

Maidan Massacre Trial Verdict Selected Excerpts Confirming False-Flag Massacre (English Google Translation)

Case category No. 759/3498/15-k: Criminal cases (until 01.01.2019); Crimes against the life and health of a person; Premeditated murder.

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SVIATOSHYN DISTRICT COURT, M. KYIV

Univ. No. 759/3498/15-k avenue No. 1-kp/759/1/23

SENTENCE

IN THE NAME OF UKRAINE

[...]

According to the investigated jury in the court session on January 24, 2019 at the request of the defense in compliance with the procedure for opening additional materials (Part 11 of Article 290 of the Criminal Procedure Code of Ukraine) a video recording of the BBC television company entitled "INFORMATION_178" (disk No. 1 - item 171 a. 163), the last one shows a law enforcement officer in a black uniform with a white inscription "Berkut" on the back, with yellow bandages on both hands and with a motionless bone of the right hand in a black leather glove, firing from an automatic weapon from the left hand from behind a tree in the alley in the direction of the October Palace, as well as by other law enforcement officers in the same direction and in the same equipment (from 03 min. of the recording), as well as in the premises of the Conservatory, activists were recorded with objects that, by their obvious external signs, can be perceived as hunting firearms rifles and a Kalashnikov assault rifle (04 min. 44 and 59 sec. of the recording), the visibility of the area from the position of the Conservatory colonnade (from 06 min. 37 sec. of the recording), in particular, the area around the Stela of Independence, the flower clock, in front of the left wing of the October Palace is recorded. Also, this video captures the shelling from the side of the Ukraina Hotel building of the film crew of BBC journalists (a single shot is heard) (from 09 min. 34 sec. of the recording), and in the premises of the Ukraina Hotel, an activist is

recorded with an object that, by its obvious external appearance signs can be perceived as a pistol-type firearm (10 min. 26 sec. recording). BBC journalists recorded in the area of St. Khreshchatyk of the equipment of individual "Maidan" activists, who moved in an organized formation and wore helmets and bulletproof vests, protective armor on their legs and arms, held shields, sticks, batons, bats, metal rods in their hands (from 14 min. 53 sec. of the recording) .

During the investigation of this video, the defense drew the court's attention to the use in this story of photographs of armed activists by the photographer OCOBA_2816, who was questioned during the pre-trial investigation and which is consistent with the credits on the video itself (from 05 min. 10 sec.). The mentioned remarks of the defense additionally confirm the conclusions of the court about the authenticity of other photo materials of the specified person, the analysis of which was provided earlier.

The jury, after hearing the opinion of the trial participants, evaluated the video recording provided by the defense in the context of the indictment as documented information from the activist-controlled building of the Ukraina Hotel in Kyiv about the targeted use by the activists of objects that, by their external features, are clearly similar to firearms, weapons of the type of hunting weapons, which are incompatible with the concept of forms and means of a peaceful protest action.

According to the investigated jury in the court session on January 24, 2019, at the request of the defense in compliance with the procedure for opening additional materials (Part 11 of Article 290 of the Criminal Procedure Code of Ukraine), a video recording called "Itele - Kalashnikov in hotel Ukraine" (disk No. 1 - vol. 171 a. 163), on the latter in the premises of the hotel "INFORMATION_161", a public figure - a former People's Deputy PERSON_834 - was recorded among the activists, who provides passage for activists holding objects that, by their obvious external signs, can be perceived as firearms such as a Kalashnikov assault rifle and a hunting rifle (21, 25 sec. of the recording).

The jury, after hearing the opinion of the participants in the process, evaluated the video recording provided by the defense in the context of the indictment as documented information from the building of the Ukraina Hotel in Kyiv, controlled by the activists, about the presence among the activists of the "Maidan" of objects that, by their external features, are clearly similar to firearms, which is incompatible with the concept of forms and means of a peaceful protest.

According to the investigated jury in the court session on January 24, 2019 at the request of the defense in compliance with the procedure for opening additional materials (Part 11 of Article 290 of the Criminal Procedure Code of Ukraine) a video recording entitled "RT correspondent recalls sniper-fire experience in Kiev, Ukraine" (disk No. 1 - vol. 171 a. 163), on the last one in the premises of the "Ukraine" hotel, activists were recorded with objects that, based on their obvious external features, could be perceived as firearms such as hunting rifles and a pistol (from 12 seconds of the recording), recorded shots from this weapon from the depth of the room through the open window of the hotel, in which there is also a video camera on a tripod, as well as separately entering (into the room) gunshot damage on the windows of the hotel, which were later examined by the investigator and look out towards Maidan Nezalezhnosti (from 01 min. 30

seconds of recording). Also, he draws attention to the fact that the journalists are on the street. Instytutskaya near the building of the Ukraina hotel and record the events practically between the law enforcement officers who were retreating down the alley and the activists who were following them near the October Palace, these journalists are not attacked from any side.

The jury, after hearing the opinion of the trial participants, evaluated the video recording provided by the defense in the context of the indictment as documented information from the activist-controlled building of the Ukraina Hotel in Kyiv about the targeted use by the activists of objects that, by their external features, are clearly similar to firearms, weapons of the type of hunting weapons, which are incompatible with the concept of forms and means of a peaceful protest action.

Yes, at the level of rumors and conversations from other people's words about the sector of shooting from the hotel "INFO_161", the victims PERSON_495 , PERSON_496 , PERSON_241 , PERSON_503 , PERSON_1000 , PERSON_232 , PERSON_1173 , PERSON_336 , PERSON_894 , PERSON_894 reported BA_998, PERSON_985, PERSON_2202. Victims PERSON_510, PERSON_970 believed that they saw bursts of shots or corresponding movement in the windows of the hotel. They believed that they saw the consequences of shooting from the hotel in the form of wounded activists, victims PERSON_687, PERSON_2040, PERSON_2204. Victims PERSON_481, PERSON_511, PERSON_2084, PERSON_950 stated that they directly saw the shooting from the "Ukraine" hotel or the victims of it. Both the victim PERSON_930 and the victim PERSON_223 believed that each of them separately received a wound in the lower limb by a shot from a gun from the right, from the area of the "Ukraine" hotel. Objective data on gunshot wounds at the "INFORMATION_161" hotel were obtained based on the results of the trial on the episodes of the death of PERSON_1849 and the injury of PERSON_920.

The indicated data are quite sufficient to draw a categorical conclusion that on the morning of February 20, 2014, persons with weapons from which the shots were fired were in the premises of the "Ukraine" hotel.

PERSON_921

Secondly, PERSON_921's testimony that he received a wound in the back from the "Ukraine" hotel, in addition to being categorical and not assumptions, is confirmed by the very circumstances of the events, when prior to that, firing from this sector was recorded, not only by visualizing the traces of a shot on tree, but also by the documented joint reaction of persons who were potentially in the affected area.

a) at 9 a.m. between 43 min. 15 sec. and 44 min. 16 sec. from a firearm, a penetrating gunshot wound to the chest, which is a serious bodily injury, the wound channel is directed from the back to the inside, at the time of this injury PERSON_922 was facing the back surface of the body towards the source of the shot and the hotel "Ukraine";

The connection between the gunshot wounds of the chest, right shoulder and forearm found in the victim PERSON_921 with the actions of law enforcement officers, and even more so the accused, has not been established within the scope of this proceeding.

PERSON_1770

Within the scope of this court proceeding, admissible data on the infliction of such injuries on the victim was not obtained by the accused. Moreover, fatal gunshot wounds to the body (chest and abdomen) were received by PERSON_1770 from the side of the hotel "INFORMATION_161" and the area in front of it, which were not under the control of law enforcement agencies, and hence the involvement of the accused and RSP fighters in them, and as a result, the death of the victim, is excluded.

5.4.84. According to the episode of wounding PERSON_453.

The prosecutor's arguments that at 18 sec. In the indicated video, the original bullet damage to the tree was recorded, i.e., they shot in the direction of the "Ukraine" hotel, since the other has not been determined by an expert, the court assesses critically. On the contrary, the lack of an appropriate expert study makes irrefutable the doubt on the indicated question, which was expressed by the defense, referring to the characteristic signs of this recorded damage precisely as an entrance one (insignificant size, no falling out of tree bark elements on the outside, accentuation of the activists' attention on the source of this shot to the side building of the hotel "INFORMATION_161"), and therefore the court interprets them in favor of the accused. At the same time, the court takes into account the testimony of the victim PERSON_921, who was also in the mentioned group of activists and was wounded in the back precisely from the hotel "INFORMATION_161", objective information about the fatal wound in the neck from the same group of the victim PERSON_1849 precisely from the upper floors of the "Ukraine" hotel, these data make the defense position even more justified.

Thirdly, the direction of the wound channel in height from top to bottom at an acute angle established by the expert, combined with the data on the lack of information about the passage of the bullet through the obstacle, is objectively consistent with the possibility of such a "clean" shot from the upper floors of the "Ukraine" hotel (see ., e.g. photo No. 37-40 of the appendices to the protocol of the investigative experiment dated July 2, 2014 (vol. 134 a. 50-51), on the other hand, obviously does not agree with the version of the bullet ricocheting from below the ground, i.e. from the opposite side.

Due to the lack of information, the incompleteness or contradictory nature of the submitted data, the involvement of law enforcement officers has not been proven, and other unknown persons cannot be ruled out for the following episodes: the dead PERSON_487, PERSON_488, PERSON_489, PERSON_490, PERSON_491, PERSON_492, PERSON_493, PERSON_494; wounded PERSON_495 , PERSON_496 , PERSON_497 , PERSON_498 , PERSON_499 , PERSON_500 , PERSON_501 , PERSON_502 , PERSON_503 , PERSON_223 , PERSON_504 , PERSON_222 , PERSON_505 , PERSON_506 , PERSON_507 , PERSON_508 , PERSON_509 , PERSON_510 , PERSON_263 , PERSON_511 - that is, in 28 cases out of 128 episodes. Regarding the victims PERSON_488 and PERSON_2190, neither the place nor the time of their injury on February 20, 2014 was established, and regarding the victim PERSON_2182, there were reasonable doubts that he was injured in the circumstances reported by him on February 20, 2014.

PERSON_489

Within the scope of this court proceeding, data on the involvement of law enforcement officers in such an injury to the victim, and even more so the accused, have not been established. The gunshot wound was inflicted on PERSON_1852 from the direction of the "Ukraine" hotel, that is, from the territory that was not controlled by law enforcement agencies at that time. This shot was aimed at a crowd of people.

PERSON_494

Within the scope of this court proceeding, taking into account the data on the position of PERSON_494's body at the time of injury in space (forward towards the top of Instytutaska St.) and the direction of the wound channel, data on the involvement of the deceased RSP employees and the accused in such an injury, in particular, was not obtained, since shooting the victim from front to back, from right to left and significantly from top to bottom from the building of the Ukraina hotel is not excluded based on such input data. .

PERSON_487

Within the scope of this court proceeding, data beyond a reasonable doubt about the involvement of the injured law enforcement officers, including the RSP and the accused, in such an injury, was not obtained.

PERSON_488

Within the scope of this court proceeding, data on the involvement of any specific persons, including employees of law enforcement agencies, in such an injury have not been established by the submitted evidence.

PERSON_490

The evidence presented in its totality clearly indicates that PERSON_490 on February 20, 2014, in a small period of time until 09:00 a.m. 02 min., being in the city of Kyiv on Instytutska Street in the area of the bridge across it, during the escalation of the confrontation between "Maidan" activists and law enforcement officers with the use of firearms, he received a fatal chest wound. Within the scope of this court proceeding, the investigation of data on the involvement of law enforcement officers in such an injury, and even more specifically the accused, did not yield admissible evidence.

PERSON_491

As for the third version, which the defense insisted on, although it is also not absolutely proven, the following objective data testify in its favor.

Under such circumstances, the court is deprived of the opportunity with the presented evidence to refute the doubts of the defense about the possibility of PERSON_491 being injured by a hunting weapon as a result of the ricochet from the body of the blue police water cannon, since the deceased had no other obstacles in front of him on the left side (shield, fences, etc.) at the time of his injury.

The prosecution's analysis of the prosecution's evidence submitted to the court during the trial and in court debates for this episode does not refute the court's conclusions.

As for the employees of the RSP, their stay in the gray service bus, which at the time of the injury of PERSON_883 was moving leisurely from the central entrance of the October Palace to the site in front of the Cinema Palace, is directly documented on the video entitled "Cartech PERSON_1189" (Verbatim DVD+R disc with the inscription " PERSON_2867 06/21/2018" - vol. 140 a. 22), which excludes even the assumption that the specified persons were involved in the injury of PERSON_1225. In addition, according to the already mentioned video "The Height of October" (2nd edition). Part 2 0853-1100 (20.02.2014)" (flash medium - vol. 90 a. 40), only starting from 09:00 a.m. 03 min. 05 sec. (screens 2/3 and 2/4) for the first time, the actions of armed RSP fighters in black uniforms with yellow headbands are recorded, firing from special equipment - Fort-500 rifles near the right corner of the October Palace building.

The above-mentioned evidence in its totality and comparison with all the evidence indicate that PERSON_491 on February 20, 2014 at 09:00. 00 min. 37 sec., being in the city of Kyiv on the sidewalk on the right side of the street. Instytutska, if you move in the direction of Khreshchatyk metro station, behind the pedestrian bridge (distance 19.5m) before entering the parking lot of the Ukraina hotel, during the escalation of the confrontation between Maidan activists and law enforcement officers with the use of firearms, received one (as a result of one shot) blind gunshot (cartridge) wound to the head, which is a serious bodily injury, as a result of which he died. An entrance gunshot wound in the left temporal area with a diameter of 0.6-0.7 cm at a height of 165 cm from the soles of the feet, a wound channel up to 3.5 cm long goes from the back to the front, from left to right, somewhat from top to bottom, which ends with fragments of a firearm projectile (carchet), which were deleted. At the time of injury, the victim was turned with the left side of the head towards the muzzle of the weapon.

Within the scope of this court proceeding, data on the involvement of law enforcement officers in such an injury of the victim beyond a reasonable doubt was not obtained. The version of the defense about the possibility of injury to PERSON_491 as a result of a ricochet from the left side of the blue police water cannon as a result of a shot from a hunting rifle by third parties has not been refuted .

PERSON_492).

- only after the events recorded in photo No. 1, PERSON_492 will address the activists on the stairs, that is, he will look in their direction with an obvious turn of the head to the right, approach them and call them to action with the movements of his right hand (04 min. 47 - 49 sec. . record "00582"), one second later he will fall down, struck by a bullet in the head with the direction of the wound channel from front to back - directly in front of the victim at this moment, objectively, was the Conservatory, and to the left - the hotel "Ukraine", based on the map used by the commission of experts area, not to mention the top of the street. Instyutskaya or the square in front of the central entrance to the October Palace in general, which were even much further to the left (this is clearly visible in the photo submitted by the representative of the victim from the place of injury PERSON_778 "PERSON_1305_2" on flash media - vol. 162 a. 157), which according to established forensic medical the data made it impossible to fire from the indicated area, including the one on which the armed RSP fighters highlighted by the prosecutor were recorded (screen 4/1, video "October Height" (2nd edition). Part 2 0853-1100 (20.02.2014)", 17 min. 40 sec. of the recording), in the direction from front to back relative to the head of PERSON_778;

- the prosecutor's further attention to the actions of the armed fighters of the RSP near the central entrance to the October Palace lost its meaning within the scope of this episode due to the lack of data on the presence of such persons in the area of the sector from which a fatal shot to the head of PERSON_1313 could have been fired, instead, the defense's version about the possibility of shot at PERSON_1312 from the building of the Conservatory is not only not refuted by the evidence provided, but also agrees with the data about the presence of unidentified persons on the balconies of the Conservatory (screens 3/2 and 3/3, video "Height of October" (2nd edition) . Part 2 0853-1100 (20.02.2014)", starting from 17 min. 49 sec. of the recording, or astronomical time 09 h. 10 min. 22 sec., i.e. 11 seconds after PERSON_778 was injured), as well as information about the specified area with a clear fixation from the specified place in the specified direction of the Conservatory building, which contains the photograph examined by the jury in the episode of the death of PERSON_494 during the interrogation of the witness PERSON_1314 (vol. 219 a. 53).

PERSON_493

Thus, the jury takes into account that PERSON_493, a few seconds before his fatal wound, together with other bystanders, watched the windows of the "Ukraine" hotel, his left side being conditionally turned towards the snow barricade, which was located higher up the Institut ska street, and this attention, united by joint observation of the source of possible danger, did not stop on the part of all observers even after the injury of PERSON_1708, when he was already lying on

the asphalt. Therefore, it absolutely cannot be ruled out that at the time of his injury PERSON_493, together with all the other activists, continued to be facing the direction of the Hotel "Ukraine", and his back - to the left part of the facade of the October Palace. At the same time, there are no signs of movement of PERSON_1708 from his place of stay before the wounding, therefore, and the assumption of his possible reversal of the corps in the direction of the October Palace remains unsupported by anything. Of course, PERSON_493 could have been wounded under the circumstances when he could have turned sharply at the call, and therefore again returned to the front of the building of the October Palace, near which there were many activists. However, the submitted evidence did not confirm even the possibility of the existence of such versions of the specified exclamation on the video, in which from 33 to 44 sec. PERSON_493 is missing and was not interrupted at that moment, not recorded. At the time of the injury, PERSON_493 was turned to the left towards the top of the street. Instyutskaya, and with his back to the left part of the facade of the October Palace, while his right shoulder joint was facing the source of the shot.

Within the scope of this court proceeding, data beyond a reasonable doubt about the involvement of the injured law enforcement officers, including the RSP and the accused, in such an injury, was not obtained .

Data on the treatment of PERSON_1483 in KMKL No. 10 with the indicated diagnosis in the period from February 20 to 25, 2014, and in the Volyn Regional Hospital from February 25 to March 21, 2014, are confirmed by the extract from his medical history No. 207728, KMKL certificate No. 10 about the cost treatment and certificate of the Volyn Regional Hospital No. 1091/2-10.15 dated June 2, 2015 (vol. 166 a. 45-46, 125, 144-145).

According to search documents, the victim systematically avoided appearing before the investigator, his location and means of communication changed (vol. 166 a. 72-90), and he did not want to come to court. It should be noted that the victim associated himself as the bearer of information about the snipers in the windows of the "Ukraine" hotel, but the court is deprived of the opportunity to verify this data, and therefore use it in any way during the adoption of this verdict.

As can be seen from the written statements of PERSON_1483 dated May 11 and 17, 2014 (item 166 a. 34, 44, 57), the latter initially asked not to open criminal proceedings due to the fact of his injury, stated his lack of desire to support private prosecution and claims against anyone because of his injury, and then asked to be recognized as a victim due to a gunshot wound to the thigh during protest actions in the city of Kyiv.

According to the data in the appendix to the protocol of the interrogation of the victim PERSON_1483 dated May 17, 2014 in the form of a map of the area (item 166 a. 64), the place of his injury is marked on the area on the alley that leads from the October Palace to the carriageway of Instyutska Street, almost opposite the nearest to the entrance of the "Khreshchatyk" metro station, at the corner of the building of the "INFORMATION_161" hotel.

According to the court-examined jury report of the investigation experiment dated October 16, 2015 and its appendices (photo, map of the area, video recording) (vol. 166 a. 91-97) in the morning, approximately 10 o'clock, on February 20, 2014, PERSON_1429 was moving in the dark clothes in a group of activists past the October Palace along the alley in the direction of the carriageway of St. Instytutskaya, while chasing armed law enforcement officers in black uniforms with yellow bandages, who were shooting back. Being a little further than it is shown in the diagram, namely, almost at the edge of the alley in front of the last tree on the right in a semi-squatting position, with the front part of the body turned towards the left edge of the snow barricade, he received a bullet wound from right to left in the right thigh (record at 09 min. 23 sec.). After being wounded, the victim hid behind a tree and eventually crawled to the October Palace on his own, where he was given first aid. A 5.45 mm bullet from the protective equipment on the leg was recovered by doctors at the KMDA, its further fate is unknown.

Within the scope of this court proceeding, admissible data on the infliction of such injuries on the victim by the RSP employees and the accused were not obtained

Thus, as was established by the results of the court proceedings, on February 20, 2014, in the period from 05:00 a.m. 30 min. until 9 a.m. unidentified persons used firearms to attack law enforcement officers, as a result of which 3 law enforcement officers were killed, and another 39 received gunshot wounds. A shot from a rifle in the direction of a law enforcement officer indicates that the accused began to implement the intention to kill such employees - the Supreme Court also drew attention to this (ruling dated 08.11.2022 in case No. 446/838/21, source: <https://reyestr.court.gov.ua/Review/105774898>). Responding to the situation, which as of 8 a.m. 30 min. formed in the epicenter of the confrontation, individual units and groups of law enforcement officers began to independently and spontaneously leave their positions, which caused a further massive and disorganized retreat of law enforcement officers as a whole. Taking advantage of these panicked actions of the law enforcement officers, the activists also spontaneously and en masse went beyond their barricades and began to chase and attack the law enforcement forces with the use of "Molotov cocktails". In this way, the activists advanced up the street. Instytutskaya behind the bridge above it, the positions of law enforcement officers at the intersection of St. Instytutska and Khreshchatyk near building No. 7/11 (Ukrkoopspilka), forcing one part of them to flee down the stairs to the October Palace, and the other - in the direction of European Square. In the future, the activists also took under their control the nearest to the street. Khreschatyk (left) entrance to the building of the October Palace and approached the central entrance to it.

The explanations of the victims PERSON_1247, PERSON_282 and PERSON_924 had another relevant factual basis, they are consistent with the testimony of prosecution witnesses PERSON_2120, PERSON_1536, PERSON_1526, PERSON_2575, "PERSON_3025" (SBU), PERSON_2302, OSO BA_2301 , PERSON_2307 , PERSON_2576 , PERSON_2310 , PERSON_2311 , PERSON_2298 , PERSON_2252 , PERSON_2577 and defense witnesses PERSON_2578 , PERSON_2579 , PERSON_2580 , PERSON_1079 , PERSON_2581 , PERSON_1095 , who also testified that the police began to retreat in panic due to their shelling.

Also, according to the circumstances of both indictments, which the prosecutor considered to be established, this retreat of law enforcement officers took place as a result of firing by law enforcement activists, which caused the death and gunshot wounds of some of them.

- the testimony of the witnesses PERSON_2310 and PERSON_2311 only confirmed the purpose of the RSP's actions near the October Palace - the evacuation of law enforcement officers

As for the hidden armed attack on the RSP fighters at 09:00. 15-16 minutes, which ended with the fatal wounding of one of them and the wounding of another, the episode of displacement of the so-called group of PERSON_393 and separate episodes of shelling by law enforcement forces, to which the unarmed protesters from among the victims had nothing to do (item 2 part 1 Art. 15), then such actions, undoubtedly extremely dangerous, were episodic, and also too limited in time in order to prolong them for all subsequent events.

Evaluating all the video recordings and photo materials examined during the trial in the context of the indictment, the jury noted that they documented in detail from various angles information about the situation of the confrontation between activists and law enforcement on February 18-20, 2014, in particular: the nature of the presence of firearms on the territory " Maidan" and its use in the direction of law enforcement officers from the territory controlled by activists in the central part of Kyiv on February 18 - 20, 2014, a significant number of such weapons and the persons who used them were recognized by the court as incompatible with the concept of forms and means of a peaceful protest in principle; the dynamics of the change in the situation on the morning of February 20, 2014 (the chaotic retreat of the law enforcement officers, which was accompanied by an attack (attacks and harassment) by activists, and some with objects that, by their external features, clearly resemble firearms of various types, protection by law enforcement officers, as a retreating party, with the use of all available special means, including water cannons, and only then the open use of firearms by law enforcement forces; movement and movement of the opposing sides from their occupied positions (law enforcement officers - up Instytutska St. with a delay associated with evacuation from the building of the October Palace, further behind snow and concrete barricades, and activists - gradual movement in waves in the direction of law enforcement officers to the edge of the snow barricade).

All these data, combined with the armed shelling on the law enforcement forces in the morning of February 20, 2014 stated in the indictment as the reason for the latter leaving their positions, point to the initiative of actions by the activists, not the law enforcement officers, which is completely inconsistent with the accusation of the latter in terrorist attacks,

5.7. Evaluation of all evidence examined by the court in their totality and interrelationship.

- they do not know that the personal teams of the President of Ukraine, the Minister of Internal Affairs, other officials or influential public figures were informed about their, the police's, actions during the "Maidan" events - among the persons questioned by the court, those who would have declared themselves as the bearer of such facts or any involvement in them, such facts have not found their documentary confirmation;

- February 20, 2014 during the events on the street. PERSON_21 and PERSON_22 did not personally use the institute firearms - these statements of the specified defendants are not refuted by admissible documentary data, including photo and video materials recording the events of the specified day and the conclusions of the ballistics experts, according to which there were traces of use on February 20, 2014 during the specified events the regular weapons assigned to PERSON_645 and PERSON_652 were not found (chapter 5.3. of the verdict);

The "Russian trace" was not confirmed after examining the relevant documents. In particular, all cases of crossing the border zone by FSB officers into Ukraine, their movement around Kyiv and the region, the time and place of their stay, as well as the dates and ways they left the territory of Ukraine were investigated. This group of persons was constantly monitored and monitored. Accordingly, they did not have any participation in the events on the Instytutska s treet.

7. Grounds for recognition by the jury of part of the indictment as unfounded.

The court, based on the results of the trial, considers that within the framework of the indictment, the facts of detection by any means of the defendants from among the RSP fighters during the armed conflict on February 18, 2014, of readiness to carry out the order of the leadership to indiscriminately use firearms against an unspecified circle of activists with the aim of committing a terrorist attack, combined with mass murders, as well as the acquisition by those among them who armed themselves with Fort-500 rifles, prohibited for use cartridges with a charge of lead buckshot.

Not a single victim or witness from both sides questioned by the court pointed to such facts (detection of the indicated readiness and receipt of cartridges prohibited for use) as personally known to him, on the contrary, some of the questioned witnesses of both the defense and the prosecution denied such information in both indictments , which is fully consistent with the consistent position of the interrogated defendants on this matter. These facts have not been confirmed either by documentation or by the results of any expert research, including forensic ballistics.

As for the use of cartridges with a charge of lead buckshot, indeed, based on the results of the research of the evidence for the separate episodes of death and injury of the victims (PERSON_481 , PERSON_1047 , PERSON_491 and PERSON_1233), it was directly established that these persons received gunshot wounds as a result of such shots. At the same time, even at the level of supposition, the involvement of RSP fighters, and among them the accused, in causing

such injuries to the specified persons is excluded, which was exhaustively stated during the evaluation of the evidence for the specified episodes.

The lack of evidence regarding the receipt by the RSP fighters, who were armed with Fort-500 rifles, which are prohibited from using cartridges with a lead buckshot charge, directly affects the other volume of the indictment, from which the court excludes all references to the use of this category of cartridges by the RSP fighters, since there is no other proved. As a result, the court recognizes as an assumption on which the guilty verdict cannot be based, and the statement in the documents about the shooting from 08:00 a.m. 50 min. On February 20, 2014, it was the employees of the RSP on February 20, 2014 who fired cartridges with a charge of lead buckshot from their Fort-500 rifles, as a result of which mass intentional murders were committed and attempts on them ended.

Taking into account the above, the court excludes from the indictment of all the accused the indication that the use of Fort-500 rifles, equipped with cartridges with a charge of lead buckshot, was a component of the criminal orders of PERSON_31 himself, as well as the illegal actions of the other accused in their execution.

In addition, given the signs of exceeding the limits of necessary defense during the killing of an unarmed PERSON_393, who acted in a group with an armed person, the consequences of such an excess cannot be blamed on other persons who were not involved in the fatal wounding of the specified victim. Therefore, the court excludes from the indictment the reference to the alleged actions of PERSON_31, PERSON_28 and PERSON_25 causing the death of the specified victim, as a component of their accusation of his intentional murder.

Also, the jury court recognizes the part of the indictment in the context of the list of victims, the task of damage to which the accused is blamed, as unfounded. In particular, due to the lack of proof of the involvement of the accused PERSON_31, PERSON_28 and PERSON_25, the court excludes from the scope of the indictment brought against them the reference to their causing harm to the health of such victims, namely: for the episodes of death - PERSON_480, PERSON_490, PERSON_491, PERSON_475, PERSON_487, PERSON_488, PERSON_489, PERSON_492, PERSON_493, PERSON_476, PERSON_494 - as a component of their intentional murder; by injury episodes - PERSON_477, PERSON_478, PERSON_479, PERSON_481, PERSON_482, PERSON_483, PERSON_484, PERSON_485, PERSON_486, PERSON_495, PERSON_496, PERSON_497, PERSON_498, PERSON_499, PERSON_500, PERSON_501, PERSON_502, PERSON_503, PERSON_223, PERSON_504, PERSON_222, PERSON_505, PERSON_506, PERSON_508, PERSON_507, PERSON_509, PERSON_510, PERSON_263, PERSON_511 - as a component of the completed attempt on their deliberate murder.

In addition, based on the results of the trial, based on the evaluation of the evidence for the individual episodes of wounding and death of the victims, the jury deems it unproven, and

therefore excludes from the scope of the charges the infliction of bodily injuries on some of them, in the causing of which the accused PERSON_31 , PERSON_28 and PERSON_25 , other law enforcement officers were involved , that they interacted tactically, is not proven. In particular, it excludes from the scope of the indictment the specified persons causing:

- to the victim PERSON_2551, February 20, 2014 from 09:00 a.m. 03 min. 47 seconds until 9 a.m. 09 min. 30 sec. - a blind penetrating gunshot wound to the abdomen and a through gunshot wound to the left forearm, which were caused by a single shot from a smoothbore firearm and refer to severe bodily injury as a sign of danger to life;

- to the victim PERSON_1777, on February 20, 2014, at 09:00 a.m. 43 min. 14 sec. - 09 hours 44 min. 43 sec. - a penetrating gunshot wound to the chest, a blind penetrating gunshot wound to the abdomen, which were caused by shots from a rifled firearm of 9 mm caliber and are the cause of the victim's death;

- to the victim PERSON_1541, on February 20, 2014, between 09:00 a.m. 24 min. 00 sec. and 9 a.m. 24 min. 48 sec. - one blind penetrating gunshot wound to the right thigh, which was caused by one shot from a rifled firearm of 9 mm caliber and refers to a physical injury of medium severity;

- to the victim PERSON_1111, on February 20, 2014, from 09:00 a.m. 43 min. 15 sec. at 9 a.m. 47 min. 11 sec. - a penetrating gunshot wound to the chest, which is a serious bodily injury, a blind gunshot wound to the right shoulder with the presence of a pistol bullet in the wound, which is a light bodily injury, a gunshot wound to the right forearm, which has signs of a moderate bodily injury;

- to the victim PERSON_1995, February 20, 2014 in the time period until 09:00. 56 min. 43 - a gunshot through gunshot wound to the right hip, which refers to a light bodily injury that caused a short-term health disorder.

In this connection, in the part concerning the episodes PERSON_773, PERSON_315, PERSON_921 and PERSON_1640, the exclusion of the reference to the involvement of the specified defendants in causing the specified bodily injuries does not entail a change in the criminal law assessment of their action as an attempt to intentionally kill these victims.

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As a result, 13 episodes of death and 29 episodes of wounding of activists were unjustly blamed on the accused.

In this context, the court is forced to repeat for this case as well, that according to the results of the trial, the scope of the indictment with the reasons for the decisions was excluded (Chapters 6-7 of the verdict):

- all instructions about the alleged commission of criminal acts by other persons named in both indictments, who were not charged and whose guilt was not proven in a legal manner and was not established by a guilty verdict of the court, in particular, aimed at the commission of a terrorist attack combined with mass murders, to stop and violent dispersal of protest actions, planning, preparation, giving and execution of criminal orders, instructions and commissions for this purpose;

- as an unproven reference to the fact that on February 18, 2014, during their arming, the defendants from among the RSP fighters showed in any way a willingness to carry out the leadership's order to indiscriminately use firearms against an unspecified circle of activists with the aim of committing a terrorist attack, combined with mass murders;

- as an unproven reference to the presence of a detachment of RSP fighters, including the accused, from the night of February 19 to the morning of February 20, 2014, in reserve with the special purpose of providing assistance to other units in the event that they storm Maidan and perform tasks from its force dispersal, as well as the corresponding order to commit a terrorist attack, combined with mass murders, as well as the facts of setting someone and receiving such tasks by someone, issuing someone and delivering such orders to them, respectively, and revealing consent to their execution;

- as an unproven reference to receiving in the period from February 18 to 20, 2014 PERSON_376 a task from the leadership of the Ministry of Internal Affairs to prepare for the commission of a terrorist attack and mass intentional murders, giving his consent to perform such a task personally and by organizing its execution by RSP fighters;

- as an unproven reference to receipt in the period from 08 h. 30 min. until 9 a.m. 00 min. On February 20, 2014, PERSON_376 was charged with a criminal order by the RSP forces, who were on the street. Instytutaska, to carry out intentional murders in a generally dangerous way of the maximum possible unspecified circle of activists with the aim of intimidating them in order to completely stop the protests, as well as the fact of prior coordination with the commander of the PMOP of the tactics of actions of the RSP fighters for this purpose, a reference to the execution by PERSON_31 of the specified order when he , started on February 20, 2014 at approximately 8:00 a.m. 50 min. coordinate the withdrawal of units and special vehicles;

- as an unproven indication that all the accused in the period of February 18, 19 and until 08:00 a.m. 30 min. On February 20, 2014, in fulfillment of a clearly criminal order, they exceeded their authority and official powers, participated in the commission of a terrorist attack, committed the intentional murders of two or more persons, attempted such murders, or prepared for such actions;

- as an unproven reference to the purpose of giving PERSON_376 a clearly criminal order on the morning of February 20, 2014 to the subordinate fighters of the RSP specifically to commit a terrorist act.

Therefore, according to the results of the trial, evidence was not obtained and submitted to the court to confirm the giving of clearly criminal orders to commit a terrorist attack, and therefore their receipt by any of the accused, their subsequent transmission of such orders to other persons.

Lack of proof of the fact of the existence of such an order refutes even the very assumption of consent to its execution or of taking actions for its execution.

In addition, as already established by the court, recorded on February 20, 2014 from 09:00 a.m. 05 min. until 9 a.m. 16 min. on the video recordings (paragraph 5.3.2 of the verdict) of the actions of RSP and OSOBA_31 fighters armed with AKMS, Fort-500 rifles and pistols around the October Palace and after that point to their limited nature with a special purpose - ensuring the evacuation of law enforcement officers from the October Palace building.

It was about this orientation of the actions of the RSP fighters under the command of PERSON_31 around the October Palace that other persons (victims PERSON_507, PERSON_1391, witnesses from among law enforcement officers PERSON_861, PERSON_863 and PERSON_862, "PERSON_3025" (SBU TsSO "A"), PERSON_859 pointed out during the interrogation in court, , PERSON_860, etc.), the testimony of which was not refuted by the submitted evidence and, on the contrary, was confirmed by documentary photo and video materials

- in the period from February 18 to 20, 2014, the Deputy Commander of the Military Police OSOBA_376 received a task from the leadership of the Ministry of Internal Affairs to prepare for the commission of a terrorist attack and mass intentional murders, giving his consent to perform such a task personally and by organizing its execution by RSP fighters.

The prosecution did not submit any evidence to confirm the specified special purpose of the RSP soldiers being in the reserve and receiving PERSON_2788 the mentioned task, and among the persons (victims, witnesses) questioned by the court, there were no those who would declare themselves as bearers of such facts or any what his involvement in them, such facts have not found their documentary confirmation.

Taking into account the dynamics of the Maidan events on the morning of February 20, 2014, among the victims at the time of their injuries were:

- participants in the attack (assault, breakthrough, attack) on law enforcement officers from ADDRESS_46 in the time period from 08:00 a.m. 58 min. until 9 a.m. 00 min. (PERSON_481 , PERSON_1173 , PERSON_1184 , PERSON_1047), among whom PERSON_1047 was in the front group of activists who, not reacting to restraint by police officers through the use of special means, committed specific actions that constituted or could be assessed as constituting a real threat to life or health of law enforcement officers;

- participants in the pursuit with elements of the attack of law enforcement officers on the street. Instytutska in the period from 9:00 a.m. 00 min. until 9 a.m. 09 min. (PERSON_491 , PERSON_1233 , PERSON_490 , PERSON_1242 , PERSON_1249 , PERSON_973 , PERSON_985 , PERSON_1258 , PERSON_1244), among whom PERSON_491 , PERSON_1249 , PERSON_973 , PERSON_985 , PERSON_1258 were in the front group of

activists who, not reacting to restraint by police officers by using special means , committed specific actions that constituted or could be assessed as constituting a real threat to the life or health of law enforcement officers;

Indeed, as the prosecution noted and the defense did not dispute, for many episodes of death and wounding of activists, the place of injury of the victim, the position of his body in space at the time of injury, and forensic medical data on the nature and localization of the gunshot wound itself were definitely established. However, during the pretrial investigation, this information remained unexamined by specialists in the field of ballistics in order to make incredibly simple conclusions on the ground based on such initial data regarding the specific sector of the shooting at the victim. A long (more than a year) procedural opportunity that was created for this purpose by the court during the trial in the form of a direct court mandate to conduct a comprehensive investigative experiment remained unimplemented by the prosecution .

At the same time, regarding PERSON_29, there is no data on his receiving and carrying out clearly criminal orders, on his reaching a preliminary conspiracy to commit crimes. The evidence examined during the trial did not establish his direct involvement in directly harming the health of the victims. There is also no evidence that the intention of PERSON_29 included specific socially dangerous consequences that occurred as a result of the use of firearms by a person with whom he tactically interacted.

The jury court, regardless of the factor of limited working hours, created appropriate conditions for all participants in the proceedings to exercise their rights, but this did not always contribute to the court proceedings. So, for example, on April 26, 2018, at the request of the representative of the victims PERSON_657, a time-consuming procedure for opening using technical means of the court materials of video reconstruction of certain events, namely a computer program for visualizing the situation and circumstances of obtaining PERSON_475, PERSON_393 and PERSON_1791, was started, which continued in the courtroom with the participation of the accused and defense attorneys on May 31, June 12 and 14, and July 17, 2018. On the other hand, after the completion of this procedure, the initiator of the request for examination by the court did not declare such materials.

- due to the fact of a violent attack on the presiding judge in this case - judge PERSON_2590, on September 14, 2018, information was entered into the EPДP No. 12018100080007412 on the grounds of the crime provided for in Part 4 of Art. 296 of the Criminal Code of Ukraine. On September 15, 2018, PERSON_2590 himself made a statement on this fact, and on September 15,

2018, information was entered into the EPDP No. 12018100080007455 on the grounds of the crime provided for in Part 2 of Art. 377 of the Criminal Code of Ukraine. On the other hand, the court proceedings based on the indictment, which was received on July 2, 2019, at the Darnytskyi District Court of Kyiv in the criminal proceedings of the EPDP No. 12018100080007412, still remain unresolved due to the procedural behavior of the prosecutor, in connection with which an application was submitted for the fact of leveling with the state, in the person of the prosecution, guarantees the participants of the process for a trial within a reasonable period of time. The criminal proceedings of the EDPR No. 12018100080007455 were confidentially closed with a gross violation of the procedural rights of PERSON_2590 as a victim, which was confirmed by a separate court decision (decision of the investigative judge of the Shevchenkiv District Court of Kyiv dated August 19, 2020, University No. 759/9808/20, source: <https://reyestr.court.gov.ua/Review/91112846>). After the cancellation of the decision to close the mentioned proceedings, his fate is still unknown. In this particular case, unfortunately, all appeals to the judge were actually ignored or remained unresolved beyond a reasonable time;

- as an unproven reference to receiving in the period from February 18 to 20, 2014 PERSON_376 a task from the leadership of the Ministry of Internal Affairs to prepare for the commission of a terrorist attack and mass intentional murders, giving his consent to perform such a task personally and by organizing its execution by RSP fighters;

- as an unproven reference to receipt in the period from 08 h. 30 min. until 9 a.m. 00 min. On February 20, 2014, PERSON_376 was charged with a criminal order by the RSP forces, who were on the street. Instytutska, to carry out intentional murders in a generally dangerous way of the maximum possible unspecified circle of activists with the aim of intimidating them in order to completely stop the protests, as well as the fact of prior coordination with the commander of the PMOP of the tactics of actions of the RSP fighters for this purpose, a reference to the execution by PERSON_31 of the specified order when he , started on February 20, 2014 at approximately 8:00 a.m. 50 min. coordinate the withdrawal of units and special vehicles;

- as an unproven indication that all the accused in the period of February 18, 19 and until 08:00 a.m. 30 min. On February 20, 2014, in fulfillment of a clearly criminal order, they exceeded their authority and official powers, participated in the commission of a terrorist attack, committed the intentional murders of two or more persons, attempted such murders, or prepared for such actions;

- as an unproven reference to the purpose of giving PERSON_376 a clearly criminal order on the morning of February 20, 2014 to the subordinate fighters of the RSP specifically to commit a terrorist act.

- in the period of time from approximately 9:00 a.m. 05 min. until 5 p.m. 00 min., PERSON_23 , PERSON_20 , PERSON_19 and PERSON_21 , each being an employee of a law enforcement agency, committed an abuse of power and official authority during the performance of official duties, and PERSON_20 and PERSON_19 - also in execution of a clearly criminal order, which was accompanied by the application firearms;

- in addition, PERSON_23, PERSON_20 and PERSON_19, starting at 09:00. 17 min., each of them, with the use of a firearm, committed in a manner dangerous to the lives of many persons, according to a prior conspiracy by a group of persons, and PERSON_20 and PERSON_19 - also in execution of a clearly criminal order, willful murder of two or more persons and completed attempted murder two or more persons.

Also, the court, citing the reasons for the decision (Chapter 7 of the verdict), excluded from the indictment as unproven:

- the fact that on February 18, 2014, the defendants, while arming themselves, revealed their willingness to carry out the leadership's order to indiscriminately use firearms against an unspecified group of activists with the aim of committing a terrorist attack;

- the fact that a detachment of RSP fighters, including the accused, was in reserve from the night of February 19 to the morning of February 20, 2014, with the special purpose of providing assistance to other units in the event of their storming the Maidan and carrying out the tasks of dispersing it by force, as in fact, the facts of the assignment by someone and the receipt of such tasks by them, as well as the identification of consent to their execution;

- the fact that in the period from February 18 to 20, 2014, PERSON_376 received a task from the Ministry of Internal Affairs to prepare for the commission of a terrorist attack and mass intentional murders, he gave his consent to perform such a task personally and by organizing its execution by RSP fighters;

- the fact of receipt in the period from 08 h. 30 min. until 9 a.m. 00 min. On February 20, 2014, PERSON_376 issued a criminal order to carry out intentional murders by the RSP forces in a generally dangerous way of the maximum possible unspecified circle of activists with the aim of intimidating them in order to completely stop the protests, the latter's agreement with the PMOP leadership of the tactics of actions of the RSP fighters for this purpose, as well as the fact that he carried out the specified order, when it started at 8 a.m. 50 min. coordinate the withdrawal of units and official special vehicles;

- the fact of excess of power and official powers, which led to serious consequences, participation in the commission of a terrorist attack, intentional murders of two or more persons, attempts at such murders or preparation for such actions by the accused in the period of February 18, 19 and before 08:00. 30 min. On February 20, 2014, to fulfill a clearly criminal order.

The prosecution did not submit any evidence to confirm these factual circumstances (the special purpose of arming and the presence of RSP fighters in the reserve, the receipt by ОСОБА_2788 of the mentioned task, and later the criminal order and its alleged execution, etc.), the prosecution did not submit, among the persons interrogated by the court, those who would have stated about himself as the bearer of such facts or about any of his involvement in them, such facts have not found their documentary confirmation.

The facts of the presence of firearms on the territory of "Maidan" and their use towards law enforcement officers from the territory controlled by activists in the central part of Kyiv, documented on video and photos, a significant number of such weapons and the people who used them, victims of such and other violent actions, have been recognized court incompatible with the concept of forms and means of a peaceful protest action in principle.

- on the morning of February 20, 2014, an armed attack on the law enforcement forces with the use of firearms to injure, as stated in the indictments themselves, and in the subsequent attack by activists on the law enforcement forces with elements of attack and persecution, and individual activists with objects that in all obviousness, according to their external features, they are similar to firearms of various types, their targeted use in the direction of law enforcement;

Starting from November 24, 2013 until January 19, 2014, "Maidan" had an exclusively peaceful nature of protest. The presence during protest actions of separate, even prepared, aggressive groups among peaceful protesters, the commission of violent offenses by such groups, as well as individual local clashes of protesters with law enforcement forces, the court recognized as insufficient evidence of the loss of such a peaceful protest, since other goals of its organizers were not were announced publicly, and these clashes did not become an integral part of the protest itself.

The increase in violence during the protests on the Maidan between January 19 and 26, 2014 (active events of the "Bloody Epiphany") was evident, as was its duration, which in aggregate and against the background of previous outbreaks of violence, which were short-term (to the day), gives this circumstance a certain tendency, that is, there is variability in the nature of the protest. The point appearance of a firearm component was also recorded in these events. Analyzing the documented facts, which, according to the defense, are the most convincing, the court in this case did not find the right grounds based on them to conclude that the protest lost its peaceful nature. At the same time, the dynamics of events, the forced escalation of the confrontation on the part of organized groups of activists, the involvement of an increasing number of people in the conditions of growing crowding became the factors that made a violent confrontation inevitable, and the loss of a peaceful character by such a protest was less and less illusory, clashes became more and more integral component of the protest itself.

Incomparable to previous periods, the sharp increase in violence during the protest actions on the Maidan on February 18, 2014, the severity of its consequences due to the significant number of gunshot wounds of the participants of the confrontation on both sides, together make it absolutely doubtful to assess such a protest at the time of the specified events as a peaceful action. The actions of activists documented on February 18, 2014 cannot be called a peaceful meeting, rally, street march or demonstration.

February 18, 2014 - bodily injuries of various degrees of severity (bruises, TBI, fractures, poisoning, burns) to 398 law enforcement officers, 8 of whom died from gunshot wounds (servicemen of the Armed Forces of the military unit NUMBER_72 PERSON_2335 and PERSON_2336 (16 h. 40 min. near the house Trade Unions), work force NUMBER_202 PERSON_2337 and PERSON_2338 (4-5 p.m. near the October Palace), employee of the special

unit "Berkut" of the State Security Service of Ukraine ARC PERSON_2509 (9 p.m. near the flower clock), employee of the Ministry of Labor and Welfare PERSON_2349 (9-10 p.m. near the shopping center "Globus"), military personnel of the Armed Forces of the military unit NUMBER_206 PERSON_2339 (10:30 p.m. near the October Palace) and PERSON_2340 (11:00 p.m. on the steps near Stella Nezalezhnosti), and a total of 133 law enforcement officers received gunshot wounds.

According to the location, it was established that in the period from 08 h. at 11 p.m. 50 min. On February 18, 2014, law enforcement officers were injured: on the territory of Mariinsky Park - 9 people; at the intersection of St. Instytutska and Shovkovychna - 48 people, 14 of them - firearms; along the street Shovkovychna - for 6 people; along the street Lipska - 5 people, 4 of them - firearms; at the intersection of St. Instytutska and Sadova - 1 person was shot; along the street Sadova - 1 person; at the intersection of St. Instytutska and Bankova - 6 people were shot; along the street Bankova - 1 person; along the street Instytutska - 114 people, of which 25 - firearms; near the October Palace - firearms for 5 people; along the street Hrushevskiyi - to 115 persons, 25 of them - firearms; along the avenue Museum - firearms for 2 persons; on the European Square - firearms for 2 persons, on the street Triochsvyatitelska - 1 person firearm; along the street Khreshchatyk - 50 people, 35 of them - firearms; at the intersection of St. Instytutska and Khreshchatyk - for 5 people, 3 of them - firearms; on Independence Square - 19 people, 2 of them - firearms.

On February 18, 2014, 771 activists were also injured of various degrees of severity, 19 of whom died, 12 of them as a result of gunshot wounds, and a total of 120 activists received gunshot wounds.

On February 19, 2014, 105 law enforcement officers were injured of various degrees of severity (beatings, concussions, fractures, poisoning, burns), 1 of whom died from a gunshot wound, and a total of 14 law enforcement officers received gunshot wounds. 156 activists were also injured of various degrees of severity, 6 of whom died, 3 of them as a result of gunshot wounds, and a total of 20 activists received gunshot wounds.

On February 20, 2014, 113 law enforcement officers were injured of various degrees of severity (beatings, concussions, fractures, poisoning, burns), 4 of whom died from gunshot wounds, and a total of 63 law enforcement officers received gunshot wounds. 233 activists were also injured of various degrees of severity, 49 of whom died, 48 of them as a result of gunshot wounds, and a total of 172 activists received gunshot wounds.

The conclusions of the jury court on the documented nature of the facts of the presence of firearms on the territory of "Maidan" and their use towards law enforcement officers from the territory controlled by activists in the central part of Kyiv on February 18 - 20, 2014, a significant number of such weapons and the persons who used them, which are incompatible with the concept of forms

and means of a peaceful protest action in principle, found their additional confirmation during the investigation in compliance with the procedure for opening additional photo materials (Part 11 of Article 290 of the Criminal Procedure Code of Ukraine). Such, in particular, are the 46 photos provided by the defense attorney of PERSON_678 (item 93 a. 122-167) and 12 photos provided by the defense attorney of PERSON_679 (item 174 a.) examined by the jury both in general and during the interrogation of individual victims and witnesses 2-13), on which more than 25 different objects are recorded, which by their obvious external features can be perceived as firearms of the type of rifles of various types, including, with an optical sight, pistols of various types and systems, and as many different shooters with these objects among the activists of the Maidan, who moved around the territory of the Maidan freely, felt protected there, and who in most cases are covered and accompanied by other activists, which indicates the falsity of the arguments about the principled separation of the Maidan from such persons.

Documented information from the activist-controlled territory in the central part of Kyiv about the presence of firearms among the "Maidan" activists, and the number of such shooters is counted in dozens, is incompatible with the concept of forms and means of a peaceful protest in principle.

In addition, the specified data proved with all propriety that the premises of the "Ukraine" hotel were the object of massive shelling with firearms of various calibers, in particular, with cartridges of 7.62x39 mm (the absolute majority), 7.62x51 mm or .308 Winchester (the room No. 926), 7.62x54R mm (hotel kitchen) and from different directions, including: from the top of the street. Instytutska and near the entrance to the Khreshchatyk metro station - according to the examined photo and video materials, the area was under the exclusive control of law enforcement and where the RSP was located (rooms Nos. 209, 210, 211, 212, 213, 312, 313, 520, 544, utility room on the 6th floor, rooms No. 926, 1126, landings between the 4th and 5th, 13th, 14th and 15th floors); from the edge of the Kinopalace building - according to the researched photo and video materials, the area that came under the control of "Maidan" from the forces of law and order (rooms No. 308, NOMER_56, 1136); from the side of the Conservatory - according to the examined photo and video materials, the territory controlled by "Maidan" (room No. 825); from the side of the Central Post Office - according to the examined photo and video materials, the territory controlled by "Maidan" (room No. 925) - and also firing was conducted in the opposite direction from the premises of the "Ukraine" hotel - across the parking lot from above from the windows of the hotel (car), towards the top of the street . Instytutskaya (covered by snow and concrete barricades) (from room No. 1116).

According to the protocol of the inspection of the scene of the event dated February 25, 2014 with attachments in the form of a photo table (vol. 150 a. 71-70) during the inspection with the participation of a forensic specialist of room No. 1136 on the 11th floor of the building of the hotel "Ukraine" (m Kyiv, Instytutska St., 4) gunshot damage in the form of a hole was found on the window from the direction of the Cinema Palace building, objects of significance were not found or removed.

According to the protocol of the inspection of the scene of the event dated February 26, 2014 with attachments in the form of a photo table (vol. 150 a. 215-223) during the inspection with the participation of a forensic specialist of room No. 1116 on the 11th floor of the building of the hotel "Ukraine" (m Kyiv, Instytutska St., 4) on the glass section of the metal-plastic door to the balcony, through-fire damage was found in the form of a hole in the direction of the outside (exit - photo No. 5 on a. 223), that is, from the hotel towards Instytutska St. (the area covers both sides Instytutska Street, the entrance to Khreshchatyk metro station, snow and concrete barricades), no significant items were found or recovered.

The totality of the indicated data on the trace information of the damages and the direction of their occurrence has been fully proven that the area on the street. Instytutska from Hotel "Ukraine" to its intersection with St. Olhynska was the object of massive shelling from various directions, including:

A) in the direction of the "Ukraine" hotel and conditionally Independence Square, -

B) in the opposite direction towards the government quarter, -

- from the side of the October Palace - according to the researched photo and video materials, the area that came under the control of "Maidan" from the forces of law and order;

- from the side of the Independence Square - the sighting of gunshot damage from the side of the Independence Square is consistent with the data of the video recordings, on which people with rifles and pistols were recorded among the activists near the building of the "INFORMATSIYA_161" hotel and near the green fence on the alley from the October Palace.

These data as a whole correlate with the information given earlier about the direction of shelling of the premises of the "Ukraine" hotel, especially as regards the direction of fire from the top of the street. Instytutska and from the area near the entrance to the Khreshchatyk metro station, as well as the direction of fire from the premises of the Ukraina hotel towards the snow and concrete barricades located at the top of the street. Instytutska across its carriageway.

Regarding the time of the injury of the victim PERSON_967, during the investigation in the court session of the video recording called "MVI_2768" (the so-called video of Mustang), placed on the TDK DVD-R disk ...2248 (vol. 17 a. 122), the victim PERSON_968 showed the middle floors of the hotel " INFORMATION_161 ", where he saw a person in black clothes with an object similar to a weapon from afar, and also admitted that the events recorded on the video near the bridge took place later in time than the time of his injury ...

The above testimony of the victim PERSON_832 was generally confirmed during the examination by the court of the certificate of the self-defense volunteer "Maidan" No. 1246 for the victim, who was part of the hundred No. 28 (vol. 72 and 109 vol.), annex to the protocol of his interrogation dated April 17, 2015 , where on the diagram under the number NUMBER_149 he marked, as he believed, analyzing all the information coming from other activists and from the scene, the location

of the "snipers" - the building of the KMU, the hotel "Ukraine", the bank "Arkada", the club of the KMU etc. (v. 72 a. 14).

Thus, the folder named "photo" contains detailed photos from different angles of the place where PERSON_316 was wounded on the bridge, the probable place where the shot took place (the upper floors of the Hotel "Ukraine"), the chair with which the victim covered himself during the wounding (combined in a separate folder "chair "), an entrance gunshot wound on the victim's body, including after surgery, a bullet removed from his hand - all these photos contain information that is fully consistent with both the above data and the victim's testimony.

The victim gave statements similar to those described above about the circumstances of his gunshot wound to the right hand, including his assumptions about the source of such a shot from the "Ukraine" hotel, in the presence of two witnesses directly on the spot during the investigative experiment on April 4, 2014, the protocol of which and its appendices in the form of photo tables were directly examined by the jury (vol. 66 a. 165-173).

Also, during the study of the specified video recording, the defense drew attention to the fact that at the beginning of the recording of the specified video (recording 31 seconds), several persons from among the activists were recorded with weapons (rifles), taking into account the data on the hospitalization of PERSON_326, around 10 a.m. arrived at the premises of the "INFORMATION_161" hotel, forbidding their video recording, which is consistent with many other video recordings on this occasion.

Therefore, the given evidence in its totality clearly indicates that PERSON_2127 on February 20, 2014 at about 10 a.m. between 29 and 32 minutes, being in the city of Kyiv on the left side of the street. Instyutskaya opposite the entrance to Khreshchatyk metro station, during the escalation of the confrontation between Maidan activists and law enforcement officers using firearms, he received one penetrating gunshot wound to the chest from a short distance as a result of a shot from a rifled firearm, which is a serious bodily injury damage on the basis of danger to life at the time of occurrence. At the same time, the direction of the wound canal was from front to back, from top to bottom and from left to right, and the victim himself at the time of the wound was turned with his right shoulder to the top of the street. Institute.

Under such circumstances, taking into account the forensic and forensic data regarding the direction of the wound channel in the victim's body, additionally from left to right, and his testimony regarding the position of the body at the time of injury, the reliability of which is beyond doubt, the court excludes the physical possibility of firing a shot that injured the victim , from the side of the snow barricade, to which the victim was turned with his right shoulder.

The real threat of gunfire from various sectors, and not only from the area that was under the exclusive and obvious control of law enforcement agencies, is confirmed in this episode both by the victim's own observations of the windows of the "INFORMATION_161" hotel and by the victim's video-recorded warnings with scenes of the "Maidan" about the presence of unknown armed people on the roof of the October Palace (at the beginning of the recording of the above-examined video called "video0004").

The connection between the gunshot wound found in the victim PERSON_1179 and the actions of law enforcement officers within the scope of this proceeding has not been established, since the possibility of inflicting such a gunshot wound on him from the territory that was not under the control of law enforcement officers has not been refuted by the evidence provided.

As the victim PERSON_2169 specified, no shots were heard the whole time they were near PERSON_794's palace, the single shot that killed the man shocked not only her, but also everyone who was nearby. The sound gave the impression that shots were being fired from the Ukraina Hotel.

Based on the results of the last experiment, taking into account the forensic data on the direction of the wound channel, the medical specialist came to the conclusion that the shot at PERSON_2162 could have been fired from the building of the "Ukraine" hotel on the 6th-8th floors.

As can be seen from the video recording examined by the jury entitled "Sniper's shot at the unarmed...", which is contained on the ARITA CD-R ...714A05 (vol. 52 a. 164) provided by the victim PERSON_2161, it is a primary source (higher quality, full, continuous video), which was used in the story containing the mentioned video "Sniper shot an unarmed man from Kyiv". Commenting on the wounding of PERSON_2162, the eyewitnesses present and the author of the video emphasize that the shot was fired by a sniper from the "Ukraine" hotel, taking into account this factor, passers-by take precautionary measures. According to the results of the study of this video, the court recognizes as well-founded, in view of the documented panorama of the area where PERSON_2162 was fatally wounded in the neck, the statements of the defense that this shot could have been fired from the hotel "INFORMATSIYA_161", but not from the concrete barricade. since there were objective obstacles to this, namely elements of barricades, massifs of trees, gatherings of other people.

However, among the sectors most often mentioned by the victims, from which, in their opinion, the activists were shelled, a special place, in addition to the locations actually visualized on the video recordings, were the locations of the armed fighters of the RSP (first in front of the October Palace, then on the alley from it during their retreat, then behind the snow cover and at the end

behind the concrete barricades), there were the upper floors of the "INFORMATISIA_161" hotel building, which was used by the defense side, questioning the shooting by the RSP fighters in the direction of the victims.

Sniper as observers took up their positions for observation and discovered several possible points of firing in their direction from the side of the hotel "INFORMATION_161", other fighters were hiding behind the fence, behind trees, some in small groups and he moved with them to the territory of the KMU club, the rest personnel was in reserve at the intersection of St. Bankivska and Luteranska, the chief there was the deputy commander of "INFORMATSIYA_285" for assault training.

The sniper was informed about the presence of long-barreled weapons in the hands of the activists near the hotel "INFORMATSIYA_161". Being on the third floor of the club, after the windows were opened, the positions of his snipers were fired upon approximately from the 5-7 floors of the "Ukraine" hotel and the attic rooms of the October Palace, the bullets fired at the snipers were not removed, 5-7 shots along the perimeter of the window, most likely they fired to make observation impossible. The fire was fired professionally from the depths of the room, so it was not possible to accurately identify the positions of the shooters.

according to the reports, he knew that shooting at law enforcement officers was conducted from the hotel "INFO_161", and after the activists occupied the October Palace, then from the attic of the palace, snipers also reported on the construction site near the hotel "Dnipro", according to the degree of intensity of the hotel " INFORMATION_161 » as the point of fire was named by all its sources, then the October Palace and only then the construction site near the Dnipro Hotel, snipers reported that in the area of the Ukraina Hotel down the street there were also people armed with long-barreled firearms, it was possible from that place apply to the lesion ... On February 20, it was also not possible to detain the people who opened fire on the law enforcement officers, only the Ukraina Hotel or the Conservatory could be cleared, if the organizers of the mass events would have given access there, his squad was ready for that. As far as he knows, such appeals were made by the leadership of the "Alfa" unit, but the answer was refusal. In the operational situation that developed, the leadership of "Maidan" due to its influence on hundreds (squads) and if there was a desire, could organize a corridor for special forces to access the hotel building, the law enforcement officers could do this independently only through storming and clashes with the possible use of weapons again , which would involve additional victims. Analyzing the situation he saw personally, he cannot say that the groups of snipers from the activist side were coordinated with other groups of protesters. His people were fired upon, possibly from a weapon of at least 7.62 caliber, it could also be a hunting rifle, taking into account the analysis of the hits in the KMU club, where his subordinates were, the fire was fired from one level, most likely, from the 5-7 floors of the Hotel "Ukraine" ", fire was not opened in return, as the snipers did not see the shooter.

Evaluating all the video recordings and photo materials examined during the trial in the context of the indictment, the jury noted that they documented in detail from various angles information about the situation of the confrontation between activists and law enforcement on February 18-20, 2014, in particular: the nature of the presence of firearms on the territory " Maidan" and its use in the direction of law enforcement officers from the territory controlled by activists in the central part of Kyiv on February 18 - 20, 2014, a significant number of such weapons and the persons who used them were recognized by the court as incompatible with the concept of forms and means of a peaceful protest in principle; the dynamics of the change in the situation on the morning of February 20, 2014 (the chaotic retreat of the law enforcement officers, which was accompanied by an attack (attacks and harassment) by activists, and some with objects that, by their external features, clearly resemble firearms of various types, protection by law enforcement officers, as a retreating party, with the use of all available special means, including water cannons, and only then the open use of firearms by law enforcement forces; movement and movement of the opposing sides from their occupied positions (law enforcement officers - up Instytutska St. with a delay associated with evacuation from the building of the October Palace, further behind snow and concrete barricades, and activists - gradual movement in waves in the direction of law enforcement officers to the edge of the snow barricade).

The video "2014-02-20-01" captures the circumstances of the stay of a public figure - activist PERSON_834 in the Conservatory building, which actually housed the activists.

in certain details, the testimony of the witness PERSON_2447 is generally consistent with other evidence examined by the court, namely, in the part of the morning of February 20, 2014, the firing of firearms by law enforcement forces on the Independence Square, one of the sources of such fire - the building PERSON_1174, the presence among the activists on the "Maidan » persons with weapons, and among them a publicly known person - PERSON_834 ...