

**SPEECH OF DIRECTOR OF THE NON-GOVERNMENTAL
ORGANIZATION “INSTITUTE OF LEGAL POLICY AND SOCIAL
PROTECTION NAMED AFTER IRINA BEREZHNYAYA” ELENA
BEREZHNYAYA**

**AT THE PLENARY MEETING
OSCE Human Dimension Implementation Meeting
SEPTEMBER 23, 2019 (3 pm - 6 pm)
(TOPIC: RULE OF LAW)**

Our Institute monitors facts of violations and infringement of rights and freedoms in Ukraine since 2014 (in particular, incidents associated with aspects of the rule of law and access to justice).

The topic of our discussion includes an issue of prevention of torture. I want to give you an example of physical and psychological pressure applied on judges by neo-Nazis and right-wing radical elements in Ukraine - according to the International Convention, such pressure amounts to torture.

So, on April 16, 2015, in the city of Kiev, in the daytime, two neo-Nazis armed with firearms killed the famous Ukrainian writer and journalist Oles Buzina near his house.

On the eve of the murder - just two days prior to it – Oles Buzina’s personal data as data of “the enemy of the people” appeared on a website called “Peacekeeper”. A user identified merely by “404” nickname published these data. After the murder of the writer, a mark appeared at the page of this website - "Eliminated."

As early as on June 18, 2015, the head of the Ministry of Internal Affairs, Arsen Avakov, announced exposure of this crime and detention of killers of Buzina - two members of the nationalist organization “C14” Denis Polishchuk and Andrei Medvedko (one of whom worked in the system of the Ministry of Internal Affairs). Despite the fact that the actions of these accused were qualified as “premeditated murder committed by prior conspiracy by a group of persons” and “illegal possession of firearms” and they faced from 10 to 15 years of prison or life imprisonment, they stayed in custody only for several months.

As nationalists regularly came to court hearings, staged regular protests, put pressure on judges, threatening them, then – as a result – the frightened judges simply released the two accused, without any obligations/restrictions.

That means that these accused persons can leave territory of Ukraine at any given moment and ultimately they will not be punished for the murder.

However, more than four years have passed - but the case against the perpetrators of this crime has never been resolved by court, while the ordering party and organizers of the murder were never established.

The court deliberately delays trial because judges are afraid of the right-wing radicals.

At first, the Shevchenkivskyi District Court of Kiev entirely refused to review this criminal proceeding.

Then, after almost a year and a half of the trial, the presiding judge Sidorov recused himself from the case, refusing to continue review of this case.

Later on, on July 11, 2019, at the request of lawyers of the accused, another judge Levitskaya was recused from participation in review of this case. I'd like to draw your attention to the fact that according to Ukrainian law, a consideration of a criminal case shall begin from the very beginning after replacement of judges.

The whole trial goes on under permanent pressure on the court. Only on September 4, 2019 - at the last court session - the presiding judge (after lawyers threatened judges with physical violence) closed the hearing, announcing submission of a complaint on threats to the Prosecutor General, the Supreme Council of Justice, and to the National Association of Lawyers of Ukraine. The complaint demanded bringing the defenders of the accused to justice.

Please note that in no country of the world an accused person who have committed a premeditated murder can stay at large for almost five years, continue to commit other crimes (such as an attack in a shopping center and others), while court makes no decisions prevent them. This is nonsense regarding the rule of law principle!

These facts demonstrate inability and unwillingness of state authorities and judicial authorities of Ukraine to deliver a fair verdict on the case. At the same time, pressure put on judges by the accused and their lawyers (in particular, in the form of threats of physical violence) is ignored.

I propose to the organizers of the Meeting to present such an obvious fact of violation of access to justice in Ukraine in the General Resolution that will be adopted according to the outcomes of this meeting.

All participants who wish to receive the monitoring report on violations of rights and freedoms in Ukraine and on infringement on access to justice can contact me after conclusion of the Plenary Meeting.