



# The Maidan Massacre Trial and Investigation Revelations: Implications for the Ukraine-Russia War and Relations

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## Abstract

This study analyzes revelations from the trial and investigation in Ukraine concerning the mass killing that took place in Kyiv on 20 February 2014. This Maidan massacre of protesters and police led to the overthrow of the Yanukovich government and ultimately to the Russian annexation of Crimea, the civil war and Russian military interventions in Donbas, and the Ukraine-Russia and West-Russia conflicts which Russia escalated by illegally invading Ukraine in 2022. The absolute majority of wounded Maidan protesters, nearly 100 prosecution and defense witnesses, synchronized videos, and medical and ballistic examinations by government experts pointed unequivocally to the fact that the Maidan protesters were massacred by snipers located in Maidan-controlled buildings. To date, however, due to the political sensitivity of these findings and cover-up, no one has been convicted for this massacre. The article discusses the implications of these revelations for the Ukraine-Russia war and the future of Russian-Ukrainian relations.

## Keywords

Political violence – conflict – Ukraine – Maidan – Euromaidan – Russia – massacre – Ukraine-Russia war – justice

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It is forbidden to kill; therefore all murderers are punished unless they kill in large numbers and to the sound of trumpets; it is the rule!<sup>1</sup>

VOLTAIRE

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Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence.<sup>2</sup>

JOHN ADAMS at the Boston massacre trial

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The massacre of protesters and police during the ‘Euromaidan’ mass protests on February 20, 2014, in Ukraine was a tipping point in the conflict in Ukraine and in the Ukraine-Russia and the West-Russia conflicts.<sup>3</sup> This mass killing led to the overthrow of Ukrainian President Viktor Yanukovich and launched spiral of conflict escalation which included the Russian annexation of Crimea and the civil war and Russian military interventions in Donbas.<sup>4</sup> Russia escalated

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- 1 *Complete works of Voltaire: Philosophical Dictionary*, (Paris: Chez Th. Desoer, 1817): 788.
  - 2 John Patrick Diggins, ed., *The Portable John Adams*, (New York: Penguin Books, 2004): 255.
  - 3 Earlier versions of this study were presented at the 22nd Annual World Convention of the Association for the Study of Nationalities in Columbia University, New York, May 4-6, 2017; the Annual Meeting of the American Political Science Association in Boston, August 29-September 2, 2018; the Regimes and Societies in Conflict: Eastern Europe and Russia since 1956 conference by Institute for Russian and Eurasian Studies at Uppsala University and British Association for Slavonic and East European Studies in Uppsala, Sweden, September 13-14, 2018; the Virtual 52nd Annual Convention of the Association for Slavic, East European, and Eurasian Studies, November 5-8 and 14-15, 2020; and the virtual 10th World Congress of the International Council for Central and East European Studies, August 3-8, 2021.
  - 4 J.L. Black and Michael Johns, eds., *The Return of the Cold War: Ukraine, the West and Russia* (Abingdon: Routledge); Gordon M. Hahn, *Ukraine Over the Edge: Russia, the West and the “New Cold War”* (Jefferson, NC: McFarland Books, 2018); Ivan Katchanovski, “The ‘Snipers’ Massacre” on the Maidan in Ukraine,” Annual Meeting of the American Political Science Association, San Francisco, September 3-6, 2015, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2658245](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2658245) (accessed 1 March 2022); Ivan Katchanovski, “The Maidan Massacre in Ukraine: A Summary of Analysis, Evidence, and Findings” in Black and Johns, *The Return*; 220-224; Ivan Katchanovski, “The Separatist War in Donbas: A Violent Break-up of Ukraine?” *European Politics and Society* 17, no 4 (2016): 473-489; Ivan Katchanovski, “Crimea:

these conflicts on February 24, 2022, with its illegal invasion and the war with Ukraine, which has become a proxy war with the West.<sup>5</sup>

The Maidan massacre is important not only because it is a crucial case of political violence, but also from the perspectives of human rights, democracy, the rule of law, and conflict resolution. This study analyses the evidence revealed by the Maidan massacre trials and government investigation in Ukraine. The research question is as follows: what does the evidence made public by the trial and government investigation reveal about which party of the conflict was involved in this mass killing?

The dominant narrative in Ukraine and the West attributes the Maidan massacre of the protesters to the Yanukovich government and mostly ignores the killings of the police.<sup>6</sup> With some exceptions, the Western and Ukrainian media also did not report the Maidan massacre trial and investigation revelations concerning snipers in the Maidan-controlled buildings.

The official investigation by the Prosecutor General Office of Ukraine (GPU) charged the Berkut police with the massacre of the Maidan protesters on February 20 on the orders of President Viktor Yanukovich and his heads of the Security Service of Ukraine and the Ministry of Internal Affairs. The GPU arrested and charged two Berkut commanders and three members of this police unit with terrorism and the murder of 48 out of 49 killed Maidan protesters and attempted murder of 80 out of 157 wounded protesters on February 20 on Yanukovich's orders. In 2019 the Prosecutor General of Ukraine announced that the investigation of the Maidan massacre had been completed.

Yanukovich along with his heads of the Ministry of Internal Affairs, Internal Troops, and the Security Service of Ukraine, and Berkut commanders were then charged in absentia for ordering the Maidan massacre of the protesters, but no such orders were revealed. Yanukovich, his ministers, and Berkut commanders denied that they had ordered the massacre and stated that the protesters and the police were shot by Maidan snipers. However, they did not produce specific evidence in support of their claims.

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People and Territory before and after Annexation”, in Agnieszka Pikulichka-Wilczewska and Richard Sakwa, eds., *Ukraine and Russia: People, Politics, Propaganda and Perspectives*, (Bristol, E-International Relations, 2015): 80-89; Serhiy Kudelia, “The Donbas Rift”, *Russian Politics & Law* 54, no 1 (2016): 5-27; Richard Sakwa, *Frontline Ukraine: Crisis in the Borderlands*. (London: I.B. Tauris, 2015).

5 Ivan Katchanovski, “The Russia-Ukraine War and the Maidan in Ukraine”, Annual Meeting of the American Political Science Association, Montreal, September 15-18 2022, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4246203](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4246203) (accessed 10 March 2023).

6 Oliver Boyd-Barrett, *Western Mainstream Media and the Ukraine Crisis: A Study in Conflict Propaganda*, (New York: Routledge, 2016).

In contrast to the dominant narrative in the Western media, a German television channel *ARD* presented evidence showing that snipers had been based in the Hotel Ukraina, and that the government investigation was manipulated.<sup>7</sup> An investigative report by the *BBC* presented similar evidence, along with a confession by one of Maidan snipers who had shot at the police from the Music Conservatory.<sup>8</sup> Subsequently, several other protesters from far-right-linked Maidan company admitted in the Ukrainian media and social media to shooting and killing the police.

In later interviews for the American, Italian, Israeli, Macedonian and Russian media seven Georgian self-admitted members of Maidan sniper groups testified that they and other sniper groups from Georgia and the Baltic States and the far-right-linked sniper group from Ukraine received orders, weapons, and payments from specific members of the Maidan leadership and former Georgian government leaders to shoot at both protesters and police in order to prevent a peace agreement from being signed by Yanukovych and Maidan leaders. They stated that snipers shot the police and protesters from the Music Conservatory and the Hotel Ukraina.<sup>9</sup>

The Prosecutor General Office of Ukraine, Maidan victims' lawyers, self-styled 'fact-checking' websites, and, with rare exceptions, the Ukrainian media claimed that these Georgians were fakes or actors.<sup>10</sup> To corroborate their testimonies, most of these Georgians provided their names, passport numbers and border stamps, copies of plane tickets, photos from the Georgian military, and a video of one of them in the Trade-Union building during the Odesa massacre. They stated that they had entered Ukraine during the "Euromaidan" with forged passports, using false names and were not stopped at the border. The head of the Georgian Legion de facto confirmed that one of these Georgians,

7 "Monitor", No 660, *ARD*, 10 April 2014, <https://www.wdr.de/daserste/monitor/videos/video-todesschuesse-in-kiew-wer-ist-fuer-das-blutbad-vom-maidan-verantwortlich-100.html> (accessed 10 January 2023).

8 Gabriel Gatehouse, "The untold story of the Maidan massacre", *BBC News*, 11 February 2015, <http://www.bbc.com/news/magazine-31359021> (accessed 10 January 2023).

9 "The hidden truth about Ukraine – Part 1", 2017, <https://www.youtube.com/watch?v=wRiNFI6TBH0> (accessed 10 January 2023); "The hidden truth about Ukraine – Part 2", 2017, <https://www.youtube.com/watch?v=VorRzFh1> (accessed 10 January 2023); Anna Stephan, "Ploshhad' Razbityh Nadezhd", 2018, <https://www.youtube.com/watch?v=C-7xjDxFSQc> (accessed 10 January 2023); Michael R. Caputo, "The Ukraine Hoax", 2022, <https://rumble.com/v1e6fr9-the-ukraine-hoax.html> (accessed 10 January 2023).

10 "Four Inaccuracies in Disinformation about Georgian Snipers Allegedly Opening Fire on Protesters Rallying on Maidan", *Myth Detector*, 22 February 2018, <https://mythdetector.ge/en/four-inaccuracies-in-disinformation-about-georgian-snipers-allegedly-opening-fire-on-protesters-rallying-on-maidan/> (accessed 10 January 2023).

whose identity and testimony were dismissed as fake because of spelling error in his Georgian Ministry of Defense id, served as an adviser in this ministry.<sup>11</sup>

Despite of its central importance to the conflicts in Ukraine and the world, only a few academic studies have analyzed the Maidan massacre. Most studies found that the Maidan massacre was a ‘false flag operation’ organized and covertly conducted by elements of the Maidan leadership and the far right in order to win the asymmetric conflict during the ‘Euromaidan’ and seize power in Ukraine. Analysis of synchronized videos, eyewitnesses, and bullet holes and wound locations showed that both the police and the protesters had been shot at from Maidan-controlled buildings.<sup>12</sup> These Maidan massacre studies were cited by over 100 other studies, overwhelmingly favorably.<sup>13</sup>

Based on secondary sources, Serhiy Kudelia has argued that the violence was initiated by the far-right Maidan protesters, who killed and wounded many policemen and that the Berkut police then massacred unarmed protesters in turn.<sup>14</sup> At least two other studies also found significant involvement of the far right in violence during the Maidan but did not examine the Maidan massacre specifically.<sup>15</sup>

Some studies attributed the massacre to the Berkut anti-riot police, or snipers from the Security Service of Ukraine and Internal Troops. However, they did not research the massacre specifically and relied uncritically on claims made by the Maidan politicians and sympathetic Ukrainian and Western media concerning perpetrators and organizers of this massacre.<sup>16</sup> Some studies relied on

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11 “Four Inaccuracies.”

12 Katchanovski, The “Snipers;” Katchanovski, The Maidan; Ivan Katchanovski, “The far right, the Euromaidan, and the Maidan massacre in Ukraine”, *Journal of Labor and Society* 23, no 1 (2020): 5-29; replicated by Hahn, *Ukraine*.

13 See, for example, Moniz Bandeira, *The World Disorder: US Hegemony, Proxy Wars, Terrorism and Humanitarian Catastrophes* (Cham: Springer, 2019); Stephen F. Cohen, *War with Russia: From Putin & Ukraine to Trump & Russiagate* (New York: Hot Books, 2018); Hahn, *Ukraine*; Volodymyr Ishchenko, “Far right participation in the Ukrainian Maidan protests: an attempt of systematic estimation”, *European Politics and Society* 17, no 4 (2016): 453-472; David Lane, “The International Context: Russia, Ukraine and the Drift to East-West Confrontation”, *International Critical Thought* 6, no 4 (2016): 623-644; David Mandel, “The Conflict in Ukraine”, *Journal of Contemporary Central and Eastern Europe* 24, no 1 (2016): 83-88; Sakwa, *Frontline*, 90-92.

14 Serhiy Kudelia, “When Numbers are Not Enough: The Strategic Use of Violence in Ukraine’s 2014 Revolution”, *Comparative Politics* 50, no 4 (2018): 501-521.

15 Ishchenko, Far right; Volodymyr Ishchenko, “Insufficiently diverse: The problem of non-violent leverage and radicalization of Ukraine’s Maidan uprising, 2013-2014”, *Journal of Eurasian Studies* 11, no 2 (2020): 201-215.

16 David R. Marples and Frederick V. Mills, eds., *Ukraine’s Euromaidan. Analyses of a Civil Revolution* (Stuttgart: *Ibidem*, 2015).

a 3D model reconstruction of the killings made by a New York architectural company.<sup>17</sup> However, this model misrepresented the wound locations specified in the forensic reports and consequently the location of the shooters.<sup>18</sup> The SITU Research head stated that "... eventually, there is a consensus that there was a third party acting," "it is clear from forensic evidence that people were shot in the back," and "somebody was shooting from rooftops."<sup>19</sup>

Most importantly, previous studies did not examine comprehensively the evidence revealed by Maidan massacre trial and investigation.

## 1 Data and Methodology

In my analysis, I looked at nearly 1,000 hours of official video recordings of the Maidan massacre trial, the Yanukovych treason trial, and information concerning investigations of this massacre in over 2,500 court decisions in the official online Ukrainian court decisions database.<sup>20</sup>

My study also analyzes the testimonies of wounded protesters and prosecution and defense witnesses, and other witnesses at the trial and investigation. It examines videos presented at the trial, the results of forensic ballistic and medical examinations, and investigative experiments made by government experts for the investigation and the trial. Two online video compilations include brief relevant segments of testimonies of wounded protesters and prosecution witnesses at the trial and the investigation (Video Appendix A and B).<sup>21</sup>

17 Paul D'Anieri, *Ukraine and Russia: From Civilized Divorce to Uncivil War* (New York: Cambridge University Press, 2019).

18 Ivan Katchanovski, "The Buried Maidan Massacre and Its Misrepresentation by the West," *Consortium News*, 22 April 2019, <https://consortiumnews.com/2019/04/22/the-buried-maidan-massacre-and-its-misrepresentation-by-the-west/> (accessed 22 March 2023).

19 "Bradley Samuels: Experiments at the Intersection of Art, Law and Innovation," 2017, <https://www.youtube.com/watch?v=sTsr6eN8TmI&t=3374s> (56:15) (accessed 20 November 2021).

20 "Zasidannya pro «Vbyvstva lyudei 20.02.2014 pid chas Yevromajdanu»", *Sudova vlada Ukrainy*, [https://www.youtube.com/playlist?list=PLzpaJLOcXiHBDQjH4EKdh4aZ3gUzLBn\\_m](https://www.youtube.com/playlist?list=PLzpaJLOcXiHBDQjH4EKdh4aZ3gUzLBn_m); (accessed 10 January 2023); *Yedynyi derzhavnyi reyestr sudovykh rishen'*, <http://www.reyestr.court.gov.ua/> (accessed 10 January 2023).

21 Video Appendix A: Maidan Massacre Trial and Investigation Testimonies by 52 Wounded Maidan Protesters about Snipers in Maidan-Controlled Locations, <https://youtu.be/p1XuVpW1aq0> (accessed 24 March 2023); Video Appendix B: Testimonies by Dozens of Prosecution Witnesses at the Maidan Massacre Trial & Investigation Concerning Snipers in Maidan-Controlled Locations, <https://youtu.be/gaLmHPZfKU0> (accessed 24 March 2023).

### 1.1 *Videos, Photos, and Audio Recordings*

The prosecution presented various videos and photos of Berkut policemen and specific Maidan protesters as evidence that the specific protesters were shot by Berkut. The prosecution charges that about two dozen members of the special Berkut company massacred the protesters during brief police advance on the ground near Zhovtnevyi Palace, and then from behind two barricades on Instytutska Street.

A synchronized video compilation, which was sponsored by GPU, produced anonymously by Jus Talionis group, and presented at the trial as evidence that the Berkut massacred the protesters, however shows that the times and the directions of Berkut shooting did not coincide with times of the killings of those Maidan protesters on film.<sup>22</sup> These Berkut policemen were filmed in numerous videos and National Bank security cameras for almost entire time from their deployment to the end of the massacre, making it impossible for them to have shot the majority of the protesters who were killed. In addition, synchronized videos and other evidence presented during the trial confirmed that three protesters were killed on Instytutska Street even before the special Berkut company first appeared and started shooting.

In contrast, Berkut lawyers showed that the time and direction of a protester shooting from a hunting rifle in videos and photos match the time of killing of a Berkut policeman and a direction of the gunshot determined by government forensic experts. They identified the Maidan shooter, but he was not charged.

Several videos examined at the trial showed Maidan snipers, in particular, the commander and members of a far-right-linked company in the Hotel Ukraina. The far-right Svoboda Party stated before the massacre that it had taken the Hotel Ukraina under its control and guard (Photo Appendix 1).<sup>23</sup> Videos show Svoboda deputies and activists guarding the hotel entrance, accompanying snipers from the far-right linked Maidan company into the building, and searching the hotel during the massacre.<sup>24</sup> A recording of a live broadcast of Espresso TV shows a Maidan protester giving a Kalashnikov-type firearm to another protester at the Maidan barricade in front of the Maidan

22 "Vysota "Zhovtnevyi" (2-e vydannia) Chastyna 2: 08:53-11:00 (20.02.2014)," Talionis, [https://www.youtube.com/watch?v=-cRx\\_ffB9w](https://www.youtube.com/watch?v=-cRx_ffB9w) (accessed 10 January 2023); "Vysota "Zhovtnevyi" (2-e vydannia) Chastyna 3: 10:58-17:31 (20.02.2014), Jus Talionis Reconstruction Lab <https://www.youtube.com/watch?v=hve1CHcG9gc> (accessed 10 January 2023).

23 Photo Appendix 1. The statement by the far-right Svoboda party about taking the Hotel Ukraina under its control and guard before the Maidan massacre in Ukraine (Google translation), [https://www.researchgate.net/publication/369503642\\_Photo\\_Appendix\\_1\\_The\\_statement\\_by\\_the\\_far-right\\_Svoboda\\_party\\_about\\_taking\\_the\\_Hotel\\_Ukraina\\_under\\_its\\_control\\_and\\_guard\\_before\\_the\\_Maidan\\_massacre\\_in\\_Ukraine](https://www.researchgate.net/publication/369503642_Photo_Appendix_1_The_statement_by_the_far-right_Svoboda_party_about_taking_the_Hotel_Ukraina_under_its_control_and_guard_before_the_Maidan_massacre_in_Ukraine) (accessed 24 March 2023).

24 Katchanovski, "The 'Snipers';" Katchanovski, "The far right".

stage during a standoff with the police, and another protester shooting from a hunting rifle in the direction of the police.

Un-broadcast segments of video made by Belgian television channel VRT were demonstrated at the trial and show that two Maidan protesters lured a group of protesters to advance shortly before they would be shot at. It shows a protester shouting to the other protesters in this group not to move ahead because snipers from the Hotel Ukraina were shooting all the protesters and that he saw gunshot flashes from there. The VRT video then shows a bullet hitting a tree in the direction of this group of the protesters, who turn back, point at the hotel and shout to the snipers there not to shoot.<sup>25</sup> A majority of wounded protesters from this group, including Serhii Trapezun and Serhii Tityk, testified that they and their group were shot at from this hotel and other Maidan-controlled buildings nearby, witnessed snipers there, or were told by other protesters about them (Video Appendix A).

Ukrainian security forces' Alfa snipers and commanders testified at the trial as prosecution witnesses that recordings of their intercepted radio communications were selectively edited and were made when they were deployed to the Cabinet of Ministers building to locate snipers in the Maidan controlled Hotel Ukraina and other buildings after the massacre was almost over (Video Appendix B). These audio recordings were widely publicized in the Ukrainian media after the Maidan massacre as evidence that government snipers had massacred the Maidan protesters.

### 1.2 *Eye-Witness Testimonies*

51 out of 72 wounded Maidan protesters, with whose shooting on February 20 Berkut policemen are charged and whose testimonies were revealed, testified at the trial and the investigation that they had been shot by snipers from Maidan-controlled buildings or areas, had themselves witnessed snipers there, or had been told by other Maidan protesters about such snipers. 31 of these wounded protesters testified at the trial and/or the investigation that they had been shot from the Hotel Ukraina, the Bank Arkada, and Zhovtnevyi Palace, the buildings on Muzeinyi Lane and Horodetskyi Street, or other Maidan-controlled buildings or areas. At least 33 wounded protesters testified that they had either witnessed snipers there and/or were told about snipers in these Maidan-controlled locations, mostly in the Hotel Ukraina, by other protesters. (Video Appendix A).

The absolute majority of the wounded protesters stated at the trial and investigation that they were shot from the Hotel Ukraina or witnessed snipers

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25 Ivan Katchanovski, "Shooting of Maidan Protesters from Maidan-Controlled Locations", <https://www.youtube.com/watch?v=aHok-Df7kYs> (accessed 18 January 2023).

there. Other protesters testified at the trial that the snipers in the Hotel Ukraina who massacred the protesters were Maidan snipers. One protester, who was filmed by the BBC running for cover along with other protesters and the BBC journalists after they saw a sniper from the hotel shooting at them, revealed that he was told then by other protesters that this was “our sniper.” He saw that after this shooting a sniper on another floor of the Hotel Ukraina made visual signs to protesters not to reveal the snipers in the hotel. (Video Appendix B, 2:33). The GPU investigation revealed that one of the far-right Svoboda leaders lived in that hotel room at the time of the massacre. Another protester testified that other protesters during the massacre told him about snipers in the Hotel Ukraina and were wondering why ‘our own were shooting our own.’ (Video Appendix B, 1:41). He was featured in the ‘Winter on Fire’ documentary, but this revelation was not shown in that Oscar-nominated documentary.

A female Maidan medic, who was reported in the numerous Western media as wounded on the Maidan, testified at the trial not as a wounded but as a witness. She admitted in an interview with a Ukrainian journalist that she had not been wounded. This journalist reported that the wounding of this Maidan medic had been staged by the Maidan Self-Defense leadership, and that surgery she has undergone shortly before the massacre was misrepresented as fresh wounds.<sup>26</sup>

Another protester testified that he saw a sniper shooting from the Main Post Office roof and killing a person matching the description of Viktor Smolensky, who was shot next to this female medic. This building was then the headquarters of the Right Sector. (Video Appendix B, 16:29).

The testimonies by the absolute majority of wounded protesters generally agree with the videos of snipers in these buildings, and the findings of forensic medical examinations that protesters were shot from steep directions from the sides or the back. They are also consistent with several hundred witness testimonies in social media about such snipers. A video compilation of over 80 such witness testimonies was shown at the trial.<sup>27</sup> Maidan politicians and activists testified that they witnessed involvement of specific Maidan leaders from the oligarchic parties and far right organizations in the massacre and

26 “Zhurnalist poobshhalsja s devushkoj-medikom, jakoby «ranennoj v sheju» snajperom vo vremja Evromajdana. Okazalos', ranenie moglo byt' inscenirovkoj”, *tk.media*, 3 February 2020, <https://tk.media/news/zhurnalist-razoblachil-devushku-medika-yakoby-ranennuyu-v-sheju-snajperom-vo-vremya-evromajdana-okazalos-ranenie-bylo-instse-nirovkoy-2020-02-03> (accessed 26 January 2022).

27 “Zasidannia vid 5.10.2021” <https://www.youtube.com/watch?v=mmXrx2SKBWw&t=1469s> (accessed 26 January 2022); Ivan Katchanovski, “Over 80 Witness Testimonies Concerning Snipers in Maidan-Controlled Buildings and Areas”, 2019, <https://www.youtube.com/watch?v=gMyWOaNHlBM> (accessed 26 January 2022).

cover-up of snipers. Dozens of Maidan protesters and Ukrainian and foreign journalists testified about witnessing snipers in the Hotel Ukraina and other Maidan-controlled buildings.<sup>28</sup>

The trial admitted and showed as evidence a testimony of one of the Georgians who confessed to being a member of a group of Maidan snipers.<sup>29</sup> The Ukrainian border guards confirmed his identity and that he visited Kyiv shortly before the start of the Euromaidan. He and two other Georgians testified at the Prosecutor General's Office of Belarus, at the request of the Prosecutor General Office of Ukraine, following an appeal by the lawyers for the Berkut policemen. Three self-admitted Georgian snipers also gave written depositions for the trial and offered to testify via a video link. Armenian, Belarusian, and, as noted, Ukrainian authorities all confirmed the identities of these Georgians.

Their testimonies and testimonies by the majority of wounded Maidan protesters concerning snipers in Maidan-controlled locations are consistent with the testimony of several dozen prosecution witnesses and relatives of those killed. These witnesses for the prosecution were supposed to provide supporting testimony for the prosecution, but they testified instead to the existence of snipers in the Maidan-controlled buildings and areas massacring protesters and the police. (Video Appendix B).

The commanders of Alfa, Omega, and UDO sniper units testified that government snipers were deployed only after the massacre was underway, and that they had orders to locate the snipers who were shooting at the police and protesters. They too confirmed that snipers were located in the Maidan-controlled buildings, and that those snipers shot not only at the protesters, but also at the police and snipers from their units. (Video Appendix B). Dozens of defense witnesses also testified about Maidan snipers or snipers in the Maidan-controlled buildings and areas, in particular, shooting the police and the protesters.

By contrast, the Berkut policemen and two Omega servicemen, who were arrested and charged with the massacre, denied that they had shot at the protesters. The absolute majority of testimonies of wounded Maidan protesters about being shot by the Berkut on the ground, or by snipers in government-controlled buildings are not corroborated by videos, forensic medical examinations, or other evidence. In the remaining cases, the evidence of their involvement is either absent or contradictory.

Nor did the government investigations and subsequent trials reveal any evidence of an order to shoot at the Maidan protesters by then President Yanukovich, or the commanders of Internal Affairs troops, police, or the

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28 Ibid.

29 "Zasidannia vid 14.12.2021", <https://youtu.be/iwaXGtd1Pe8?t=6026> (accessed 26 January 2022).

Ukrainian Security Forces. The same concerns “titushki” hired by the Yanukovich government or any “third force.” The Prosecutor General of Ukraine and the head of its department in charge of the Maidan massacre investigation stated that they did not have evidence about involvement of the Russian government and Russian snipers in the Maidan massacre.<sup>30</sup>

Yanukovich’s trial for state treason revealed testimony and evidence suggesting that he fled from Kyiv, and later from Ukraine, not because he had ordered the massacre (as the prosecution insisted), but because of the number of assassination attempts being made on his life. Witnesses at his trial testified that right after the Maidan massacre, the president’s motorcade was fired upon at a checkpoint manned by activists of far-right Right Sector and Svoboda. This is corroborated by photos of his car with visible bullet impacts. His former bodyguards also testified that his security detail had information about a plan involving Svoboda activist to assassinate him during a congress in Kharkiv.<sup>31</sup> The helicopter pilots, who flew him there after the massacre, testified that the air traffic controllers relayed to them an order from Maidan leaders to land the helicopter with Yanukovich under threat of its shot-down by military planes. Leonid Kravchuk, the first president of Ukraine, revealed during this trial that shortly before the Maidan massacre he received information about a plot code named ‘Ceausescu’ to assassinate Yanukovich.<sup>32</sup> Ceausescu, the last communist leader of Romania, was assassinated soon after snipers massacred anti-government protesters in a false-flag operation. The former Romanian president, prime-minister, and a number of other leaders of the “revolution” were charged by the Romanian prosecutors in 2018 and 2019 with crimes against humanity for orchestrating killings of their own supporters right after seizing power in 1989.<sup>33</sup>

30 “SBU ne peredala GPU dokazatel'stva uchastiia Surkova v rasstrele Evromaidana, – Shokin”, 27 May 27 2015, 112 *Ukraina*, <http://112.ua/politika/sbu-ne-peredala-gpu-dokazatel'stva-uchastiya-surkova-v-rasstrele-evromaydana--shokin-232196.html> (accessed 26 January 2019); Alla Shershen, “Glavnyj sledovatel' po delu Maidana: Udivljaius', kak oni ostaiutsia na dolzhnostiah”, 19 May 19 2015, *Ukrinform*, [http://www.ukrinform.ua/rus/news/glavnyj\\_sledovatel\\_po\\_delu\\_maydana\\_ya\\_udivlyayus\\_kak\\_oni\\_mogut\\_rabotat\\_na\\_svoih\\_dolgnostyah\\_1746015](http://www.ukrinform.ua/rus/news/glavnyj_sledovatel_po_delu_maydana_ya_udivlyayus_kak_oni_mogut_rabotat_na_svoih_dolgnostyah_1746015) (accessed 26 January 2022).

31 See, for example, “Eks-okhoronets' Yanukovicha: Pershyi napad buv 19 liutoho 2014 roku”, 4 May 2018, *Ukrainska Pravda*, <https://www.pravda.com.ua/news/2018/05/4/7179458> (accessed 16 May 2022).

32 “U Kravchuka byla informacii ob ubiistve Yanukovicha – advokat”. 3 August 3, 2018, *Vesti*, <https://vesti-ukr.com/politika/297639-u-kravchuka-by-la-informatsija-ob-ubijstve-janukovicha-advokat> (accessed 26 January 2022).

33 “Romanian Ex-President Iliescu Indicted For ‘Crimes Against Humanity.’” *RFE/RL*, December 21, 2018, <https://www.rferl.org/a/romanian-ex-president-iliescu-indicted-for-crimes-against-humanity-/29669414.html> (accessed 26 January 2022).

### 1.3 *Results from the Forensic Examinations*

The findings of forensic medical examinations done by government experts for the prosecution were first made public during the Maidan massacre trial, and revealed that the absolute majority of protesters were shot from the side or back, and from top to bottom. Most videos and photos, however, show that the absolute majority of those killed and wounded had the Berkut police in front of them and at ground level, whereas that the Maidan-controlled buildings were generally behind them and on the left and right side.

Forensic medical examinations indicate that 40 out of the 48 killed protesters were shot from a high angle. At least 36 of them were killed at a time when the Berkut policemen were filmed on the ground. Just one protester was killed from a bullet that entered and exited his body horizontally, but he was shot from the side. Of 7 protesters killed who had not forensic information about their wounds, four were shot by hunting pellets before the Berkut special company appeared on the Maidan.

48 out of 51 wounded protesters had steep entry wounds, consistent with the theory that they were shot by snipers in Maidan-controlled buildings, or on the roofs of these buildings.

The forensic ballistic examinations presented at the trial found that 19 protesters were killed on February 20 by bullets which match the calibers not only of AKM Kalashnikov assault rifles, but also of hunting versions of Kalashnikovs, and other weapons. They found that Ivan Bliok was killed from a hunting version of Kalashnikov machine gun.<sup>34</sup> Videos showed protesters with hunting firearms in the Hotel Ukraina during the massacre. Four protesters were killed by pellets that are used in hunting; two were killed by expanding hunting bullets whose calibers differed from those used by Berkut.<sup>35</sup>

A forensic ballistic examination conducted by government experts with use of an automatic computer-based IBIS-TAIS system, found that the bullets extracted from killed protesters, trees, and the Hotel Ukraina rooms did not match police database for Kalashnikov assault rifles of members of the entire Kyiv Berkut regiment, including the special Berkut unit deployed.<sup>36</sup>

Instead, government ballistic experts found that six Maidan protesters had been killed, and at least ten wounded from the Hotel-Ukraina and other Maidan-controlled buildings or areas. The prosecution did not use forensic

34 "Zasidannia vid 30.06.2016", <https://www.youtube.com/watch?v=iIFGip3tB3k> (accessed 26 January 2022).

35 "Zasidannya vid 30.06.2016;" "Zasidannia vid 05.07.2016", <https://www.youtube.com/watch?v=RL5zSVAB5FM> (accessed 12 January 2022).

36 See "Zasidannia vid 21.06.2016", <https://www.youtube.com/watch?v=KfHQLOp5PIE>, (2:39:23) (accessed 26 January 2022).

ballistic experts to determine trajectories of bullets and locations of shooters of the absolute majority of the Maidan protesters. The investigation also determined based on their testimonies, investigative experiments, and forensic examinations that almost half of protesters (77 out of 157) were wounded from sectors where no Berkut police were located, and did not charge anyone with these shooting.<sup>37</sup> This evidence confirming that the protesters were wounded by snipers in the Maidan-controlled areas was not made public.

The bullet holes identified in the government's forensic reports showed that the Berkut police generally shot above protesters, on the second floor and above the Hotel Ukraina, into electric poles, and trees. Forensic examinations by government investigators did not report a single bullet hole in the hotel's ground floor, which is located at the height of the protesters.

## 2 Evidence of a Cover-Up

It is striking that, more than nine years after one of the best documented cases of the mass murder in history, there is not a single person convicted or still under arrest for the Maidan massacre of the protesters and the police. As noted, the prosecution did not charge anyone for wounding 77 protesters, or almost half the total wounded on February 20, after the investigation determined that they had not been shot from Berkut positions but from elsewhere. Similarly, nobody was charged with killing of a Georgian protester from the party of the former Georgian president Mikheil Saakashvili. Circumstances of his death were not revealed. His body was reportedly found in the Maidan-controlled area shortly after the massacre.

A likely reason for this is that the Prosecutor General's Office has been headed by either politicians from the Svoboda and Peoples Front parties, or close allies of presidents Poroshenko and Zelensky. The fact that leading members of Svoboda and Peoples Front parties were selected to head the Prosecutor General Office, even though these parties were accused by other Maidan activists and self-admitted Georgian members of the Maidan sniper groups of having been directly involved in the massacre suggests a cover-up and stonewalling. Maidan victims lawyers, who were themselves Maidan activists, supported the government investigation and the prosecution after initial criticism.

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37 "GPU: Slidstvom identyfikovano 24 kuli, vylucheni z til poranennykh i zahyblykh na Maidani", 2016, <https://www.youtube.com/watch?v=PCxT2q2dnyC> (accessed 26 June 2021).

One Ukrainian journalist who headed the civic council of the Prosecutor General Office of Ukraine after the Maidan, stated that the heads of the GPU investigation of the Maidan massacre had been selected by one of the Maidan leaders.<sup>38</sup> Self-admitted Georgian snipers, as well as members of the Yanukovych government alleged that this member of the Maidan leadership was one of the organizers of the Maidan massacre. He was filmed by a Ukrainian TV evacuating a Maidan protester with a rifle and a scope on February 18, when mass shooting of the police and the protesters started. The person who helped him became an aide to the Minister of Internal Affairs very soon after the 'Euromaidan'.<sup>39</sup>

Similarly, the main pro-Maidan parties blocked the creation of a parliamentary commission concerning the Maidan massacre during Petro Poroshenko's presidency.<sup>40</sup> An amnesty law, adopted by the Ukrainian parliament on February 21, 2014, granted blanket immunity from prosecution for Maidan participants for a variety of serious crimes, including murder, terrorism, and seizure of power. The law also prohibited the investigation of any Maidan participant for such crimes, and specified that any evidence that had already been collected had to be destroyed.

The release from a prison to house arrest and escape from Ukraine of the Berkut company commander charged with the massacre, is consistent with the cover-up theory. A Ukrainian journalist who, in 2014 headed the Civic Council of the GPU, stated that the Minister of Internal Affairs of Ukraine was involved in transferring this Berkut special company commander from Ukraine to Russia.<sup>41</sup> By order of President Zelensky, all five Berkut policemen, who were tried for the Maidan massacre, were released in exchange for Donbas separatists within months of the expected verdict in 2019. This decision stopped the Maidan massacre trial, which resumed only after two of these Berkut members returned voluntarily from separatist-controlled Donbas in order to prove their innocence.

38 "Yak Horbatiuk plemnynya na robotu v DBR vlashtovuvav", *Naspravdi.Today*, 4 January, 2020, <https://naspravdi.today/uk/2020/01/04/yak-horbatiuk-plemnynya-na-robotu-v-dbr-vlashtovuvav> (accessed 12 January 2022).

39 "Tajna so snajperskoj vintovkoi Sergeia Pashinskogo uhodit korniami k Arsenu Avakovu", 2015, <https://www.youtube.com/watch?v=Wd3YXGD57Yw> (accessed 12 May 2020).

40 "Syroid dopuskaet prichastnost' predstavitelej segodnjashnej vlasti k sobytijam, proishodivshim na Evromaidane", *112 Ukraina*, 18 February 18, 2017, <http://112.ua/politika/syroid-dopuskaet-prichastnost-predstaviteley-segodnyashney-vlasti-k-sobytyam-proishodivshim-na-evromaidane-372879.html> (accessed 12 January 2020) and personal communication, 10 May, 2017.

41 "Vilna terytorii. Shist' rokiv trahichnykh podii na Maidani", 21 February 2020, <https://www.youtube.com/watch?v=NBLawMNBuDo> (accessed 15 January 2022).

Despite the evidence presented at the trial suggesting that the Berkut police could not have massacred the Maidan protesters, an impartial judgement from the court's final verdict, which is expected in Fall of 2023, would be difficult. The Ukrainian courts lack independence, especially in high-profile and highly politicized cases, and often issue their decisions in such cases on directives from the presidential administration. Impartiality would be especially difficult because three exchanged Berkut policemen, who are now tried by the Kyiv court in absentia for the Maidan massacre, are in Russian-annexed Donbas during the Ukraine-Russia war. In addition, the trial was also repeatedly attacked and threatened by far-right activists, while the trial judge was beaten by a pro-Maidan activist.

The GPU investigators simply denied apriori that there were any snipers in Maidan-controlled buildings and did not investigate them. Likewise, public statements by eight different Maidan politicians and activists and several self-admitted Georgian snipers about involvement of Maidan snipers and Maidan leaders in the massacre were never investigated. Statements by two Svoboda members that a Western government representative had told them before the massacre that the Western governments would turn on Yanukovich if casualties among the protesters reached 100 were also not investigated, although the victims were quickly dubbed the 'Heavenly hundred'.<sup>42</sup>

The GPU initially stated, in March 2014, that it had identified the snipers, their locations, and even seized their weapons.<sup>43</sup> In April 2014 the GPU issued a statement saying that the protesters had been shot with a Simonov 'sniper rifle' from the Hotel Ukraina.<sup>44</sup> Very soon afterwards, however, the heads of the Prosecutor General Office, the Security Service of Ukraine, and the Ministry of Internal Affairs all reversed their finding about the Hotel Ukraina, and instead insisted that a special Berkut company had massacred the Maidan protesters.

An International Advisory Panel of the Council of Europe reported in 2015 that, contrary to public statements, the official investigation in Ukraine had evidence of the killing at least three Maidan protesters from the Hotel Ukraina or the Music Conservatory, and that at least 10 other protesters had been killed

42 Katchanovski, "The far right", 15.

43 "Siloviki ustanovili lichnosti snajperov, kotorye rasstrelivali ljudej na Maidane", *Glavred*, 18 March 2014, <http://glavred.info/politika/siloviki-ustanovili-lichnosti-snayperov-kotorye-rasstrelivali-lyudej-na-maydane-274477.html> (accessed 11 January 2022).

44 "Prikaz rasstrelivat' mitinguiushhiih otdaval Yanukovich – GPU". *UNIAN*, 2 April 2014, <https://www.unian.net/politics/903462-prikaz-rasstrelivat-mitinguyuschih-otdaval-yanukovich-gpu.html>. The Simonov rifle is not a sniper rifle but a semi-automatic carbine of the same caliber bullets as the AKM; the Simonov was generally removed from military and police service in Ukraine and was available as a hunting rifle.

by snipers from nearby rooftops. The report also asserted that the investigation was being stalled, in particular, by the Ministry of Internal Affairs and the GPU.<sup>45</sup> The Prosecutor General Office reversed without any explanations their own previous investigation findings that at least three protesters were killed from the Hotel Ukraina and 10 others were also killed from significant heights and charged the Berkut policemen with killings of all these protesters. The GPU did not initially charge the Berkut police company members with killings of 10 of the protesters.

Its investigation also failed to conduct a ballistic determination of the bullet trajectories by forensic ballistic experts, even after the Maidan massacre trial judge ordered such examinations, specifically to determine if these trajectories were from the Maidan-controlled buildings. A Berkut lawyer stated that these trial-ordered investigative experiments ceased after government forensic experts determined that the first few Maidan protesters were shot from the Maidan-controlled Hotel Ukraina and Music Conservatory.<sup>46</sup>

A government forensic expert revealed at this trial that he witnessed investigators using lasers to determine locations of shooters, but the prosecution omitted this crucial evidence. The investigation, with some exceptions, instead of ballistic experts used complex forensic examinations by medical experts to determine sectors of fire without on-site visits and any measurements and explanations provided. Forensic medical experts testified that, for the first time in their experience, they and not ballistic experts had been asked to conduct such examinations to determine the locations of the shooters. The judge even questioned the findings of their reports, in particular, their reversals of their own forensic medical examinations and of the testimonies of wounded protesters that shots had been fired from Maidan-controlled buildings and areas.<sup>47</sup>

The SITU 3D model reconstruction of the killings of three Maidan protesters that was produced by a New York architecture company for the Maidan victims' lawyers<sup>48</sup> was cited by these lawyers, the Prosecutor General of Ukraine,

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45 "Report of the International Advisory Panel on its Review of the Maidan Investigations, 31 March 31 2015, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900016802f038b> (accessed 12 January 2022).

46 "Zasidannia vid 18.10.2022", <https://www.youtube.com/watch?v=csHxh6BYqzg> (5:46) (accessed 30 January 2022).

47 "Zasidannia vid 19.01.2022", <https://www.youtube.com/watch?v=DlmlEwkYcuI> (accessed 12 January 2022).

48 "Euromaidan Event Reconstruction", 2018, <http://maidan.situplatform.com/> (accessed 20 November 2021).

and the media, in particular, the *New York Times*, as definite evidence that the Maidan protesters were massacred by the Berkut police.<sup>49</sup>

In this 3D model, however, the wound locations of three protesters killed Maidan do not match the entry and exit wound locations indicated in the government forensic medical examinations of their bodies and clothes. This model changed the steep angle wounds, whose exact locations, heights, and directions were specified in forensic medical examinations, to be nearly horizontal, and moved them from the sides or back of the bodies to the front in order to match the location of the Berkut police barricades in front of these three killed protesters. The *SITU* model was not admitted as evidence by the Maidan massacre trial.

The many unexplained reversals of testimonies by wounded protesters at the trial, compared to their statements during the investigation, also suggest either a cover-up or evidence tempering. The same concerns the unexplained reversal of the forensic examinations of bullets just a few weeks before the prosecution submitted its the case to court and then again in 2019. These new findings, that bullets fired from Berkut Kalashnikovs had killed the protesters, reversed, without explanation, the findings of nearly 40 previous forensic ballistic examinations, including those conducted by the same experts using the same methods and conducted by the automatic computer-based IBIS-TAIS system.

Synchronized content analysis of the videos of the Berkut police and several such killed and wounded protesters along with locations and directions of wounds in forensic medical examination, testimonies of eyewitnesses among Maidan protesters, and on-site investigative experiments by government ballistic experts show that Maidan protesters were shot from Maidan-controlled buildings and could not have been physically shot from the Berkut positions contrary to findings of new examinations of bullets. This, in particular, concerns the Berkut policemen who are charged with the massacre.

The Maidan massacre trial also revealed examples of evidence tampering. Bullets, allegedly of those killed and wounded protesters, appeared without any chain of custody documentation, or disappeared, changed size, shape and packaging. For example, the Maxym Shymko autopsy report listed three grey and one yellow bullet fragment, but in the forensic ballistic examinations, a new yellow bullet piece of much larger size replaced one of grey pieces. This

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49 "Who Killed the Kiev Protesters? A 3-D Model Holds the Clues", *New York Times*, 30 May 2018, <https://www.nytimes.com/2018/05/30/magazine/ukraine-protest-video.html> (accessed 30 June 2019).

new bullet piece was then matched to a Berkut Kalashnikov, reversing multiple previous forensic examinations, without any explanation. This new-found bullet was the only piece of evidence linking a Berkut policeman, who was exchanged to Donbas separatists and has been tried in absentia, to the shootings.<sup>50</sup> The forensic medical examination, meanwhile, showed that the protester involved had been shot from a steep angle.

A lengthy video by German state television (ARD), was introduced at the trial by the Maidan victims' lawyers, but it had no sound track during the most important part of the massacre.<sup>51</sup> A Ukrainian journalist, writing on social media, said that he had filmed this video for ARD, and that the video shown at the trial had been cut. The video content and his statements both indicate that the video was filmed from the same Hotel Ukraina room rented by German television channel ZDF, and in which snipers from the far-right-linked Maidan company were filmed shooting at the Maidan protesters. Since this video simultaneously captured the killing and wounding of the protesters and the position of the Berkut police, had the missing audio of the gunshots been available, it could have demonstrated that the specific times of the shooting of specific protesters coincided with loud sound of gunshots from this Maidan-controlled hotel and not with more distant sound of Berkut gunshots from their barricade.

The Maidan massacre trial was restarted in 2016, then suspended for one year after the exchange of the five Berkut policemen to separatists by President Zelensky. Several attacks by the neo-Nazi C14 and other far right groups disrupted and threatened the trial. There is no such evidence of systematic cover-up by the Yanukovich government leaders and Berkut members. Ultimately, two out of the five Berkut policemen who were arrested for several years and tried for the Maidan massacre were released in 2019 because of lack of evidence that they killed or wounded any specific protesters.

In addition, key pieces of evidence of the massacre on February 20, 2014 have simply disappeared while they were under the Maidan opposition or Maidan government control or in the possession of the GPU. This includes almost all shields and helmets of killed and wounded protesters (bullet holes in them could have helped to identify the locations of shooters), several bullets extracted from the bodies of protesters and police, from the trees, soil, and flower box at the Maidan buildings have disappeared. Some trees with bullets and/or bullet holes in the area were cut down, including at the request of the

50 "Zasidannia vid 26.10.2022", [https://www.youtube.com/watch?v=nRZMnieO\\_pM&t=1654s\(27:34\)](https://www.youtube.com/watch?v=nRZMnieO_pM&t=1654s(27:34)) (accessed 12 January 2022).

51 "Nove video rozstriliv na Maidani", *TyzhdenUA*, 2017, <https://www.youtube.com/watch?v=gquj-Gf7cVQ> (accessed 16 January 2018).

prosecution. Many online streams and web camera recordings of the Maidan from the early morning of February 20 also disappeared immediately after the massacre, along with security camera recordings from the Hotel Ukraina, the Bank Arkada, and other Maidan-controlled buildings.

The evidence of sniper positions, as reported by the head of the Maidan Self-Defense Andrii Parubii, found in the Hotel Ukraina are also missing, as are the Kalashnikov bullet boxes, shown by Svoboda activists to Guardian journalists during their investigation of the Hotel Ukraina.<sup>52</sup>

The first Prosecutor General of Ukraine appointed by President Zelensky, Ruslan Ryaboshapka, admitted that the investigation of the Maidan massacre and other Maidan crimes had been sabotaged, and that a significant part of the evidence had disappeared during prior investigations.<sup>53</sup>

Investigations of the massacres of the police and the protesters were separated even though they happened on the same days and in the same places. There were no forensic examinations comparisons of bullets extracted from bodies of the police and the protesters in spite of various evidence that they were shot by same groups of snipers. Nobody is convicted or arrested for killing and wounding the police despite confessions in the media and social media by several snipers and forensic ballistic examinations confirming them.

The commander of the far-right-linked Maidan company, who along with several members of his company, publicly admitted in the media interviews shooting the police from the Music Conservatory and was filmed along with snipers from his company in the Hotel Ukraina during the massacre of the protesters, was not even interrogated by the GPU. He threatened from the Maidan stage to use weapons to overthrow Yanukovich by blaming him for the Maidan massacre and also admitted that his company forced members of the Ukrainian parliament to participate in the votes to dismiss Yanukovich and his government from power and to elect the Maidan opposition leaders in their place.<sup>54</sup> The GPU also did not interrogate members of his far-right Maidan company, with few exceptions, even though it obtained a list of their names and places of residence.

52 Ian Traynor and Harriet Salem, "Snipers stalk protesters in Ukraine as Kiev hotel becomes makeshift morgue", *Guardian*, <https://www.theguardian.com/world/2014/feb/20/ukraine-snipers-kiev-hotel-makeshift-morgue> (accessed 1 March 2023).

53 "Chastyna materialiv znykla, ne xotily vyjty na zamovnykiv, – Ryaboshapka pro spravy Maidanu," *24 kanal*, 30 January 30 2020, [https://24tv.ua/chastyna\\_materialiv\\_znykla\\_ne\\_hotili\\_viyti\\_na\\_zamovnikiv\\_ryaboshapka\\_pro\\_spravi\\_maydanu\\_n1272252](https://24tv.ua/chastyna_materialiv_znykla_ne_hotili_viyti_na_zamovnikiv_ryaboshapka_pro_spravi_maydanu_n1272252) (accessed 30 January 2020).

54 Oksana Kovalenko, "Sotnyk, yakij perelomyv khid istoriyi: Treba bulo dotyskaty," *Ukrainska pravda*, 24 February, 2014, <http://www.pravda.com.ua/articles/2014/02/24/7016048> (accessed 30 January 2020).

Berkut lawyers throughout this trial and in closing arguments also stated that there is no evidence that the Berkut policemen, who are charged with the massacre, massacred any specific Maidan protesters. They stated based on testimonies of dozens of wounded Maidan protesters, defense and prosecution witnesses, videos, on-site investigative experiments, and medical and ballistic forensic examinations, that snipers in the Hotel Ukraina and other Maidan-controlled buildings and areas shot both the police and the protesters. The Berkut lawyers suggested that key evidence, such as bullets and the last few forensic ballistic examinations, which reversed results of some 40 previous forensic ballistic examinations, was tampered with.<sup>55</sup>

The Maidan massacre memorial proposed by the Government would completely change the landscape and the street. The site of the massacre is to become a park with a new Maidan massacre museum. The construction of this memorial will erase any remaining evidence and make it physically impossible to conduct any more on-site investigative experiments to determine bullet trajectories.<sup>56</sup>

Similarly to the Maidan massacre, the Ukrainian government investigations in three related cases during the “Euromaidan” found evidence that they were staged false-flag operations but covered-up these findings and failed to prosecute those responsible. The Ukrainian police closed in 2020 its investigation of kidnapping, torture, and crucifixion of Dmytro Bulatov, one of Automaidan leaders during the “Euromaidan,” because the investigation determined based on testimonies of other Automaidan leaders and forensic examinations that the crime “was absent” and could have been “staged.”<sup>57</sup> The Military Prosecutor Office in Lviv found based on forensic ballistic examinations of bullet trajectories that an elderly female protester was killed and several protesters wounded in Khmelnytskyi by another Maidan protester from the regional headquarters of the Security Service of Ukraine porch which was then occupied by Maidan protesters. However, the Prosecutor General Office reversed this investigation as politically inappropriate and charged SBU Alfa officers for shooting the protesters. The government investigation also determined based on forensic

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55 See, for example, “Zasidannia vid 18.10.2022,” <https://www.youtube.com/watch?v=csHxh6BYqzg> (accessed 15 January 2023); “Zasidannia vid 14.11.2022,” <https://www.youtube.com/watch?v=gX3bGBx009c> (accessed 15 January 2023).

56 “Arkhitekturnyi proyekt Natsional'noho memorialu Heroyiv Nebesnoyi Sotni”, *National Memorial to the Heavenly Hundred Heroes and Revolution of Dignity Museum*, <https://www.maidanmuseum.org/uk/node/1291> (accessed 20 November 2021).

57 Anatolii Sharij, “Skrepy Maidana. Raspiatyi malchik”, 11 April 2020, <https://youtu.be/02ML-MzAyoM> (accessed July 1, 2021).

examinations that the first three Maidan protesters were killed in January 2014 from a few meter distances in the Maidan-controlled areas, while the police lines were several dozen meters away from the Maidan positions. The results of these forensic examinations were also reversed without any explanations, and nobody is charged with their killings.<sup>58</sup>

### 3 Conclusion

Careful analysis of publicly available evidence revealed during the Maidan massacre trials and investigations, shows beyond reasonable doubt that the four killed and several dozen wounded policemen, and nearly all of the 49 killed and 157 wounded Maidan protesters, were shot by snipers in Maidan-controlled buildings and areas. Even the Ukrainian Prosecutor General's investigation determined that about half of Maidan protesters were wounded from locations other than the Berkut police positions and did not charge anyone with their attempted murder. The GPU investigation also initially found that the snipers in the Hotel Ukraina massacred the protesters. This hotel was controlled at the time by the far-right Svoboda party, which stated before the massacre that it took it under its control and guard.

The absolute majority of wounded Maidan protesters, with whose shooting Berkut policemen are charged and whose testimonies were revealed at the trial, testified at the trial and the investigation that they were shot by snipers from the Hotel Ukraina and other Maidan-controlled buildings or witnessed snipers there. Nearly 200 witnesses, including dozens of the prosecution witnesses, also testified about snipers in these Maidan-controlled locations, in particular, massacring the police and the protesters.

Synchronized videos presented at the trial show that the times and directions of the shots by the Berkut policemen did not coincide with the times and directions at which specific protesters were killed. Other videos showed Maidan protesters being lured into positions that were exposed to snipers from such Maidan-controlled buildings as the Hotel Ukraina.

Forensic medical examinations by government experts determined that the majority of the protesters were shot from a steep angle from either the side or back. This is consistent with locations of the Maidan-controlled buildings, and inconsistent with the locations of the Berkut police on the ground. Also, the

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58 Katchanovski, *The Far-Right*.

initial ballistic examinations did not match the bullets extracted from the bodies of killed and wounded to the Kalashnikov rifles used by Berkut.

Nor did the trials and investigations reveal any evidence that President Yanukovich or his law enforcement ministers and commanders ordered the massacre. Forensic examinations of the bullet holes by the government experts and the videos they presented showed that the Berkut policemen were mostly shooting above the Maidan protesters, and in particular into the Hotel Ukraina, which was the main location of the snipers.

The accidental killing and wounding of a small number of protesters by the Berkut police by ricochet bullets, or in a crossfire with snipers in the Maidan-controlled buildings, cannot be completely excluded because of the lack of publicly available data or because of contradictory data. But their killing and wounding together with other protesters suggests that they were also likely shot by the Maidan snipers.

There are various indications of stonewalling and cover-up of key evidence. It is noteworthy that the government investigation denied presence of any snipers in the Maidan-controlled buildings, in spite of its own initial findings that no fewer than 13 protesters were killed, and at least 77 wounded, from shot fired from the Maidan-controlled buildings and areas. When bullet trajectories, as determined by government ballistic experts and lasers in on-site-investigative experiments, showed that many Maidan protesters had been shot at from the Hotel Ukraina and other Maidan-controlled buildings, this result was covered-up and ballistic experts were no longer used. The GPU did not use ballistic experts to determine the bullet trajectories and locations of shooters even after being ordered to do so by the judge and the jury.

Unexplained reversals of results of some 40 forensic ballistic examinations, including computer-based examination which showed that bullets of Berkut Kalashnikovs did not match bullets from bodies of killed Maidan protesters, also suggest a cover-up and evidence tampering. Synchronized content analysis of the videos of the Berkut police and killed and wounded protesters along with locations and directions of wounds in forensic medical examination, testimonies of eyewitnesses among Maidan protesters, and on-site investigative experiments by government ballistic experts show that Maidan protesters could not had been physically shot from the Berkut positions,

Not a single person has been convicted or is currently under arrest for the Maidan massacre after more than nine years of investigation and trials, despite this being one of the best documented cases of mass murder in history, and one of the most significant human rights violations in independent Ukraine. This massacre, and the subsequent assassinations attempts against President Yanukovich, resulted in the violent overthrow of the Ukrainian government,

and this 'false-flag' mass killing must be seen as a key part of this violent and undemocratic overthrow of the government in Ukraine.

These findings have major implications for understanding the 'Euromaidan' and the origins of the violent conflict in Ukraine and the conflicts between Russia and Ukraine and between Russia and the West. This false-flag massacre led to the de facto Western-backed violent overthrow of the Ukrainian government, which spiraled into the annexation of Crimea by Russia, the civil war, and Russian military interventions in Donbas.

The trials and investigation revelations show that not popular "Euromaidan" protests but this staged mass killing and assassination attempts against Yanukovich were decisive in his overthrow. They demonstrate that, contrary to the dominant narratives in Ukraine and the West, the political transition during the "Euromaidan" was undemocratic. This mass killing of the protesters and the police also was one of the most significant political crimes and human rights violations in history of independent Ukraine.

The failure of the Ukrainian law enforcement and justice system to provide proper justice in the case of the Maidan massacre undermined the rule of law and prospects for reconciliation within the Ukrainian society, which was divided to various degree and largely along regional lines in terms of support for the Maidan protests and on many other political issues during and after the "Euromaidan." The Maidan massacre trial verdict is unlikely to ensure justice because of the politization of this case and lack of independence of the judicial branch, especially at the time of the Ukraine-Russia war. The same concerns the failure of international organizations, such as the International Criminal Court, the Council of Europe, and the UN Security Council, to ensure justice in this crucial case.

The far-right involvement in the Maidan massacre of the police and the protesters and the failure to investigate, prosecute, and punish the far right for this mass killing resulted in the far right attaining oversize influence in the Ukrainian politics and de facto immunity for other violence or threats of violence.

The Maidan massacre gave start to conflicts between Ukraine and Russia and between the West and Russia, which Russia drastically escalated by invading Ukraine on February 24, 2022. Russian President Vladimir Putin and other Russian leaders claim that a fascist coup in Ukraine was conducted during the Maidan, with Western government involvement, and that a Nazi regime is in power in Ukraine. He has used this claim to justify the Russian invasion of February 24, 2022. However, scholarly studies show that the Russian government exaggerates the role of neo-Nazis during and after the Maidan, that the Ukrainian governments are not Nazi or neo-Nazi, and that the Russian invasion

is illegal under the international law.<sup>59</sup> Simply put, the Maidan massacre does not justify the illegal Russian invasion of Ukraine. Conversely, the Russian invasion does not justify the Maidan massacre of the police and the protesters.

The Maidan massacre, the oligarchic and far-right elements involved in this mass killing, and the lack of justice in this crucial case of political violence had significant negative consequences to Ukraine and Ukrainians directly and indirectly, i.e., as result of spiraling conflicts that it provoked. This was one of factors that indirectly contributed to Ukraine's loss of largely pro-Russian Crimea as result of the Russian annexation, and to the loss of most of Donbas as result of separatist rebellion and Russian military interventions in August 2014 and January 2015. Understanding the Maidan massacre and bringing to justice its perpetrators could have helped to resolve peacefully the conflicts in Ukraine and Ukraine-Russia conflicts and to prevent the Ukraine-Russia war.

The Maidan massacre and those who were involved in this mass killing by starting the conflicts spiral and the failure to bring justice by failing to prevent conflict escalation also indirectly contributed to the Ukraine-Russia war with its large human and economic costs to Ukraine and Ukrainians and likely permanent loss of annexed Donbas and parts of other Eastern and Southern regions of Ukraine.<sup>60</sup> Ukraine is unlikely to defeat Russia without the direct Western participation in this war.

This does not absolve Russia of direct responsibility for its illegal invasion, military interventions, and annexations in Ukraine and human and economic toll of the Ukraine-Russia war. The outcome of this war would determine not only the future of Ukraine but also of the future of Ukrainian-Russian relations and the world order.

The Maidan massacre trial and investigation did not reveal evidence of Russian or Western governments involvement in this crucial mass killing. The de facto backing by the West of the violent overthrow of the democratically elected and relatively pro-Russian government in Ukraine by means of the Maidan massacre and assassination attempts also contributed to the start of the conflicts in Crimea and Donbas and conflicts between Russia and Ukraine and Russia and the West which now escalated into the Ukraine-Russia war and a proxy war between the West and Russia in Ukraine, which became a US client state after the "Euromaidan." Therefore, the Maidan massacre and the failure to ensure justice ultimately have significant indirect global consequences,

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59 See, for example, Katchanovski, *The Far-Right*; Katchanovski, *The Russia-Ukraine*.

60 Ivan Katchanovski, "The hidden origin of the escalating Ukraine-Russia conflict", *Canadian Dimension*, 22 January 2022, <https://canadiandimension.com/articles/view/the-hidden-origin-of-the-escalating-ukraine-russia-conflict> (accessed 23 March, 2023).

which can further increase in unlikely but not excluded case of a direct war between NATO and Russia with a danger of a nuclear war over Ukraine. The puzzling misrepresentation of the Maidan massacre by the West and its failure to help advance justice in this case requires further research.

The different narratives of the Maidan massacre and regime change in Ukraine have complicated peaceful resolutions of the conflicts in Crimea and Donbas and Ukraine-Russia and the West-Russia conflicts, and poisoned relations between Russia and Ukraine. They have also fed into the proxy war over Ukraine between the West and Russia, and are therefore likely to complicate Ukrainian-Russian relations long after the war. Bringing the actual perpetrators of the Maidan massacre in Ukraine to justice is a difficult, but necessary, step in resolving these dangerous conflicts.