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## Human Rights Council Working Group on Arbitrary Detention

### Opinions adopted by the Working Group on Arbitrary Detention at its seventy-sixth session, 22-26 August 2016

#### **Opinion No. 37/2016 concerning Maxim Sakauov, Evgeniy Mefedov, Volodymyr Zibnytskyy, Pavlo Kovshov, Oleksandr Sukhanov, Vladislav Ilnytskyy, Sergey Korchynskyy, Vladislav Romanyuk, Oleksandr Dzubenko, Sergey Doljenkov and others (Ukraine)<sup>1</sup>**

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights, which extended and clarified the Working Group's mandate in its resolution 1997/50. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed that mandate and most recently extended it for a three-year period in its resolution 24/7 of 26 September 2013.

2. In accordance with its methods of work (A/HRC/30/69), on 27 May 2015 the Working Group transmitted a communication to the Government of Ukraine concerning Maxim Sakauov, Evgeniy Mefedov, Volodymyr Zibnytskyy, Pavlo Kovshov, Oleksandr Sukhanov, Vladislav Ilnytskyy, Sergey Korchynskyy, Vladislav Romanyuk, Oleksandr Dzubenko, Sergey Doljenkov and others. The Government replied to the communication on 30 July 2015. The State is a party to the International Covenant on Civil and Political Rights.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

<sup>1</sup> In accordance with rule 5 of the methods of work, Vladimir Tochilovsky did not participate in the discussion of the present case.



(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law for reasons of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation or disability, or other status, that aims towards or can result in ignoring the equality of human beings (category V).

## **Submissions**

### *Communication from the source*

4. Messrs. Sakauov (born in 1976), Mefedov (born in 1983), Zibnytskyy (born in 1983), Kovshov (born in 1986), Sukhanov (born in 1975), Ilnytskyy (born in 1995), Korchynskyy (born in 1973), Romanyuk (born in 1995), Dzubenko (born in 1986) and Doljenkov (born in 1988) are currently held in police custody pending trial in the main pretrial detention centre in Odessa, Ukraine. All of them, except Mr. Mefedov, are citizens of Ukraine. Mr. Mefedov is a citizen of the Russian Federation. Ten other people are being charged in the case but are not detained. They are all members of the opposition pro-federalism movement and have been charged with mass riots under section 294 of the Criminal Code. Mr. Sukhanov has also been charged with unlawful possession of weapons, ammunition or explosives under section 263 of the Criminal Code. In total, there are 20 defendants in the same criminal case.

5. On 2 May 2014, 48 people were killed and 247 injured as a result of clashes in Odessa between members of the political opposition pro-federalism movement — who support the establishment of a new federal State with larger regional autonomy and greater respect for the rights of the Russian-speaking population — and pro-unity supporters — who want to maintain a unitary State. Reportedly, the main clashes occurred on Grecheskaya Street in the centre of the city, where 6 people were killed, including 4 pro-federalism supporters and 2 pro-unity supporters, and on Kulikovo Square, where 42 pro-federalism supporters were killed inside the Trade Union House, which was set on fire allegedly by Molotov cocktails thrown by individuals from both sides. Reportedly, 11 people died after jumping out of windows, 2 of whom died later in the hospital, and 31 died of suffocation and burns inside the building. Many more pro-federalism activists, who had been besieged by their opponents in the Trade Union House, were severely injured.

6. The source reports that the casualties in Odessa could have been prevented that day. However, the police officers present at the scene failed to act with due diligence or take effective action to prevent or contain the violence, in particular in the vicinity and inside the Trade Union House, reportedly because they had not received any formal order to intervene. Also, a fire brigade based 650 metres from the Trade Union House did not arrive until 40 minutes after it was first alerted by telephone about the fire.

7. Four official investigations have been initiated to look into the incidents of 2 May in Odessa: the Ministry of Internal Affairs has investigated the mass riots that took place in the city centre and the Trade Union House; the General Prosecutor's Office has opened criminal cases against several high-ranking police officers for negligence; the Ombudsperson has evaluated violations of human rights by law enforcement agents during

the mass riots; and the Parliament has carried out a comprehensive investigation. However, there have been no measurable results from the investigations into police and fire brigade negligence.

8. According to the source, prior to the 2 May 2014 violence, an opposition movement in favour of federalism had emerged in Odessa in the wake of the Euromaidan events in Kyiv that had resulted in ousting of the President Yanukovich in February 2014. The pro-federalism movement had been called anti-maidan by its opponents and local authorities because it had opposed the use of the Euromaidan movement by nationalist Ukrainians against the country's Russian-speaking Ukrainian minority. Apparently, the anti-maidan movement had emerged after the derogation of the 2012 Law on the Principles of the State Language Policy. Although vetoed in practice, those steps had created anxiety in the South-East regions of Ukraine, as Russian-speaking minorities were concerned that new amendments would weaken their linguistic rights. This had fostered support for the pro-federalism movement in Odessa and other regions in the South-East of Ukraine.

9. The source asserts that, from February to April 2014, members of the pro-federalism movement had organized demonstrations every Sunday and had set up a permanent tent camp at Kulikovo square in Odessa, opposite the Trade Union House. They had organized the camp's protection in a paramilitary manner. The authorities in Odessa and Kyiv had sought to negotiate an agreement whereby the camp would be dismantled and moved to an area outside the city centre by 9 May 2014, before the annual commemoration of World War II. "Odesskaya Drujina", a paramilitary wing of the pro-federalism movement, which had been organized for the protection of the camp in a Euromaidan manner, had agreed and had left for another location outside the city, but the majority of activists had remained at Kulikovo Square.

10. On 2 May 2014, a football match between the clubs Metalist Kharkiv and Chernomorets Odessa had been planned to take place in Odessa. Early in the morning of 2 May, at least 600 football fans had arrived from Kharkiv to Odessa. Football fans from both teams were known to have strong pro-unity sympathies. A pre-match rally for "united Ukraine" had been planned for 3 p.m. on Sobornaya Square; at least 2,000 people had gathered, including supporters of the two football teams, "Right Sector" and "Svoboda" activists, members of the so-called "self-defence" units and other pro-unity supporters.

11. Reportedly, as the pro-unity rally had been perceived as radical, the use of force had been decided upon to remove the camp on Kulikovo Square. The pro-federalism supporters, in anticipation of the demolition of the tents, had decided to counter that force. According to the source, both sides had been prepared for confrontation. Pro-unity supporters had brought masks, helmets, axes, wooden sticks, non-lethal guns and firearms. At around 3 p.m., about 200 activists of "Odesskaya Drujina", similarly equipped in paramilitary gear, attacked the rally in the vicinity of Grecheskaya Street.

12. The clashes there lasted for several hours and resulted in the deaths of six persons (two pro-unity and four pro-federalism protesters), with injuries sustained to numerous others. The pro-federalism supporters were apparently outnumbered and dispersed. Some 47 pro-federalism activists took refuge in the Afina shopping centre, then taken away for protection reasons by police special forces and transferred to two police stations outside Odessa (Ovidiopol and Bilhorod-Dnistrovskyi), where they were detained and questioned.

13. Having defeated the pro-federalism activists on Grecheskaya Street, the pro-unity supporters moved to Kulikovo Square at the end of the afternoon; the violent confrontation continued late into the night. Pro-unity activists, supported by the extremist paramilitary militias, burned the camp tents and chased away pro-federalism campers. Nevertheless, several dozen of them sought refuge by barricading themselves in the Trade Union House. The attackers and defenders threw Molotov cocktails into and out of the building, setting it

on fire. Some of the pro-federalism activists escaped from the burning building, but were caught and beaten by the attackers. Altogether, 42 pro-federalism supporters died in the incident, either from jumping from the windows (some of them were beaten, apparently to death, after they reached the ground) or from burns and smoke intoxication or suffocation. These are the official figures based on official autopsies, which have been questioned.

14. On 2 May 2014, the Odessa Regional Police Investigation Department of the Ministry of Internal Affairs launched a criminal investigation into the incidents of mass riots, violence and significant loss of life in Odessa. On 6 May 2014, responsibility for the investigation was transferred to the Main Investigation Department of the Ministry of Internal Affairs in Kyiv.

15. The source reports that, on 2 May 2014, 47 pro-federalism activists were detained by police agents. For 48 hours, they were not given food or water. On 4 May 2014, they were transferred to a police station in Vinnitsa, 424 km from Odessa. During the transfer, which lasted for 12 hours, they were neither given food or water, nor allowed to use toilet facilities. Allegedly, they had to urinate in the detention van. Upon arrival at the police stations in Ovidiopol and Bilhorod-Dnistrovskiy, medical care was not provided to those detainees who required assistance owing to illness or injuries.

16. On 6 May 2014, the video recorded court hearings of the pro-federalism activists were organized at the Primorsky District Court in Odessa. All were charged with committing offences under section 294 of the Criminal Code. According to the Court's decisions, of the 47 detainees, 14 were placed in the Vinnitsa pretrial detention centre. Four of those, after appealing the Court's decision, were placed under house arrest and have since reportedly returned to Odessa. The remaining 33 individuals have been under house arrest as of 10 June 2014.

17. In September 2014, the investigation by the Ministry of Internal Affairs into the 2 May 2014 violence in Odessa was split into different criminal proceedings into (a) the mass riots on Grecheskaya Street; (b) the mass riots at the Trade Union House on Kulikovo Square; and (c) a single case against a pro-unity activist charged with voluntary homicide.

#### *Mass riots on Grecheskaya Street*

18. On 2 May 2014, 47 pro-federalism activists who had taken refuge in the Afina shopping centre were arrested by police special forces. Following the Court's decision, 10 were taken into custody, while 37 were placed under house arrest. According to section 181 of the Criminal Procedure Code of Ukraine, house arrest as a preventive measure cannot last more than 6 months. According to section 197 (3) (2) of the Criminal Procedure Code, the total duration of holding a person under custody in the course of pretrial investigation shall not exceed 12 months.

19. On 6 May 2014, Mr. Sergey Doljenkov (1988), the head of "Odesskaya Drujina" and one of the leaders of the pro-federalism movement, was arrested in Odessa and transferred to the Kyiv pretrial detention centre. He was charged with mass riots under section 294 of the Criminal Code and placed under custody as a measure of restraint.

20. On 24 September 2014, the pretrial investigation into the mass riots in the city centre was completed. As a result, 21 pro-federalism activists were charged with mass riots under section 294 of the Criminal Code and 13 suspects were put on a wanted list. An investigation against one of them was split into a separate proceeding for security reasons. Of the 20 accused activists, 9 have been in custody since 2 May 2014, including Messrs. Sakauov, Mefedov, Zibnytskyy, Kovshov, Sukhanov, Ilnytskyy, Korchynskyy, Romanyuk, and Dzubenko. Mr. Doljenkov has been in police custody since 6 May 2014. Despite numerous appeals by the defence lawyers to release the defendants, their detention has been extended by the Court several times at the request of the prosecution. The most recent

extension, for an additional 60 days of detention, was made on 23 May 2015 by the Malinovskyi District Court in Odessa. The source reports that all 10 detainees continue to be held in detention conditions below the minimum standards.

21. In November 2014, the indictment was transmitted to the Primorsky District Court for trial. However, the jurisdiction was moved to the Malinovskyi District Court, where, on 16 January 2015, during preliminary court hearings, lawyers for the defendants (mostly pro-federalism activists) drew attention to human rights violations and procedural omissions contained in the indictment. They included failure to provide Russian Federation citizens with a Russian translation of the indictment; failure to specify the action of each of the accused during the mass riots; failure to indicate information on the investigation conducted; and incorrect personal data of the participants in the trial. On 2 February 2015, the panel of judges of the Malinovskyi District Court returned the case to the General Prosecutor's Office for additional investigation to correct the errors made during pretrial investigation.

22. On 25 March 2015, the General Prosecutor's Office resubmitted a corrected indictment against 20 pro-federalism activists for organizing mass riots in the city centre to the Malinovskyi District Court. On 27 April 2015, during the preliminary hearings, owing to the numerous omissions and violations of the provisions of the Criminal Procedure Code, the Court ruled for the second time to return the indictment to the General Prosecutor's Office for revision and correction. The source asserts that, notwithstanding its own findings about violations of the due process standards by General Prosecutor's Office, the Court failed to release the detainees upon its two rulings to return the case for additional investigation.

23. On 14 May 2015, on the appeal of the General Prosecutor, the Appellate Court of Odessa region overruled the 27 April 2015 decision of the Malinovskyi District Court and ordered it to resume its consideration. On 23 May 2015, the trial panel of the District Court completed the preliminary hearings and decided to schedule the first trial hearing on 29 May 2015.

24. The source submits that, in January 2015, the Malinovskyi District Court began a separate proceeding under section 294 of the Criminal Code against a pro-federalism activist who was also arrested in the Afina shopping centre. His criminal case was separated for security reasons, because of his testimony against other pro-federalism defendants. His indictment was also returned to the General Prosecutor's Office for correction. It was not clear, however, if that defendant/witness remained in detention.

#### *Mass riots at the Trade Union House*

25. Late in the evening of 2 May 2014, 67 pro-federalism activists were arrested at the Trade Union House and transferred to the Odessa City Police Station, where they were detained for two days. On 2 and 3 May, all detainees were charged with voluntary homicide and mass rioting, under sections 115 and 294 of the Criminal Code, respectively. On 4 May 2014, at 5 p.m., the Odessa City Police Station was stormed by relatives and supporters of the pro-federalism detainees. All of the 67 detainees were released by police. It was not clear, however, whether the charges had been dropped against them.

26. On 22 April 2015, the First Deputy Prosecutor General of Ukraine reported that the investigation had found no evidence of the use of any toxic gases at the Trade Union House. He also reported that no evidence had been found of an intentional or planned arson attack. According to him, the fire had started from the inside. Allegedly, the people inside had thrown a Molotov cocktail to prevent their opponents from entering. The First Deputy Prosecutor General considers that the fire had been caused by the so-called chimney effect, and the deaths were attributable to carbon monoxide poisoning.

27. According to the source, since 2 May 2015, the General Prosecutor's Office had shown no significant progress in the investigation into the deaths of 42 persons at the Trade Union House. Moreover, according to the Head of the Investigation Team, the Ministry of Internal Affairs had not yet identified any suspects for the crime. The source asserts that the failure to conduct an effective investigation into the deaths of 42 opposition members at the Trade Union House, as opposed to the cases brought against the 20 pro-federalism defendants for mass rioting on Grecheskaya Street, demonstrates bias and the politically motivated attitude of the Government towards political opponents.

28. As an example of the politically motivated attitude of the Government towards the investigation into the 2 May 2014 events and bringing the perpetrators to justice, the source reports that, on 27 May 2014, a pro-unity activist was arrested for allegedly firing at the pro-federalism activists who had taken refuge in the Trade Union House. He had been accused under section 294 of the Criminal Code and transferred to Kyiv. On 29 May 2014, the Pecherskiy District Court in Kyiv placed him under house arrest as a preventive measure. On 15 February 2015, he died in Odessa hospital apparently of a respiratory disease. This death was highly suspicious, leading to the assertion that it had been faked and covered up to avoid justice.

29. On 19 August 2014, another pro-unity activist was arrested for allegedly beating pro-federalism activists who had jumped out of the burning Trade Union House, and was transferred to the Kherson pretrial detention centre. On 26 August 2014, the Kherson District Court placed him under custody as a preventive measure. On 30 August 2014, because of pressure from the pro-unity activists, the Kherson Court of Appeal region changed the preventive custody to a personal obligation not to leave Odessa without permission from the investigation department. On 9 February 2015, the criminal investigation against him was closed because of lack of evidence.

*Case against a pro-unity activist charged with voluntary homicide*

30. On 18 May 2014, a pro-unity activist was arrested and accused of firing at and injuring several people, including police officers, pro-federalism activists and journalists, on Grecheskaya Street on 2 May 2014. He was transferred to Kyiv and charged with voluntary homicide and mass rioting under sections 115 and 294 of the Criminal Code, respectively. On 21 May 2014, he was placed under house arrest in Odessa. In November 2014, the term of the house arrest expired. In April 2015, the Ministry of Internal Affairs completed the criminal investigation and, on 20 April 2015, transmitted the criminal case materials to the Primorsky District Court.

31. The source argues that the deprivation of liberty of Messrs. Doljenkov, Sakauov, Mefedov, Zibnytskyy, Kovshov, Sukhanov, Ilnytskyy, Korchynskyy, Romanyuk and Dzubenko is arbitrary and falls under categories II, III and V of the arbitrary detention categories referred to by the Working Group when considering cases submitted to it. In particular, their deprivation of liberty resulted from the exercise of fundamental rights protected by international law, in particular the rights to freedom of opinion and expression, political participation and association (category II). They were deprived of their liberty in violation of due process rights and in the absence of minimum detention conditions (category III). Furthermore, the source argues that they were arrested, detained and put on trial because of their political opinion, which was critical of and contrary to the Government. The source asserts that the failure of the Government to conduct an effective investigation into the deaths of 42 opposition members at the Trade Union House, and its failure to apply the same treatment to pro-unity suspects as the criminal cases brought against and detention of the 10 pro-federalism defendants for mass rioting on Grecheskaya Street, demonstrates its complete bias and politically motivated attitude towards its political opponents. Hence the deprivation of liberty of those individuals constitutes a violation of

international law for reasons of discrimination based on political or other opinion (category V).

*Response from the Government*

32. Although the response from the Government was received after the deadline, the Working Group decided to consider the information therein, in the best interest of the victims. In its response of the 30 July 2015, the Government of Ukraine informed the Working Group that, on 2 May 2014, mass disorder broke out in Odessa following clashes between fans of the football clubs Metalist Kharkiv and Chernomorets Odessa, with close to 500 aggressive, organized and armed persons shouting slogans about the federalization of Ukraine. The clashes left 48 dead and approximately 250 people injured; 18 of whom had gunshot wounds, which in six cases proved fatal (this took place on Grecheskaya Street).

33. In addition, during the fire at the Trade Union House, 42 persons died of carbon monoxide poisoning and falling from a height, as confirmed by the results of an investigation.

34. According to the Government, investigations into the events were being carried out by the investigation units of the Ministry of Internal Affairs and the Office of the Procurator-General, which were considering a number of issues.

35. It reported that the first matter was the improper discharge of duties by staff of the internal affairs agencies, who had failed to safeguard public order appropriately, which had resulted in mass disorder. That situation was being investigated by the Main Investigation Department of the Office of the Procurator-General.

36. The second part of the investigation was intended to identify the leaders of the mass disorder and those who had played an active part in it, carrying out attacks and using weapons and other means to inflict bodily harm. Those acts were being investigated as criminal incidents by the Ministry of Internal Affairs Main Investigation Department.

37. The third part of the investigation concerned establishing the cause of the fire at the Trade Union House that led to the deaths of 42 persons. That investigation was also being carried out by the Ministry of Internal Affairs Main Investigation Department.

38. The Ministry of Internal Affairs Main Investigation Department was handling a total of five criminal cases related to the events of 2 May 2014 in Odessa:

(a) Criminal case No. 12014160500003700 concerning evidence of offences committed by the leaders of the mass disorder and active participants in it, provided for in the Criminal Code in articles 294 (mass disorder), 115 (premeditated murder), 341 (seizure of State or public buildings or facilities), 345 (threats or violence against a member of the law enforcement agencies), 296 (hooliganism) and 194 (criminal destruction or damage to property);

(b) Criminal case No. 42014160100000154 concerning dereliction of duty by members of the State emergency services in Odessa Province when saving lives and extinguishing the fire during the events of 2 May 2014 in Odessa, and their failure to help persons whose lives were endangered, on the basis of evidence of criminal offences provided for in articles 135 (3) and 367 (2) of the Criminal Code;

(c) Criminal case No. 1201400000000263 concerning I.I. Astakhov, who was suspected of having committed criminal offences provided for in the following articles of the Criminal Code: 115 (2 (1), (6) and (9)), 15 (3), 190 (4), 194 (4), 263 (1), 294 (2) and 358 (3);

(d) Criminal case No. 1201400000000558 concerning A.V. Tananushko and A.A. Gliznutsa, who were suspected of having committed a criminal offence provided for in article 294 (2) of the Criminal Code;

(e) Criminal case No. 12014160500002190 concerning A.A. Fominov, A.V. Budko, I.M. Vinenko, E.A. Gurev, E.A. Shparaka, S.A. Kulta, A.V. Povar, E.Y. Antipov, V.S. Barbinov and A.I. Shabalin, who were suspected of having committed a criminal offence provided for in article 294 (2) of the Criminal Code, and concerning A.V. Davidchenko, who was suspected of having committed criminal offences provided for in articles 293 and 294 (2) of the Code.

39. During the pretrial inquiry with respect to criminal case No. 12014160500003700, investigating officers arrested 118 persons under article 208 of the Criminal Procedure Code: 47 in the Afina shopping centre; 64 in the Trade Union House; and 7 after the events of 2 May 2014. Non-custodial preventive measures were selected for 106 of the persons arrested.

40. With regard to the persons named, the Government wished to inform the Working Group that, on 3 May 2014, the Bilhorod-Dnistrovskiy regional department of the Ministry of Internal Affairs main office for Odessa province had arrested Oleksandr Dzubenko under article 208 of the Criminal Procedure Code, on suspicion of having committed a criminal offence provided for in article 294 (2) of the Criminal Code. On 5 May 2014, the investigating judge of Primorsky District Court ordered that Mr. Dzubenko be remanded in custody for 60 days as a preventive measure. On 2 July 2014, the investigating judge extended the period of his detention by 60 days, until 2 September 2014. A further order of 29 August 2014 extended the period of detention to 180 days, until 29 October 2014. The investigating judge's subsequent order, of 23 October 2014, further extended the period of detention until 1 December 2014.

41. Pavlo Kovshov was arrested on 3 May 2014 under article 208 of the Criminal Procedure Code by the Bilhorod-Dnistrovskiy regional department of the Ministry of Internal Affairs main office for Odessa province on suspicion of having committed a criminal offence provided for in article 294 (2) of the Criminal Code. On 5 May 2014, the investigating judge of Primorsky District Court ordered that Mr. Kovshov be remanded in custody for 60 days as a preventive measure. On 2 July 2014, the investigating judge extended the period of detention by 60 days, until 2 September 2014. A further order of 26 August 2014 extended the period of detention to 6 months, until 26 October 2014. The investigating judge's subsequent order, of 22 October 2014, again extended the period of detention, until 1 December 2014.

42. Sergey Korchynskyy was arrested on 2 May 2014 under article 208 of the Criminal Procedure Code by the Ovidiopol regional department of the Ministry of Internal Affairs, on suspicion of having committed a criminal offence provided for in article 294 (2) of the Criminal Code. On 5 May 2014, the investigating judge of Primorsky District Court ordered that Mr. Korchynskyy be remanded in custody for 60 days as a preventive measure. On 24 June 2014, the investigating judge extended the period of detention by 60 days, until 30 August 2014. A further order of 27 August 2014 extended the period of detention to 180 days, until 28 October 2014. The investigating judge's subsequent order, of 23 October 2014, again extended the period of detention, until 1 December 2014.

43. Vladislav Romanyuk was arrested on 2 May 2014 under article 208 of the Criminal Procedure Code by the Ovidiopol regional department of the Ministry of Internal Affairs on suspicion of having committed a criminal offence provided for in article 294 (2) of the Criminal Code. On 5 May 2014, the investigating judge of Primorsky District Court ordered that Mr. Romanyuk be remanded in custody for 60 days as a preventive measure. On 1 July 2014, the investigating judge extended the period of detention by 60 days, until

29 August 2014. A further order of 29 August 2014 extended the period of detention to 180 days, until 27 October 2014. The investigating judge's subsequent order of 22 October 2014 again extended the period of detention, until 1 December 2014.

44. Maksim Sakauov was arrested on 3 May 2014 under article 208 of the Criminal Procedure Code by the Bilhorod-Dnistrovskiy regional department of the Ministry of Internal Affairs on suspicion of having committed a criminal offence provided for in article 294 (2) of the Criminal Code. On 5 May 2014, the investigating judge of Primorsky District Court ordered that Mr. Sakauov be remanded in custody for 60 days as a preventive measure. On 3 July 2014, the investigating judge extended the period of detention by 60 days, until 3 September 2014. A further order of 27 August 2014 extended the period of detention to 6 months, until 27 October 2014. The investigating judge's subsequent order of 21 October 2014 again extended the period of detention, until 1 December 2014.

45. Oleksandr Sukhanov was arrested on 3 May 2014 under article 208 of the Criminal Procedure Code by the Ovidiopol regional department of the Ministry of Internal Affairs on suspicion of having committed a criminal offence provided for in article 294 (2) of the Criminal Code. On 5 May 2014, the investigating judge of Primorsky District Court ordered that Mr. Sukhanov be remanded in custody for 60 days as a preventive measure. On 2 July 2014, the investigating judge extended the period of detention by 60 days, until 1 September 2014. A further order of 22 August 2014 extended the period of detention to 6 months, until 20 October 2014. The investigating judge's subsequent order of 16 October 2014 again extended the period of detention, until 1 December 2014.

46. Volodymyr Zibnytskyy was arrested on 3 May 2014 under article 208 of the Criminal Procedure Code by the Bilhorod-Dnistrovskiy regional department of the Ministry of Internal Affairs on suspicion of having committed a criminal offence provided for in article 294 (2) of the Criminal Code. On 6 May 2014, the investigating judge of Primorsky District Court ordered that Mr. Zibnytskyy be remanded in custody for 60 days as a preventive measure. On 2 July 2014, the investigating judge extended the period of detention by 60 days, until 3 September 2014. A further order of 22 August 2014 extended the period of detention to 6 months, until 20 October 2014. The investigating judge's subsequent order of 17 October 2014 again extended the period of detention, until 1 December 2014.

47. Vladislav Ilnytskyy was arrested on 2 May 2014 under article 208 of the Criminal Procedure Code by the Ovidiopol regional department of the Ministry of Internal Affairs on suspicion of having committed a criminal offence provided for in article 294 (2) of the Criminal Code. On 5 May 2014, the investigating judge of Primorsky District Court ordered that Mr. Ilnytskyy be remanded in custody for 60 days as a preventive measure. On 27 June 2014, the investigating judge extended the period of detention by 60 days, until 25 August 2014. A further order of 20 August 2014 extended the period of detention to 6 months, until 20 October 2014. The investigating judge's subsequent order of 16 October 2014 again extended the period of detention, until 1 December 2014.

48. Sergey Doljenkov was arrested on 6 May 2014 under article 208 of the Criminal Procedure Code by the investigations department of the Ministry of Internal Affairs on suspicion of having committed a criminal offence provided for in article 294 (2) of the Criminal Code. On 8 May 2014, the investigating judge of Pecherskiy District Court ordered that Mr. Doljenkov be remanded in custody for 60 days as a preventive measure. On 1 July 2014, the investigating judge extended the period of detention by 60 days, until 29 August 2014. A further order of 28 August 2014 extended the period of detention to 6 months, until 24 October 2014. A subsequent order issued by the investigating judge of Primorsky District Court on 21 October 2014 again extended the period of detention, until 1 December 2014.

49. Evgeniy Mefedov was remanded in custody for a period of 60 days as a preventive measure by order of the investigating judge of Primorsky District Court on 6 May 2014. On 4 July 2014, the investigating judge extended the period of detention by 60 days, until 2 September 2014. A further order of 29 August 2014 extended the period of detention to 6 months, until 29 October 2014. The investigating judge's subsequent order of 28 October 2014 again extended the period of detention, until 1 December 2014.

50. Oleksandr Posmychenko (born in 1990) was arrested on 2 May 2014 under article 208 of the Criminal Procedure Code by the Ovidiopol regional department of the Ministry of Internal Affairs on suspicion of having committed a criminal offence provided for in article 294 (2) of the Criminal Code. On 6 May 2014, the investigating judge of Primorsky District Court ordered that Mr. Posmychenko be remanded in custody as a preventive measure for 60 days from the time of arrest, until 1 July 2014. On 27 June 2014, the investigating judge extended the period of detention by 60 days, until 25 August 2014. A further order of 21 August 2014 extended the period of detention by 60 days, until 20 October 2014. The investigating judge's subsequent order of 16 October 2014 again extended the period of detention by 46 days, until 1 December 2014.

51. All persons were arrested under article 208 of the Criminal Procedure Code either at the time of committing the offences or directly after committing the offences.

52. The Government stated that the Appeals Courts of Odessa province and Kyiv had considered and dismissed the repeated appeals lodged by the suspects and their lawyers against the choice of preventive measure and its extension.

53. Following their arrests, the suspects were transferred to the State prison service pretrial detention centres in Vinnitsa, Odessa and Kyiv. From September 2014, they were all transferred to the Odessa pretrial detention centre in Odessa province, where they were being held.

54. From 3 to 5 May 2014, Messrs. Ilnytskyy, Korchynskyy, Romanyuk and Sukhanov were held in a temporary holding facility of the Ovidiopol regional department, while Messrs. Dzubenko, Zibnytskyy, Kovshov and Sakauov were held in a temporary holding facility of the Bilhorod-Dnistrovskyy municipal department of the Ministry of Internal Affairs.

55. Thereafter, they were escorted by convoys from military detachment No. 3014, Odessa, to Vinnitsa province, where they were held at the temporary holding facilities of Chechelnyk regional department, Trostyanets regional department, Khmelnytskyi municipal department and Nemyriv regional department of the Ministry of Internal Affairs and Vinnitsa Correctional Facility No. 1.

56. On 30 September 2014, they were sent to Odessa Correctional Facility No. 21, where they remain, with the exception of Messrs. Romanyuk and Sakauov, who were transferred on 6 March 2015 to a pretrial detention centre at Odessa Correctional Colony No. 14.

57. Mr. Mefedov was held on 6 and 7 May 2014 in the temporary holding facility of the Odessa regional government department of the Ministry of Internal Affairs, and had been held in Odessa Correctional Facility No. 21 since 7 October 2014.

58. Mr. Doljenkov was held from 6 to 8 May 2014 in Kyiv in the temporary holding facility of the Ministry of Internal Affairs, and from 8 August to 7 October 2014 in the Kyiv pretrial detention centre. He had been held in Odessa Correctional Facility No. 21 since 8 October 2014.

59. The Government stated that, on the instructions of the Office of the Procurator-General, the procuratorial services of Kyiv, Odessa and Vinnitsa provinces had checked the

information contained in the message from the Chair and Rapporteur of the Working Group at the institutions in which the individuals were held.

60. It was established from the checks that all of the individuals were being held in custody on the basis of orders issued by Primorsky District Court; that the periods of detention had been extended repeatedly by the courts in line with the current Criminal Procedure Code; and that they had been transferred on the orders of the Ministry of Internal Affairs Main Investigations Department.

61. During their detention in the Ministry of Internal Affairs temporary holding facility and pretrial detention centres of the State penal correction service, no indications had been found of any violations of their rights to proper nutrition, everyday necessities and medical services or of the use of torture.

62. No violations had been found of the rights of the persons held under house arrest as a preventive measure during the criminal proceedings.

63. During his pretrial investigation, Mr. Doljenkov sent multiple complaints to the Office of the Procurator-General and the courts concerning the preventive measures taken against him, including what he described as unlawful detention and his transfer to Kyiv, but no grounds were found for the complaints.

64. The courts had repeatedly considered complaints by Mr. Mefedov and his counsel about the translation of documents for him into Russian and the delivery to him of copies thereof. Some of the complaints had been satisfied by the courts.

65. The suspects' detention was in no way linked to their political position. The pretrial investigation had not been carried out from a prejudicial or discriminatory point of view.

66. None of the rights of the suspects had been violated during their remand in custody, detention or conveyance to court, or in the selection of preventive measures. Under the Criminal Procedure Code, a suspect can be held in custody for no more than 12 months in the case of criminal proceedings relating to serious or especially serious offences.

67. On 24 November 2014, the Office of the Procurator-General approved a bill of indictment against 21 people (11 of whom were being held in custody) for the commission of a criminal offence provided for in article 294 (2) of the Criminal Code. The case was being considered by the Malinovskyi District Court. After sending the bill of indictment for consideration by the court, in accordance with article 315 of the Criminal Procedure Code, the court extended the measures for launching criminal investigations against the accused, with the result that their detention in custody had been extended for the period of the criminal proceedings.

68. During the pretrial investigation by investigators, individuals representing both adversarial positions had been held in detention.

69. Thus, on 26 May 2014, Nikolay Volkov (born in 1981) was detained by the Ministry of Internal Affairs Main Investigations Department in accordance with article 208 of the Criminal Procedure Code on suspicion of having committed a criminal offence provided for in article 294 (2) of the Criminal Code. Following his detention, Mr. Volkov was placed in the temporary holding facility in Kyiv of the Ministry of Internal Affairs.

70. By order of the investigating judge of Pecherskiy District Court, Mr. Volkov was placed under house arrest on 28 May 2014. However, on 27 February 2015, the criminal proceedings against him under article 294 (2) of the Criminal Code were suspended in accordance with article 284 (1 (5)) of the Criminal Procedure Code, in connection with the suspect's death.

71. On 18 May 2014, Sergey Khodiyak (born in 1981) was detained by the Ministry of Internal Affairs Main Investigations Department in accordance with article 208 of the Criminal Procedure Code on suspicion of having committed a criminal offence provided for in article 294 (2) of the Criminal Code. Following his detention, Mr. Khodiyak was placed in the Kyiv temporary holding facility of the Ministry of Internal Affairs.

72. By order of the investigating judge of Pecherskiy District Court, Mr. Khodiyak was placed under house arrest on 20 May 2014. On 22 April 2015, the Office of the Procurator-General approved and submitted to Primorsky District Court a bill of indictment alleging that Mr. Khodiyak had committed criminal offences provided for in articles 155 (2 (5) and (7)), 115 (2 (1), (5) and (7)), 294 (2) and 348 of the Criminal Code.

73. The judicial proceedings were still in progress. On 14 August 2014, a search warrant was issued for Vsevolod Goncharevskiy (born in 1967). On 14 August 2014, the Kherson District Court issued an order authorizing the detention of Mr. Goncharevskiy in connection with his appearance in court.

74. On 19 August 2014, Mr. Goncharevskiy was detained by the Ministry of Internal Affairs Main Investigations Department in accordance with article 208 of the Criminal Procedure Code on suspicion of having committed a criminal offence provided for in article 294 (2) of the Criminal Code. On 19 August 2014, the investigating judge of the Suvorov District Court ordered that he be remanded in custody as a preventive measure.

75. On 29 August 2014, the Kherson Court of Appeal province considered a complaint from Mr. Goncharevskiy's lawyer against the preventive measure of remand in custody. The complaint was dismissed. On 30 August 2014, the investigating judge of the Suvorov District Court ordered the preventive measure to be changed from remand in custody to release on his own recognizance.

76. During the pretrial investigation on 9 February 2015, the decision was taken to close the criminal case against Mr. Goncharevskiy, on the basis of article 284 (1 (3)) of the Criminal Procedure Code, after insufficient grounds had been found to prove the defendant's guilt in court and once all means of finding evidence had been exhausted.

77. The pretrial investigation into the criminal case was still open. The Office of the Procurator-General was also responsible for the procedural aspect of criminal investigations into the dereliction of duty by members of the State emergency services in Odessa province when saving lives and extinguishing the fire during the events in Odessa on 2 May 2014 and their failure to help persons whose lives were endangered, on the basis of evidence of criminal offences provided for in articles 135 (3) and 367 (2) of the Criminal Code. The investigations were being conducted by the Ministry of Internal Affairs Main Investigations Department.

78. The investigations had identified all of the officials who might have been accomplices to the offences. The main parties in the case had been questioned in the presence of pretrial investigation supervisors from the Office of the Procurator-General and the forensic expert, and the questionings had been recorded on video.

79. The Government states that the investigator had collected the necessary official documents and had viewed video recordings of the events in Odessa on 2 May 2014. Official investigations into the actions of officials of the main office of the State emergency services in Odessa province were conducted regularly.

80. Procedural decisions would be taken in relation to any official's action or inaction once the findings were received of an official interdepartmental and interdisciplinary commission on fire-related inquiries; a study of the oil-based products, combustibles and lubricants; and a health and occupational safety assessment. They were being conducted by

experts from the Ministry of Internal Affairs State Research Centre for Forensic Sciences and the Kyiv forensic investigations research institute under the Ministry of Justice.

81. A letter had been sent by the Office of the Procurator-General to the management of the State Research Centre for Forensic Sciences asking for the reports to be completed as soon as possible.

82. The pretrial investigations were ongoing. The Main Investigations Department of the Office of the Procurator-General was conducting the pretrial investigation into criminal case No. 201416000000186, which had been registered by the investigations department of the Office of the Procurator-General of Odessa province on 2 May 2014, with respect to the failure on that same day to take essential and exhaustive measures to guarantee the protection of public order during the demonstration by pro-unity supporters and the mass riots that occurred in Odessa because employees of the Ministry of Internal Affairs main office in Odessa province did not carry out their duties properly, resulting in fatalities, and thus serious consequences, with indications of an offence provided for in article 367 (2) of the Criminal Code.

83. Investigations into this case also concern:

(a) A negligent attitude to duties by officials of the Odessa Municipal Department of the Ministry of Internal Affairs, which led on 4 May 2014 to the seizure by the anti-Maidan movement of rooms of the regional administrative building of the main Ministry of Internal Affairs office of Odessa Province, also with serious consequences for State interests, and constituted an offence under article 367 (2) of the Criminal Code;

(b) Improper exercise of official authority by members of the Ministry of Internal Affairs main office in Odessa Province, leading to the release on 4 May 2014, in violation of legislation on criminal procedure, of 63 individuals who had been detained on 2 May 2014 for especially serious offences (Criminal Code, arts. 115 and 294) from the temporary holding facility of the regional government department. This also had serious consequences as it constituted an offence under article 365 (3) of the Criminal Code.

84. The criminal cases of 6 June 2014 were combined as case No. 4201416000000186.

85. On 13 May 2014, Mr. D. B. Fuchedzhi, the deputy chief and acting chief of the Ministry of Internal Affairs main office in Odessa Province (the chief of police) was informed that he was suspected of having committed offences under articles 365 (3) and 367 (2) of the Criminal Code. The charges related to the improper organization and coordination of forces and resources under his authority, which had been protecting public order as reserves in Odessa on 2 May 2014 during the mass riots at Grecheskaya Street, Kulikovo Square and around the Trade Union House that had led to the deaths of 48 people, and to the issuance of an order to release from the temporary detention facility of the regional government department of the Ministry of Internal Affairs 63 persons who had been detained as suspects in relation to the mass riots.

86. On 15 May 2014, a search warrant was issued for Mr. Fuchedzhi, with the State security service responsible for the search. On 16 May 2014, the investigating judge was granted authorization to detain Mr. Fuchedzhi so as to ensure his attendance during consideration of the appeal for a preventive measure to be used.

87. On 17 October 2014, the criminal proceedings regarding Mr. Fuchedzhi became a separate case.

88. On 9 January 2015, the General Secretariat of the International Criminal Police Organization (INTERPOL) denied the request for an international search warrant for Mr. Fuchedzhi on the grounds of article 3 of the Organization's constitution (i.e., that the prosecution was political in nature). A pretrial investigation into the case was stopped, in

accordance with article 280 (1 (2)) of the Criminal Procedure Code, owing to concealment of the suspect's whereabouts from the investigating bodies.

89. Furthermore, criminal case No. 4201416000000186 was split into separate criminal cases concerning:

(a) Mr. A. A. Netrebskyi, the former chief of the Odessa Municipal Office of the Ministry of Internal Affairs, under article 367 (1) of the Criminal Code, for dereliction of duty resulting in the seizure of the administrative building of the State police department, and article 365 (1) of the Criminal Code, for acting outside the scope of his powers and abusing his official authority by releasing detainees from the local authorities' temporary holding facility;

(b) Mr. V. P. Pryima, the former chief of the regional government's temporary holding facility of the Ministry of Internal Affairs main office in Odessa Province, and Mr. R.V. Kondratov, the former inspector on duty at the facility, under article 365 (1) of the Criminal Code, for unlawfully acting outside the scope of their powers and abusing their official authority by releasing detainees from the facility.

90. Following the preliminary investigations on 27 October 2014, bills of indictment concerning Messrs. Netrebskyi, Pryima and Kondratov were transferred to the Primorsky District Court for the merits to be considered. The trial was ongoing.

91. In criminal case No. 4201416000000186 of 30 April 2015, it had been reported that Mr. P. S. Lutsyuk, the former chief of the Ministry of Internal Affairs main office in Odessa Province, was suspected of having committed an offence under article 367 (2) of the Criminal Code. The Government confirmed that the actions of middle management at the internal affairs agencies would be assessed once investigations had been completed and evidence had been collected.

*Further comments from the source*

92. The response from the Government was transmitted to the source on 17 August 2015.

93. The source informed the Working Group that the mass disorder in the centre of Odessa on 2 May 2014 had consisted of clashes between pro-unity supporters and fans of the football clubs Metalist Kharkiv and Chernomorets Odessa and pro-federalism supporters.

94. The source alleges that the response of the Government of Ukraine places the emphasis only on the role of pro-federalism supporters and does not pay attention to the role of pro-unity supporters involved into the clashes. In its opinion, both sides of the conflict had been wearing helmets and masks, had been armed with shields, axes, wooden/metal sticks and in some cases firearms, and had participated intensively in the clashes. Furthermore, of the 48 victims of the 2 May violence, 46 had been supporters of the pro-federalism movement.

95. The Government of Ukraine informed the Working Group about five criminal cases related to the events of 2 May 2014 in Odessa. The source stated that, in 2014, criminal case No. 12014160500003700 had been divided into several separate cases. It should be underlined that the majority of the criminal cases initiated by the Ministry of Internal Affairs had been opened against pro-federalism activists and supporters. Furthermore, of the 118 suspects detained in relation to case No. 12014160500003700, 115 belonged to pro-federalism supporters. Only three persons had been pro-unity activists.

96. In its response, the Government of Ukraine did not provide any detailed information in relation to the apprehension of Messrs. Sakauov, Sukhanov, Zibnytskyy, Ilytskyy,

Posmychenko, Dzubenko, Kovshov, Romanyuk or Korchynskyy. In addition, the response of the Government of Ukraine contained inaccuracies regarding the date of the detention of those individuals. According to the source, all of them had been detained in the Afina shopping centre on 2 May 2014, while the Government reported that Kovshov, Sakauov, Sukhanov and Zibnytskyy had been detained on 3 May 2014. By mentioning an incorrect time of detention, law enforcement could have violated the due process rights of the detainees, namely, their rights to have access to legal aid and not to be held in custody without a court ruling for more than 72 hours.

97. In its response, the Government did not provide information concerning allegations of violations of due process rights and the absence of minimum detention conditions with regard to the pro-federalism detainees who had been detained on 2 May 2014 and transferred to Ovidiopol and Bilhorod-Dnistrovskyyi police precincts. The source alleges that the Government failed to ensure the right to a fair trial and to minimum detention conditions for all 47 individuals detained in the Afina shopping centre. Detainees' relatives had not been informed in a timely manner about the detention and whereabouts of the suspects (incommunicado detention); the detainees were not provided with a sufficient number of legal defenders by the State Legal Aid Centre; Ovidiopol and Bilhorod-Dnistrovskyyi police precincts did not have adequate space for the 47 detainees to meet the minimum detention conditions for all of them; the detainees were not provided with food and water on a regular basis. In addition, the Government of Ukraine did not comment about the allegations of human rights violations during the transfer of the detainees from Ovidiopol and Bilhorod-Dnistrovskyyi police precincts to Vinnytsia region on 4 and 5 May 2014, which took more than 12 hours, during which time the detainees received no food or water, and were not given access to sanitation facilities or sufficient medical care.

98. Contrary to the statement by the Government, the source alleges that Yevhen Mefedov was detained on 2 May 2014 at about 11 p.m. near the Trade Union House. At the same time, according to the response of the Government, 64 persons were detained at the House, while on 4 May 2014, only 63 of the persons detained in relation to the 2 May violence were released illegally from the Odessa police temporary detention facility. This information may confirm the fact that, at first, Mr. Mefedov had been detained and taken to the Odessa police temporary detention facility. Later, owing to his bad health condition, he was taken to the hospital by ambulance. During the medical treatment in the hospital (on 2 to 6 May 2014) he was guarded by security service officers. Therefore, he was detained on 2 May 2014, not on 6 May, as the Government states in its response. Furthermore, on 6 May 2014, security service investigators came to interrogate Mr. Mefedov and, contrary to his doctor's recommendations, took him from the hospital and transferred him to the court. Therefore, Mr. Mefedov's right to a fair trial was violated by the security service.

99. The Government of Ukraine informed the Working Group that Sergey Doljenkov had been detained by police on 6 May 2014, under article 208 of the Criminal Procedure Code,<sup>2</sup> which allows the detention of a person without a court warrant immediately after committing a crime, on charges of taking part in the mass disorder during the 2 May violence. Given the fact that he was detained four days after the events, the detention of Mr. Doljenkov should have been sanctioned by a court's decision. Furthermore, the response of the Government did not specify Mr. Doljenkov's health status, i.e., that he received an

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<sup>2</sup> According to article 208, a competent official has the right to apprehend an individual suspected of committing a crime punishable by imprisonment, without a ruling by an investigating judge or court, only in cases where: (a) the person was apprehended upon committing the criminal offence or attempting to commit it; (b) immediately after the crime, an eye witness, including the victim, or the individual's body or clothing, or the scene indicates that the individual had just committed the crime.

injury during the 2 May violence and was not given adequate medical care after his detention and during his transfer from Odessa to Kyiv.

100. The Government of Ukraine did not inform the Working Group that all persons detained in relation to the cases on the 2 May violence were pro-federalism supporters. On 16 September 2014, separate criminal cases against Sakauov, Sukhanov, Zibnytsky, Ilnytsky, Posmychenko, Dzubenko, Kovshov, Romanyuk, Doljenkov, Mefedov and Korchynsky (held in custody since May 2014) and 10 other pro-federalism activists were combined into one criminal case, No. 1201400000000380, for mass disorder in the city centre, and transferred to the Primorsky District Court of Odessa. In contrary to this, none of the pro-unity activists who had been involved into the clashes in the city centre has been charged for participating in the clashes during the 2 May violence.

101. Owing to high political pressure, the indictment on criminal case No. 1201400000000380 was transferred to the Malinovskyi District Court of Odessa. The court trial against Sakauov, Sukhanov, Zibnytsky, Ilnytsky, Dzubenko, Kovshov, Romanyuk, Doljenkov, Mefedov and Korchynsky, as well as the separate case against Posmychenko, are still ongoing.

102. The response of the Government did not mention that the criminal court trial of Sergey Khodiyak that started on 23 June 2015 had been violently disturbed by pro-unity activists, mostly men, many in paramilitary uniform. The pro-federalism supporters and relatives of the victims of the 2 May violence, mostly women and elderly people, had been violently prevented by pro-unity activists from attending the hearings.

103. Regarding the Viacheslav Honcharevskyi case, the response of the Government did not mention that the measure of restraint applied to Mr. Honcharevskyi was changed on 30 August 2014, under high pressure on the panel of judges from pro-unity supporters. On 3 July 2015, following an appeal filed by victims on 17 February 2015, the Primorsky District Court of Odessa overturned the decision of the General Prosecutor's Office and resumed criminal investigation. At present, the criminal case against Mr. Honcharevskyi was still ongoing without essential progress.

104. During the 2 May court hearings, the source alleges that numerous violations of the right to a fair trial were committed. The court trials relating to the 2 May violence were neither objective nor impartial. From May to July 2015, the judges received pressure from the pro-unity movement. In addition, the source claims that a comparison between the above-mentioned criminal cases reveals the biased attitude of the Government towards pro-federalism activists. In particular, 10 pro-federalism defendants — Sakauov, Sukhanov, Zibnytsky, Ilnytsky, Posmychenko, Dzubenko, Kovshov, Romanyuk, Doljenkov, Mefedov and Korchynsky — had been held in custody for more than a year without proper evidence of their guilt while, regarding the pro-unity suspects, the courts had chosen to apply only non-custodial measures of restraint.

105. Criminal case No. 1201410000000154 concerning the negligence of fire brigade officials had been launched only on 16 October 2014. More than a year after the 2 May violence, the criminal investigation remained inadequate with poor progress over the reporting period.

### **Disposition**

106. The Working Group observes that submissions from the source and from the Government are not contradictory in nature as far as the facts are concerned. Therefore, detentions of numerous persons resulted after the clashes between groups during the mass disorder in Odessa on 2 May 2014.

107. The Working Group notes that the information received has not been sufficiently substantiated to enable it to take adequate action in the present case regarding the arbitrariness of the detention of Messrs. Sakauov, Mefedov, Zibnytsky, Kovshov, Sukhanov, Ilnytsky, Korchynsky, Romanyuk, Dzubenko and Doljenkov.

108. In the light of the preceding, the Working Group on Arbitrary Detention does not possess enough information for a conclusion, and therefore decides to file the case without prejudice.

*[Adopted on 26 August 2016]*

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