacks on peaceful protesters²⁰ confirms the fact that perpetrators were confident in their absolute impunity²¹.

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

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

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

14 <https://www.youtube.com/watch?v=17ZN5BLLawc>. An article on the case <http://www.pravda.com.ua/news/2014/01/25/7011307/>

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

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

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

18 <https://www.youtube.com/watch?v=vIpt67TToaI>

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

20 Svoboda Radio, video of undressing the protester at sub-zero temperature

<http://www.radiosvoboda.org/content/article/25243520.html>. Also, see videos referenced in relation to Havrylyuk case.

21 Video footage <https://www.youtube.com/watch?v=QU8oYETghpM> and a statement by Havrylyuk https://www.youtube.com/watch?v=7c_g0NVqeho.

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, the 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.

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 organized according to an 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 person²² was not made known (relatives had to keep patrolling district stations and courts hoping to find a missing person), despite visible injuries and need of hospitalization, the courts ordered restraint measures of two-month arrests etc.

These crimes were planned rather than random acts, since they were connected in time and manner of conduct. The fact that the attacks were planned is proved by coordinated actions of state authorities and illegal criminal groups of “titushky”. There is a clear connection 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.

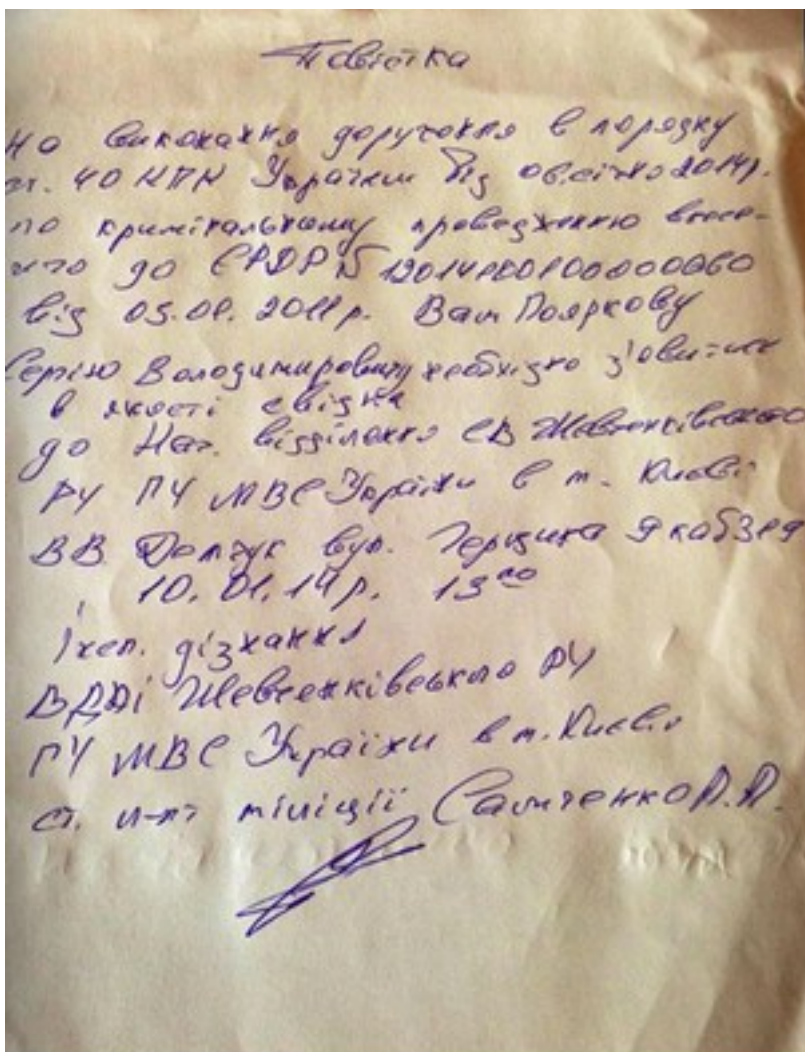
The case of the students of Karpenko-Kary University of Theatre serves as a vivid example. They were illegally detained far from the center of protest events, in another district of Kyiv, while returning home from Maidan. A group of unidentified people in civilian clothes approached them in a car, pushed them to the ground and assaulted. An accidental passer-by was also beaten and arrested. The arrested people were taken to a police station by car and transferred to law enforcement officials. For some time, the police kept their location secret and did not allow access of medical personnel to the injured arrestees²³. The prosecution pressed charges of participation in mass riots, and the court took a decision on restraint measure. The young men were “lucky” and were released from pre-trial detention for two-month house arrest.

Vast 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 a short period of time. For instance, there were many visits with the purpose of compiling

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

²³ <https://www.youtube.com/watch?v=1rZO-LFRttU>

administrative protocols by traffic police (DAI) inspectors to various locations and regions where Avtomaidan participants had their vehicles registered²⁴.



Адреса
до Служби безпеки України в м. Києві
ст. 40 НДН Заручки № 06.01.14.014.
по кримінальному провадженню в межах
ст. 30 ЄКРП № 12014Р0010000000060
від 05.01.2014 р. Ван Позркову
Серію Володимирівну Криву з'ясувати
в якості свідка
до Нев. Служби безпеки в м. Києві
ПУ МВС України в м. Києві
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ПУ МВС України в м. Києві
ст. 11-17 міліції Савченков.В.

Widespread attack

The cumulative effect of all the underlying crimes, which form part of this attack, demonstrates its widespread nature. The attack was widespread in terms of its scale and geographic reach, the frequency of underlying crimes and the number of civilians targeted.

Protests were mass in Vinnytsya, Dnipropetrovsk, Donetsk, Zhytomyr, Zaporizhzhya, Kyiv, Luhansk, Lviv, Odesa, Poltava, Sumy, Ternopil, Kharkiv, Cherkasy regions 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 sustained injuries during illegal dispersal and were subjected to torture. Others were arrested and accused of

²⁴ http://news.liga.net/news/politics/952568-gai_prokomentirovala_davlenie_na_uchastnikov_avtomaydana.htm

organizing mass riots, and the courts then assigned restraint measures such as wearing bracelets, house arrest, 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, Lviv, and in Cherkasy and Zaporizhzhya regions. Eight people died outside of Kyiv.

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 being directed by orders from Kyiv with the purpose of suppressing the protests.

Target of attack – civilian population

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 groups, sex, occupations, property status, social backgrounds, 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.

Thus, everyone could become a victim if perceived by the authorities as Euromaidan participant or organizational supporter²⁵ (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 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. However, 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 the leaders of the corrupt authoritarian regime.

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



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. Protests participants could also be identified by types of injuries. 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, 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 becoming a catalyst for creating a volunteer initiative call 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 two protest participants Yuriy Verbytsky and Ihor Lutsenko²⁶ from Oleksandrivska hospital in Kyiv. Yuriy Verbytsky sustained an eye injury typical for Maidan participants. Another activist Ihor Lutsenko brought him to 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 Lutsenko²⁷, they were taken to a metal garage and kept separately. Ihor was tortured for several hours, and

²⁶ <http://www.pravda.com.ua/news/2014/01/21/7010351/>

²⁷ <https://www.youtube.com/watch?v=yqi50DAsf2w>

subsequently taken to a forest. Despite injuries, Ihor managed to find his way out of the forest. Yuriy Verbytsky was found dead.

Usual actions of protesters were assemblies and pickets at 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, gas masks, knee-pads etc.

Importantly, during the entire time of protests, state representatives were attempting to provoke violence by the police. Often law enforcement officials were instigators²⁸. In most cases, these instigations failed. Leaders and activists of Euromaidan have repeatedly emphasized the peaceful nature of the protests and condemned violence.

Given these attempts, Euromaidan participants faced the necessity of identifying instigators²⁹ 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 etc³⁰. 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 a targeted shooting and the use of Molotov cocktails to keep law enforcement officials at a safe distance. This tactics was used only during several days of different confrontations, primarily due to a 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.

²⁸ See a TV program on the issue at: http://24tv.ua/home/showSingleNews.do?yevromaydan_voyuye_z_provokatorami_yakih_pidozryuyut_u_zvyazkah_z_militsiyeyu&objectId=395633

²⁹ Media report on the issue (including a self-defense briefing video):http://censor.net.ua/photo_news/266124/vlast_postoyanno_pytaetsya_ustroit_provokatsii_protiv_evromayidana_koordinator_samooborony_fotoreportajvideo

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

During three months of peaceful protests 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. The available video and photo evidence demonstrates that most of those who died did not pose any threat to law enforcement officials, as they were equipped only with wooden and sometimes iron shields for protection from bullets. Thus, the majority of killings and injuries cannot be viewed as a relevant response to a 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”³¹.

During the entire period of the protest, a large stage was in the center of Maidan Square where different artists and celebrities were speaking and reiterating that the protest is peaceful.

Peaceful protest of Euromaidan

³¹ 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).



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 officials³², and the heads of law enforcement agencies³³ and units. The former leadership's political decision to disperse protests is confirmed by coordination of criminal actions between different state authorities, collective mobilization of law enforcement bodies and affiliated criminal groups³⁴, 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 choice to suppress the protest in a violent manner.

In addition to using law enforcement and judiciary officials for persecution of protesters, the authorities created, organized³⁵, supported and provided funding for paramilitary groups, the so-called titushky, with the aim of intimidating and attacking protesters³⁶, destroying property and conducting provocations³⁷. The use

32 <http://tsn.ua/politika/kabmin-dozvoliv-strilyati-po-demonstrantah-z-vodometiv-na-morozi-330697.html>

33 <http://www.historypolitiks.com/archives/155>

34 Media article on titushki in Dnipropetrovsk featuring a video <http://tyzhden.ua/News/100181>.

35 See the training of titushky footage <https://www.youtube.com/watch?v=HRtBJNYwUIw>.

36 A compilation of videos featuring titushki in the article at <http://www.pravda.com.ua/news/2014/01/21/7010368/>

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

of these paramilitary groups³⁸ against participants of peaceful protests proves directly the state intent to suppress the protest by any means³⁹.

Another illustration of the state political intent to suppress protests is the artificially organized rallies called Antimaidan. The main sign of Antimaidan participants was the ribbon of St. George, a recognized military symbol of modern Russia⁴⁰. There were numerous instances when personnel of state institutions were forced to attend these pro-governmental assemblies organized in opposition to the protest movement⁴¹. For instance, local authorities organized a pro-governmental Antimaidan assembly on November 30, 2013, in Kharkiv, forcing the staff of government institutions, including utility providers, factory workers, medical personnel, educators, university lecturers, to attend it. In particular, there are statements by the lecturers of V.N. Karazin Kharkiv National University and Kharkiv National Polytechnic University about an order to compile a list of 1000 delegates to the gathering with signed obligations of attendance. According to different estimates, between 40 and 70 thousand government employees took part in the assembly.

The main pro-government gathering in support of the acting authoritarian regime in Kyiv was taking place in the government quarter next to the building of Verkhovna Rada of Ukraine; it was secured by law enforcement officials⁴². Antimaidan rally had all characteristics of an artificial event coordinated by the government⁴³ – 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

38 Article on the leader of titushki in Kharkiv at

http://texty.org.ua/pg/news/devrand/read/51017/Aktyvisty_vyznachyly_khto_keruvav_kharkivskymy_titushkamy; an interview with titushki <http://tyzhden.ua/News/100346>.

39 Coordination of efforts between militsiya and titushki is evidenced on the following videos <https://www.youtube.com/watch?v=GNn6W61dmko>, <http://www.youtube.com/watch?v=IPHZ530f0ig>.

40 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.

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

42 A media article featuring a video on Antimaidan <http://comments.ua/politics/446331-antimaydan-snova-obzhivaetsya.html>

43 A media article featuring a video on Antimaidan <http://news.bigmir.net/ukraine/789029-Uchastnikam-Antimajdana-platjat-po-400-griven---SMI>

the Ministry of Defense, i.e. at the tax-payers' expense⁴⁴. Despite blatant disorderly conduct of participants of these protests, including the destruction of Mariyinsky Nature Park, consumption of alcohol in public places, and hooliganism, the law enforcement officials never interfered to stop illegal actions⁴⁵.

Restrictions on freedom of speech during Euromaidan

The distortion of information by state-controlled TV and print media deserves particular attention. Already in December, the editorial policy of most central TV channels changed. The censorship included limitation on dissemination of information about Euromaidan events. For instance, a video of Telekrytyka titled "Berkut to the Journalists: 'We will show you the freedom of speech, bitch!'" was removed from YouTube. This video included a 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 the personal data of the 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 information about 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 publication (UHM Group media holding) resigned after the change of ownership and, consequently, the editorial policy. Prior to that, a similar situation 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 power⁴⁶. 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 the illegal state actions to suppress peaceful protests, statements of high-level officials and official releases by state authorities included negative

44 http://lb.ua/news/2013/12/19/248524_antimaydan_byudzhetniy_schet_.html.

45 <https://www.youtube.com/watch?v=9eOIVn91Atw>.

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

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 identifying protesters as a group of extremists, radicals, offenders etc. For instance, the Prime Minister Azarov noted that extremist groups⁴⁷ seized buildings at Maidan; the Minister of Interior Zakharchenko repeatedly called protesters extremists⁴⁸, radicals⁴⁹, and rhetoric of this kind was in all statements of the pro-government party⁵⁰.

In general, these public statements by governmental officials⁵¹ were widely broadcasted by state-controlled television and print media, which proves that the attack was premeditated.

Discriminatory laws aimed at suppressing the protest

The state policy for suppressing peaceful protests is evidenced by state decisions adopted 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 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 (excess of 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 closed⁵². 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.

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

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

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

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

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

52 The Law of Ukraine “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” / «Про усунення негативних наслідків та недопущення переслідування та покарання осіб з приводу подій, які мали місце під час проведення мирних зібрань», available in Ukrainian here: <http://zakon2.rada.gov.ua/laws/show/712-vii>. On 21 February, the law was revoked.

The “so-called dictatorship laws”⁵³ had legal provisions criminalizing libel and extremism⁵⁴, thus making the criticism of authorities’ actions by the media impossible. The laws prohibited a movement of vehicle trains which made peaceful activities of Avtomaidan impossible. The new law included requirements for obtaining a license by Internet providers. It also introduced the term “a foreign agent” and de facto created an instrument for limiting activities and dissolving any citizens’ association⁵⁵.

“In reality, journalist investigations are prohibited since collecting information about law enforcement officials, judges and their property was labelled 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 labour and up to 3 years of imprisonment. This renders regular journalisms impossible”, says the petition of media community Stop-Tsenzura (Stop Censorship)⁵⁶.

On January 23, 2014, the Office of the Prosecutor General published the conditions for release⁵⁷ of illegally detained protesters. This made them de facto hostages of the government.

“As of today, the law enforcement arrested 71 people for participation and organization of mass riots at Hrushevskoho Street. The courts choose detention as a restraint measure for 36 people. Court hearings in other cases are scheduled to take place as soon as possible. Search warrants have been issued for hundreds of people. As confrontation continues, more offences are being committed. Consequently, more criminal investigations are registered in the Unified Register of Pre-Trial Investigation and more people are put into pre-trial detention for gross violations of the law. If the protesters 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 a non-detention measure in cases where it had not been assigned”.

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

54 See “Journalists are collecting signatures under the petition to revoke the Kolesnichenko-Oliynyk law and threatening with a strike”, Telekrytyka, January 21, 2014.
<http://www.telekritika.ua/profesija/2014-01-21/89591>

55 The complete list of laws in Ukrainian is available at the parliament webpage:
<http://iportal.rada.gov.ua/meeting/faxiv/show/5144.html>.

56 See “Journalists are collecting signatures under the petition to revoke the Kolesnichenko-Oliynyk law and threatening with a strike”, Telekrytyka, January 21, 2014.
<http://www.telekritika.ua/profesija/2014-01-21/89591>

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

The law on amnesty from January 29, 2014 (so-called “the law on hostages”) provided that the release of those illegally detained and torture 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 within 15 days after its entry into force, the possibility of release for detainees will be lost.

Illegal bans on peaceful assemblies during Euromaidan

Deliberately unjust court decisions were 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 Circuit Administrative courts issues bans (or other types of limitations) on at least 77 peaceful assemblies throughout Ukraine. Compared to the analogous period in 2012-2013, the number of court bans nearly tripled.

The numbers of court bans during this period was the highest in Kyiv and Kyiv region (22), Sevastopol (10), Kharkiv region (8) and Dnipropetrovsk region (7). The most common purpose of these peaceful protests was support for European integration and protest against political repression (45); and in six cases there were bans 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 principle⁵⁸.

The analysis of forms and durations of bans on peaceful assemblies shows a widespread use of automatic bans 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, not notifying about holding an assembly etc.

A dangerous precedent was set by Kharkiv Circuit Administrative Court that set indefinite bans 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 was done while the mayor practically took over the powers prescribed by Article 39 of the Constitution solely to the judiciary⁵⁹.

⁵⁸ Information is based on the monitoring of the Unified State Registry of Court Decisions <http://www.reyestr.court.gov.ua/>. For more detail on prohibitions of peaceful assemblies during this period, see the Table.

3. Key events during Euromaidan in Kyiv

On November 21, 2013, at around 22:00, first spontaneous peaceful 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 a ban 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 participants⁶⁰.

After November 21, 2013, lasting peaceful assemblies in support of European integration that were named Euromaidan started in different cities of Ukraine, including Donetsk, Ivano-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 and the US also held rallies in support of protests in Ukraine.

Dispersal of Maidan on 30 November

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.

⁵⁹ We know about at least five decisions of Kharkiv Circuit Administrative court prohibiting peaceful rallies due to the order by Kharkiv mayor. These decisions are available in public domain in the Unified State Registry of Court Decisions: <http://reyestr.court.gov.ua/Review/35468557>, decision dd. November 25, 2013; <http://reyestr.court.gov.ua/Review/35468521> decision dd. November 25, 2013; <http://reyestr.court.gov.ua/Review/35468708> decision dd. November 25, 2013; <http://reyestr.court.gov.ua/Review/35503239> decision dd. November 26, 2013; <http://reyestr.court.gov.ua/Review/35494694> decision dd. November 26, 2013. According to article 39 of the Constitution of Ukraine, limitation in relation to realization of the right to peaceful assembly can be set by a court in accordance with a law and only in interests of national safety and public peace - with the purpose of prevention of disturbances or crimes, for the health or defense of rights and freedoms of other people care of population. There is no law allowing local authorities to suspend the effect of a constitutional right on a certain territory. In the meantime, judges did not pay attention to this fact and used the mayor's order to support the necessity of prohibition. An interesting "coincidence" was that the Order of Kharkiv mayor came out on the day following the start of protests.

⁶⁰ Ukraine has a certain tradition of long-term political protests known as "Maidan". During Maidan, people gather at a certain square, place tents where they live and do not leave until an agreement is reached. Outsiders always bring clothes, food and necessities to Maidans. First protest of this kind took place in the early 1990s. Later, there were often other protests, the largest occurred in 2001, 2004 and 2010.

During the violent dispersal of the assembly, police resorted to demonstrative violence and use of special gear⁶¹. Regardless of age and sex, people who showed no disobedience were beaten with rubber batons, kicked and followed all the way to Mykhailivsky Cathedral, a refuge for the injured protesters⁶².

The dispersal resulted in arrests of 34 people with 29 administrative protocols. According just to the information from the Ministry of Interior, 71 people sought medical help, including three journalists. According to Reuters Information Agency, their camera operator and photographer also sustained injuries⁶³.



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 protesters⁶⁴.

Events of 1 December at Bankova Street

61 Later, internal investigation within the MoI confirmed excessive use of force by police, but no one was prosecuted.

62 Footage of protesters being followed and assaulted <https://www.youtube.com/watch?v=FMdk1D1ktBw>.

63 Video footage of the dispersal <https://www.youtube.com/watch?v=6NeJfnvbFHE> and https://www.youtube.com/watch?v=P6_XDSBgKvc.

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

Outraged by the violent dispersal of the Student Maidan, people took to the streets for a large-scale peaceful protest on December 1, 2013, in Kyiv. According to different estimates, the number of participants reached 500,000. 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 buildings of Kyiv City State Administration and Budynok Profspilok (House of Trade Unions).

More than 2 thousand protesters were at Bankova Street. A group of 20-60 people in semi-military outfits with their faces covered, accompanied by a tractor, tried to break through a line of 150 soldiers of Internal Military Forces⁶⁵ for several hours to enter the Presidential Administration⁶⁶. The unknown persons were armed with chains, reinforcing bars, flares, flame liquid, and tear gas.

Other protesters did not participate in clashes. Moreover, some protesters created a live shield to protect soldiers from provocations. Speaking from the tractor shovel, the public activist Sashko Solontay, an artist Oleksandr Polozhynsky and the future President Petro Poroshenko were calling on people not to follow provocations and tried to stop the tractor. Throughout this time, the fighters of Berkut were standing behind the Internal Military Force soldiers⁶⁷. Everyone was shocked that law enforcement did not try to neutralize the attackers⁶⁸.

⁶⁵ Internal Military Forces are a special military unit of the state 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. The unit is under the command of the Ministry of Interior. Members of IMF are being drafted, which means that majority of them are young people around 18 years old, without special preparation and equipment.

⁶⁶ Media report on the issue: <http://www.pravda.com.ua/articles/2013/12/1/7003664/>

⁶⁷ Berkut is a special police unit within the structure of regional bodies of the Ministry of Interior of Ukraine. It was terminated on February 25, 2014, but in practice it was reorganized into another special unit and more than 60 percent of its staff continue working in a special unit of the MoI. Berkut was responsible for keeping public safety and combating organized crime.

⁶⁸ Video footage of clashes <https://www.youtube.com/watch?v=9dI2HYBfgXY#t=15> and <https://www.youtube.com/watch?v=vv5jFjwyoJU>.



Suddenly, the Berkut fighters started an attack⁶⁹ and began beating⁷⁰ everyone⁷¹ with particular cruelty, including passersby and journalists⁷² who had been surrounded. Nine random people were then arrested and held for several hours in a courtyard⁷³ where they were severely beaten while lying on the ground (this is documented on a video⁷⁴). These people (known as the “Bankova prisoners”) were further accused of organizing mass riots and detained for two months.

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 over a million people.

One of the active forms of non-violent resistance, an informal movement called Avtomaidan was also created during that time. Drivers participating in Avtomaidan held protests by blocking roads in the center of Kyiv demanding to release arbitrarily detained people. Later these people would conduct regular automobile

69 Video footage of violence https://www.youtube.com/watch?v=bNE_3C9AZF0 and <https://www.youtube.com/watch?v=SC4GOma1KHc>.

70 <https://www.youtube.com/watch?v=3QI12bKC8OI>.

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

72 <https://www.youtube.com/watch?v=V7MFPzLMH7E>.

73 A media report featuring the video above: <http://tsn.ua/politika/berkut-po-zviryachomu-biv-zatrimanih-pid-ap-na-kolina-merzota-revolyuciya-s-ka-video-323166.html>.

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

rides to suburban residencies of high officials⁷⁵, block roads for busses with law enforcement personnel, as well as going to the regions to support local Euromaidan. For this reason, the traffic police constantly persecuted Avtomaidan during Maidan events by forging administrative cases for alleged violations of traffic regulations in order to suspend their driver's licenses⁷⁶. 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

On the night from December 10-11, 2013, Internal Military Force and Berkut made another unsuccessful attempt to attack Maidan. Before the attack, the city subway system running towards the center was shut down. Until the morning, they were pushing back and beating protesters with batons while a majority of the latter showed no resistance. The law enforcement officials pulled people out of the crowd and threw them behind their lines where officers of the Berkut special 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. The morning attack by Berkut on the Kyiv City State Administration, a building used for inventory purposes by the protesters, was also unsuccessful. According to the official data, during the attack by the special unit, at least 49 people sustained injuries, including 11 law enforcement officials.

Following unsuccessful attempts to disperse Maidan, political leadership tried to negotiate with the opposition mistakenly considering them as coordinators of the protest. As a result of these negotiations the so-called law on amnesty was adopted on December 19, 2013⁷⁷.

To counter the peaceful protest movement, the party in power, the Party of Regions, and the Communist Party of Ukraine, with the organizational and financial support from state authorities, started organizing gatherings in support of the regime known as "Antimaidan". Personnel of state institutions, e.g. teachers, doctors, factory workers and students, were forced to attend these assemblies, threatened to be dismissed otherwise. At the same time, cases of dispersal of local Euromaidan and persecutions in the regions became more often.

⁷⁵ More information about this place is available at https://en.wikipedia.org/wiki/Mezhyhirya_Residence

⁷⁶ Available in Ukrainian here: <http://yanukovychleaks.org/stories/automaidan-black-list-found-in-mezhygirya.html>

⁷⁷ Law of Ukraine #712-VII "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" dd. December 19, 2013 / «Про усунення негативних наслідків та недопущення переслідування та покарання осіб з приводу подій, які мали місце під час проведення мирних зібрань» <http://zakon1.rada.gov.ua/laws/show/712-18>.

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 outlawed⁷⁸. The 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 January⁷⁹. A part of the protesters 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 Force. The road was also blocked with trucks and busses.

During several hours, people were convincing police officers to step aside and let the demonstration pass. Around 3 p.m., a separate group of protesters attempted to break through the line of police and move towards the government quarter. The clashes⁸⁰ resulted in injuries and wounds sustained by many protesters, a bus that belonged to Berkut 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 of -8 C outside⁸¹. In response, protesters were throwing rocks and Molotov cocktails.

During this attack, law enforcement officials were assaulting everyone who had not retreated regardless of whether they had participated in the confrontation⁸². 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 meters⁸³ 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 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.

⁷⁸ <http://www.cvu.com.ua/ua/view.php?id=861>

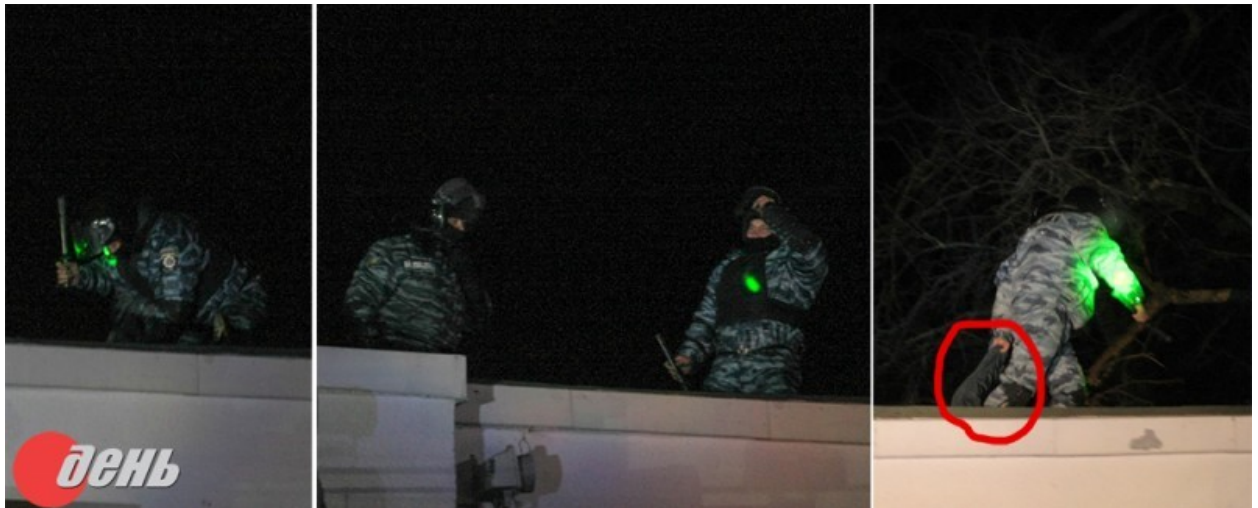
⁷⁹ Viche is a general assembly of people, a form of peaceful assembly. Historically, general assemblies of Kyiv Rus citizens were called viche. Viche were organized to decide on particularly important public issues.

⁸⁰ <http://www.pravda.com.ua/articles/2014/01/19/7008810/>

⁸¹ <https://www.youtube.com/watch?v=3rQARCBNaWs&oref=https%3A%2F%252>.

⁸² <http://www.youtube.com/watch?v=v1nzzO5Vbfg>, <https://www.youtube.com/watch?v=9wdjIjs8Y44>.

⁸³ <https://www.youtube.com/watch?v=I4uUPRAywrE#t=210>.



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.

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 crowd⁸⁴.

At approximately 8 a.m. on 22 January, Berkut attacked people who were behind the barricades at Hrushevskoho Street. Half an hour later, protesters proceeded to counterattack and restored the status quo; law enforcement went back behind the line of burnt buses. Berkut attack resulted in around 200 protesters injured. First people died from firearms. A 20-year old Serhiy Nihoyan⁸⁵ died from gunshot wounds. He sustained one gunshot wound to the neck and one to the head. A citizen of Bilorus, Mykhaylo Zhyznyevsky⁸⁶ 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 consciousness⁸⁷.

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

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

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

86 A media article “ПОЧЕМУ Я УВЕРЕН, ЧТО ЛЮДЕЙ НА БАРРИКАДАХ УБИЛ "БЕРКУТ" (Why I Am Convinced that People at the Barricades Were Murdered by Berkut) // Інтернет-видання Цензор.НЕТ», http://censor.net.ua/resonance/269229/pochemu_ya_uveren_chno_lyudeyi_na_barrikadah_ubil_berkut.

87 <http://www.youtube.com/watch?v=vAu8IKENbqM>.



During 19-22 January, at least 42 journalists were injured⁸⁸. The character of injuries (eyes and head) point to the fact that law enforcement officers undertook targeted shooting at people in orange vests and helmets signed “Press”⁸⁹. 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 unacceptable⁹⁰.

⁸⁸ According to information from the Institute of Mass Information (NGO), <http://imi.org.ua/en/>.

⁸⁹ http://www.youtube.com/watch?v=KkuH9PK_ICY.

⁹⁰ <http://www.redcross.org.ua/modules/news/index.php?id=1012>.



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 the 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 enforcement⁹¹, became active. They were assaulting and injuring people, destroying vehicles and organizing provocations. Since the police refused to perform its obligations in protecting public order in Kyiv, these functions were taken by ordinary citizens in self-organized district self-defense groups, as well as by Avtomaidan participants.

During one of these raids, a group of Avtomaidan participants, which was called to protect a hospital from titushky, got into a trap set by the Berkut specialized unit. The law enforcement officials were pulling people out of their cars, assaulting severely regardless of age and sex, 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 were humiliated. Later, all arrested were accused of organizing mass riots and disobedience to police⁹². The

91 Media articles on these instances: <http://ua.comments.ua/life/216353-spokiynu-nich-maydanu-zatmarili-titushki.html>;
http://ukr.lb.ua/news/2014/02/21/256450_pod_vidom_titushek_deystvuyut_opera.html<http://www.pravda.com.ua/news/2015/02/2/7057145/?attempt=1>

92 Media report on detention with photographs and video
<http://www.pravda.com.ua/news/2014/01/25/7011247>.

courts assigned a restraint measure of arrest for two months for Avtomaidan activists⁹³.

A widespread practice of arbitrary arrests of actual or perceived protesters in Kyiv and the regions started. 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 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 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 stopping the protest⁹⁴. By 18 February, most of the administrative buildings and Hrushevskoho Street were vacated. The government stated that demands of the law were not met.

Events of 18 February

On February 18, the parliament was supposed to vote for returning to the 2004 edition of the Constitution of Ukraine. For this reason, a part of protesters started a peaceful march towards the parliament. A line of law enforcement stopped the march. Following a provocation by the police, a violent confrontation began. The law enforcement began an attack⁹⁵, destroyed the barricades and started an onslaught on Maidan. They were throwing Molotov cocktails at Maidan and set several tents on fire.

To isolate the protesters at Maidan, all central subway stations were shut down; road traffic towards the city center was restricted. At the same time, one of the very few TV channels that were not pro-governmental, 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

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

94 The Law of Ukraine “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” of January 29, 2014 / Закон України «Про усунення негативних наслідків та недопущення переслідування та покарання осіб з приводу подій, які мали місце під час проведення мирних зібрань», available here in Ukrainian: <http://zakon2.rada.gov.ua/laws/show/737-vii>. The law was revoked on February 21, 2014.

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

acting hand in hand with the law enforcement beating people on the ground⁹⁶. Protesters set tires on fire and started throwing Molotov cocktails to stop the law enforcement and prevent them from shooting people from rooftops.



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. There were attempts to use two armoured vehicles; one of them was stopped at Khreshchatyk Street to disperse protesters and water cannons to put out burning tires. 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 documentation of medical assistance through the system of undercover hospitals and medical stations.

On the night of 18-19 February, 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 started⁹⁷. At least two protesters died in the fire⁹⁸.

⁹⁶ <http://www.youtube.com/watch?v=53kN04pFEYw>, <https://www.youtube.com/watch?v=tD3wTKruLoY>.

⁹⁷ See more details of this report in Ukrainian here: http://www.moskal.in.ua/?category=news&news_id=1099.

⁹⁸ http://espreso.tv/news/2014/05/15/moskal_nazvav_lyudey_yaki_shturmuvaly_budynok_profspilok_pid_chas_zachystky_maydanu.

On 19 February, the Security Service of Ukraine announced a start of an anti-terrorist operation and started dispensing firearms⁹⁹. On February 20, 2014, the acting Minister of Interior Vitaliy Zakharchenko signed an order on providing the police with assault weapons¹⁰⁰. At the same time, part of law enforcement officials left voluntarily their posts refusing to use arms against unarmed people.

Mass shootings at Maidan on 20 February

On the night of 20 February, the transport police were blocking traffic towards the center of Kyiv. In the morning, Berkut fighters started throwing Molotov cocktails at the Academy of Music (Konservatoriya) where the new medical station of Maidan was located. Confrontation started. Participants tried to push the law enforcement back from Maidan. The latter used firearms¹⁰¹. 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 injured¹⁰². A part of unarmed protesters started moving up Hrushevskoho Street. In the meantime, Russia's Prime Minister Dmitri Medvedev addressed the President of Ukraine urging him not to be a doormat.

Meanwhile, trains to and from the Western regions are stopped due to alleged damage of the tracks. The media are noticing snipers on different administrative buildings in the governmental quarter¹⁰³. The snipers in black clothes with yellow ribbons on their sleeves started shooting¹⁰⁴ at unarmed protesters¹⁰⁵, which is documented on numerous videos¹⁰⁶. By the evening¹⁰⁷, the subway access to the city center was resumed. By that time, people in Dnipropetrovsk lay down on the train track and stopped the train with the troopers heading to Kyiv. At 22:20, the parliament prohibited execution of the so-called "anti-terrorist operation" throughout the country¹⁰⁸.

99 The video about launch of the operation was on the website of the SSU, however, it was soon removed. The copy is available at https://www.youtube.com/watch?v=z_fiBUBxI2s.

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

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

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

103 <https://www.youtube.com/watch?v=PhgSu5bgoTo>, <https://www.youtube.com/watch?v=IsE7IYVa5kk/>

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

105 Interview with a relative <https://www.youtube.com/watch?v=PhgSu5bgoTo>.

106 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&a>.

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

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



During the entire night of 20-21 February, high-profile negotiations involving Yanukovich, the opposition, EU and Russia's representatives kicked off. At 5 a.m., the Deputy Head of the Headquarters of the Ministry of Defense Dumansky resigned (several hours later, he stated that Viktor Yanukovich ordered the use of army against the people)¹⁰⁹.

On February 21, 2014, the opposition leaders and Viktor Yanukovich signed an agreement on regulating the crisis in Ukraine¹¹⁰. At the same time, protesters did not accept the conditions of this agreement announced by opposition from the stage at Maidan; they demanded resignation of the President. On February 22, news 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 the shift of power to the opposition.

4. Persecution of “regional Euromaidan”

Protests were large 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

¹⁰⁹ A report on Dumansky's resignation at <http://tsn.ua/video/video-novini/yuriy-dumanskiy-podav-u-vidstavku.html>.

¹¹⁰ The Law of Ukraine “On Restoring Specific Provisions of the Constitution of Ukraine” / «Про відновлення дії окремих положень Конституції України», <http://zakon4.rada.gov.ua/laws/show/742-18>.

most of these regions, the authorities attempted to disperse peaceful protests violently. Protest participants in the regions sustained injuries; some of them were subjected to torture. Some participants were arrested and accused of organizing mass riots, they were 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 bans on protests, discriminatory decision of local authorities against Euromaidan, 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 to face them directly.

Setting fire to vehicles was one of the widespread practices of damaging property of Euromaidan participants throughout different regions of Ukraine¹¹¹.

One of violent dispersals of peaceful protesters at local Euromaidan took place in Dnipropetrovsk on January 26, 2014¹¹². During the rally with at least 5,000 participants, the protesters were attacked by the law enforcement and titushky. Some protesters were assaulted with rubber batons, pushed to the ground and beaten. Dozens of protesters sustained injuries inflicted by traumatic weapons. Several dozens of people, including ordinary passersby, were arrested because, 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 was a student Vladyslav Kompaniyets¹¹³. Though the young man had a disability and required a strict diet, the court chose a two-month detention as a restraint measure.

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 Yanukovich upside down. On December 17, 2013, the Lutsk

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

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

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

District Court assigned house arrest as a restraint measure for a Lutsk Euromaidan activist Maya Moskvych¹¹⁴. Activists from Kalush were in a similar situation for burning a portrait of Viktor Yanukovych which resulted in criminal charges for hooliganism.

On December 31, 2013, the law enforcement stopped and forced to get into a car Yevhen Nasadyuk, one of Donetsk Euromaidan activists, for 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. The activists faced accusations of spreading pornography¹¹⁵.

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 Pylypets¹¹⁶. He sustained four stab wounds as a result.

Outside of Kyiv, murders of peaceful protesters¹¹⁷ 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 building¹¹⁸. On February 13, 2014, the 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 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

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

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

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

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

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

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.

5. “Those who fail to remember the past are doomed to repeat it”

As the key Euromaidan demands included the 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 protest against impunity of the law enforcement following the dispersal of the 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 21 February.

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 February¹¹⁹.

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, 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.

Having failed the attempts, the government resorted to a violent dispersal of Maidan and mass shootings of unarmed people. These crimes led to at least 114

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

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 Yanukovich and his administration, high-level governmental officials, heads of law enforcement bodies and special 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 movement 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, Ukraine 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!"