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Warsaw, 6 February, 2014

Ukraine: President Yanukovich refuses to reach a real compromise with protesters, thereby increasing the probability of a military scenario



Photo: president.gov.ua

President Yanukovich simulates participation in the negotiation process in order to present himself as a peacemaker in the eyes of the international community. Whilst declaring his desire to stop the bloodshed, the president actually legislates for a possible military crackdown on protesters.

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Introduction

The calmness on the barricades, which has lasted for the past few days, may soon cease. The President and his party declare readiness to compromise, but in fact they are only giving themselves more time, since no serious steps towards resolving the conflict have been taken. After two months of completely ignoring the protest of one million people, the authorities achieved their goal of radicalising the Maidan. Now, due to their inaction, the pretence at negotiations and a cynical attitude towards the protesters and international community, the authorities risk provoking a new wave of violence.

The President intentionally lobbied the impracticable and unlawful amnesty law, referred to by human rights defenders as the 'law on state hostages'. On the other hand, the authorities describe the partial suspension of 'dictatorship laws' as a 'serious compromise'. However, those laws were passed with gross violations of procedures and were not legitimate in terms of public reaction. Prime Minister Mykola Azarov, who fled from Ukraine to Austria by private jet immediately after his resignation, was replaced by Sergei Arbuzov – a person close to the so-called 'family' of Yanukovich (which means he is connected with the family business of the President and his sons). Importantly, Azarov, an ardent supporter of the Customs Union for the Ukrainian People, himself chose the European Union, and moved his family and considerable capital of dubious origin to Austria.

At the same time, officials who may be responsible for the use of force against the protesters, continue to perform their duties. None of the police officers were punished for beating and torturing of the protesters, shooting at journalists and physicians, or illegal use of special equipment. The murders of the protesters were also not investigated. Numerous facts prove the coordination of actions of law enforcement agencies and criminals. The public sector of Euromaidan reports that in less than three months of the protest, 1739 people became victims of repression. As of 6 February, 2014, 31 people are considered missing. The protesters are still being kidnapped and tortured, and mass street arrests of activists (and even passers-by) are being reported in numerous regions. The government district is surrounded by special units of the Ministry of Internal Affairs and military equipment. The Ministry and the Prosecutor's Office do not divert their bellicose rhetoric against the protesters.

One might assume that the President is still not aware of the extent of social unrest and complications that the country may face. Yanukovich is ready to compromise only in ways that would serve his own interests and the interests of the Kremlin. Russia is developing Cold War rhetoric around Ukraine. Senior officials of the Russian Federation expressed the need for a violent crackdown of the protest in Ukraine.

The situation on the barricades is becoming more and more alarming. The protesters are tired of government inaction, of the unwillingness of the parliamentary majority to adopt decisions that would be unfavourable for the President, and of the ongoing pressure of the Ministry of Internal Affairs against the protesters. The opposition leaders do not control the Maidan. They are only trying to represent it in the negotiations and report back to the activists. More protesters are desperate due to fruitless negotiations, and are picketing near the government district.

The Open Dialog Foundation is continuing its long-term mission in Ukraine, aimed at helping the victims and monitoring the repression of the protesters, which can be considered a crime against humanity. Currently, the government is creating conditions necessary for escalation of the conflict. We urge the government and the protesters to avoid a new wave of violence in Ukraine.

Participation of the EU and USA in the investigation of the violence during the protests in Ukraine, directing international observation missions to monitor the trials of the detained activists and journalists in Kiev and all the regions, as well as targeted visa and financial sanctions against Ukrainian oligarchs and political elites responsible for the attempt to introduce dictatorship in Ukraine may help to peacefully resolve the political crisis in Ukraine. The will of the President to hold on to power at any cost may lead to a split, a loss of national sovereignty and geopolitical instability in the region.

1. THE PRESIDENTIAL AMNESTY LAW FORMALLY GRANTS THOSE ARRESTED THE STATUS OF 'STATE HOSTAGE'

On 29 January, 2014, pro-government political forces in parliament (the Party of Regions and the Communist Party) adopted Law No. 4021-3 'On elimination of negative effects and prevention of prosecution and punishment in connection with the events that took place during peaceful meetings'. The author of the law is a representative of the president in parliament, Yuriy Miroshnichenko.¹ The opposition refused to vote for this law, as it was not recognised as a compromise. On 31 January, 2014, the President signed off the law.

The law proposed by the President provides for exemption from criminal and administrative responsibility and the closing of criminal cases instituted for participation in mass protests. **However, in order that the law may be implemented, within 15 days from the date of publication of the law, the protesters should:**

- release all occupied public buildings and buildings of local governments (in Kiev and regions);
- unblock Grushevskogo Street in Kiev;
- unblock other transport routes in Kiev and other cities (other than those on which protests are being held).

At the same time, the General Prosecutor should announce on the website of the General Prosecutor's Office that protesters have virtually fulfilled the above mentioned conditions. Otherwise, the law becomes invalid.

The pro-presidential party stated that protesters could remain in buildings which don't constitute public property (House of Trade Unions, Ukrainian House, October Palace). A representative of the President in Parliament stressed that the draft legislation applied only to 'peaceful protesters'. The justification of this criteria is questionable as the mere presence of clashes between protesters and the police in the area are treated by prosecutors as 'participation in mass riots'.



Clashes on Grushevskogo Street. 22 January, 2014. Photo: radiosvoboda.org

¹ http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=49622

The opposition advocated the adoption of alternative laws drawn up by MPs Yuriy Yemets² and Leonid Derevyanko³, which provided for **full amnesty for protesters without any additional conditions**. The protesters on Independence Square stated that they would not vacate the administrative buildings and Grushevskogo Street due to the fact that illegally detained activists should be released without any conditions. MEP Jacek Saryusz-Wolski commented on pro-government amnesty draft law: *'This is bad. Only the release of all detainees and prisoners without any conditions gives a chance for an agreement'*.⁴

1.1. The amnesty law contravenes the basic principles of international law.

The state actually recognised the lack of legal grounds to arrest the protesters. Provisions of the law confirm that **activists were arrested not for specific offences, but rather so that they could be used to 'barter' for the seized buildings**. The possibility of release from detention of activists is dependent on the actions or inactions of others, while international law is guided by a clear principle: a person is only responsible for their own actions.⁵

Thus, the state is openly blackmailing the protesters, failing to provide any guarantees of complying with the law. The Ukrainian Helsinki Committee stated that *"this law puts Ukraine's Verkhovna Rada on a par with pirates and terrorists who use the institution of hostages as a tool in order to influence situations"*. Such actions fall under Article 147 of the Criminal Code ('taking hostages').⁶



'Berkut' soldiers are detaining protesters on Grushevskogo Street. Photo: radiosvoboda.org

1.2. The amnesty law was adopted with gross violations of the procedure and under pressure from President Yanukovich.

Journalists have documented instances where MPs from the Party of Regions, in particular, Alexander Volkov and Ivan Popesku, voted for in place of their absent colleagues. It is noteworthy that Ivan Popesku is listed as voting 'for' the law, which is physically impossible, since on that day he was in

² http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=49573

³ http://w1.c1.rada.gov.ua/pls/site2/p_deputat?d_id=15768&skl=8

⁴ <http://www.polradio.pl/5/38/Artykul/160415,Евродепутат-Віктор-Янукович-не-хоче>

⁵ <http://helsinki.org.ua/index.php?id=1391086807>

⁶ <http://helsinki.org.ua/index.php?id=1391086807>

Strasbourg due to his responsibilities as head of the Ukrainian delegation to PACE.⁷ The wording of the law has not been disseminated among members of parliament. The law hadn't been posted on the Parliament website before the vote took place or even within a few hours of the vote, therefore the public were left in the dark regarding the details of the document. The law was passed under the simplified procedure without any debate or consideration by the committees⁸, although Parliament hadn't given its consent to this.

According to the MP Lesya Orobets, during a discussion over the amnesty law in the Parliament, several MPs from the Party of Regions were prepared to support the law drafted by the opposition. However, in the evening, President Yanukovich suddenly arrived in parliament. At a meeting of the Party of Regions, **Yanukovich threatened those gathered with dissolution of parliament if party members refused to support the law proposed by the government.** Former Polish President, Aleksander Kwaśniewski suggested that President Yanukovich's urgent visit to parliament was prompted by his desire to keep the majority on his side: *"He came to discipline, intimidate, blackmail, and it brought about the result"*.⁹ Head of the Foreign Affairs Committee of the European Parliament, Elmar Brok noted that the interference of the president and the pressure he exerted on parliament does not prove that he wishes to resolve the conflict peacefully. According to the MEP, the president and his entourage *"are not willing to compromise one millimetre. (...) This is a complete loss of sense of reality, combined with unconstrained aspirations to be in power"*.¹⁰

2. 'CONCESSIONS' MADE BY THE PRESIDENT ARE 'TRAPS' FOR THE OPPOSITION AND A WAY TO MISLEAD THE INTERNATIONAL COMMUNITY

2.1. Parliament only partially revoked the 'laws on dictatorship'.

On 28 January, 2014, the Parliament revoked by majority vote¹¹ 5 'dictatorial' laws, which had provoked violent clashes between protesters and police.¹² The following laws were completely annulled:

- the law on additional measures to protect the safety of citizens;
- the law on the possibility of conviction in absentia;
- the law simplifying the procedures for annulment of parliamentary immunity;
- the law on administrative offences committed during football matches;
- the law on liability for drivers for driving in columns consisting of more than 5 vehicles.

However, the Parliament has not revoked, but only made amendments to two laws, which had previously caused an escalation of protest in society:

- the law on liability for destruction of monuments built to commemorate those who fought against Nazism during World War II;
- the law on liability for denial or justification of crimes of fascism.¹³

⁷ http://censor.net.ua/video_news/268733/za_amnistii_pr_progolosovala_s_knopkodavstvom_regional_popesku_sevichas_na_sessii_pase_v_stra_sburge

⁸ <http://www.pravda.com.ua/news/2014/01/30/7011970/>

⁹ <http://www.polskieradio.pl/7/129/Artykul/1036990,Kwasniewski-na-Ukrainie-rozpoczyna-sie-proces-dezintegracji-wladzy>

¹⁰ <http://dw.de/p/1AzY6>

¹¹ 361 votes out of 412 registered PMs in the room; the Communist Party did not participate in the voting.

¹² http://www.odfoundation.eu/ru/urgents/1558/5_zakonov_kotorie_vveli_diktaturu_ukraine

¹³ <https://www.facebook.com/lesyaorobets/posts/654179291284653>

By these amendments, the parliament actually admitted that these laws are legitimate. On 31 January, 2014, the President approved the parliament's decisions with his signature.

It is worth noting that on 28 January, 2014, the MP from the Party of Regions, Vadym Kolesnichenko, registered a new draft law on 'foreign agents', which stipulates that organisations which receive funding from abroad, must submit annual reports to the Ministry of Justice on their activities, the scope and purpose behind their funding.¹⁴

2.2. Despite the formal resignation of the government, the President has strengthened control over the Cabinet and the Presidential Administration.

During the negotiations, the President of Ukraine offered the opposition politician, Arseniy Yatsenyuk the position of prime minister, and Vitaliy Klitschko - the position of deputy prime minister for Humanitarian Affairs. On the evening of 25 January, 2014, opposition leaders came to Independence Square in order to report the results of negotiations with the president. Vitaliy Klitschko announced that the opposition did not accept the proposals given by Viktor Yanukovich. Arseniy Yatsenyuk stated, "Viktor Yanukovich said that the government was not ready to bear responsibility for the country and offered the opposition the chance to take leadership of the government. What is our response? Are we afraid of responsibility? We are not afraid of responsibility for the fate of the country. We accept this responsibility; we are ready to lead the country into the European Union, to release Yulia Tymoshenko". However, in response to this, many protesters on Independence Square began to whistle and shout 'Shame!'.¹⁵ Later, journalists tried to get an explanation from Arseniy Yatsenyuk as to what he had had in mind when speaking from the stage, and he replied: "We do not rule out the proposal, but we do not accept it, either... We are ready to take responsibility for the fate of the country, but under the conditions that we are putting forward".¹⁶



An armoured vehicle on Grushevskogo Street. Photo: unian.ua

As a result, opposition leaders considered Yanukovich's proposal inappropriate given a situation where the Prime Minister has no real authority, and all power belongs to the president, who can appoint and dismiss the prime minister and form a government at his discretion. Therefore, the opposition

¹⁴ http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=49600

¹⁵ <http://www.youtube.com/watch?v=v-BOAk8gO3w#t=1346>

¹⁶ <http://www.unian.ua/politics/876648-yatsenyuk-pro-premerstvo-mi-ne-vidkidaemo-propozitsiyu-ale-i-ne-priymaemo.html>

advocates a return to the previous version of the Constitution, which provided for a parliamentary-presidential form of government.

On 28 January, 2014, Prime Minister Nikolay Azarov resigned. Until the formation of a new government, Serhiy Arbuzov will fulfill the duties of prime minister; he is considered a man from Yanukovych's entourage. **At the moment, all the ministers remain in their posts, including Interior Minister Vitaliy Zakharchenko** (his department was one of those which issued the order to disperse the Maidan on 30 November, 2013). Andriy Klyuyev, whom protesters and journalists accuse of involvement in the violent dispersal of the Maidan, was appointed head of the presidential administration. Thus, **the power is increasingly more concentrated in the hands of people from the president's circles.**

3. EVEN DURING THE NEGOTIATION PROCESS, THE AUTHORITIES AND CRIMINAL GROUPS CONTINUE TO HARRAS ACTIVISTS AND GROUPS OF CRIMINALS CONTINUE REPRESSION OF ACTIVISTS

3.1. Oppression of activists of Automaidan and arrests en masse in the regions.

An activist of AutoMaidan¹⁷, **Dmitriy Bulatov**, who disappeared following the attack of Special Forces 'Berkut' against a column of vehicles on 22 January, 2014, was found on 30 January, 2014. According to Bulatov, over the course of those few days, **he was brutally tortured, stretched against a wall, and had part of his ear was cut off.** Unknown persons left him near Kiev, and Bulatov managed to make it to the nearest village. The following day it became known that he, along with other activists of AutoMaidan (Alexei Gritsenko and Sergei Koba) were **placed on the wanted list by the Ministry of Internal Affairs.** Investigators accused Bulatov of organising riots and requested that the court applied house arrest against him.¹⁸ However, the court gave Bulatov permission to travel abroad for medical treatment. Currently, Bulatov is in a clinic in Vilnius. U.S. Secretary of State John Kerry, European Commissioner Štefan Füle, German Foreign Minister Frank-Walter Steinmeier and Foreign Minister of Lithuania, Linas Linkyavichus **defended Bulatov.**¹⁹ The criminal case against Bulatov remains open.²⁰



Dmitriy Bulatov after being kidnapped. Photo: TV channel 1+1

¹⁷ Automaidan – an organised peaceful protest of motorists, supporters of EuroMaidan.

¹⁸ <http://www.pravda.com.ua/news/2014/01/31/7012304/>

¹⁹ https://www.facebook.com/petroporoshenko/posts/583911491691587?stream_ref=10

²⁰ <http://ua.interfax.com.ua/news/general/188387.html>

The Interior Ministry stated that the kidnapping of Dmitriy Bulatov could have been staged with the aim of "carrying out provocations in order to trigger a negative response in society".²¹ In an interview for Aljazeera, **Ukrainian Foreign Minister Leonid Kozhara** commented on the situation alongside Dmitriy Bulatov as follows: ***"It seems that the story about kidnapping and being subjected to torture is absolutely false. Physically, this man is in good condition, and the only injury he sustained was a scratch across one of his cheeks"***.²² It should be noted that during Bulatov's stay in a Kiev hospital, he was visited by ambassadors of EU countries, Canada and the United States.²³ On 4 February, 2014, **Lithuanian Foreign Ministry announced that Dmitriy Bulatov's condition "clearly shows signs of long-term physical torture and ill-treatment"**.²⁴ On 1 February, 2014, Ukraine's Foreign Ministry informed that *the words uttered by Foreign Minister regarding the health condition of Dmitriy Bulatov "do not reflect Leonid Kozhara's actual attitude toward this tragic situation"*: "Minister of Foreign Affairs expresses his deep regret over the events that occurred involving Dmitriy Bulatov, and wishes him a speedy recovery".²⁵ **With regard to the scandalous statements of Minister of Foreign Affairs of Ukraine about the beaten up activist, Dmitriy Bulatov, a question arises as to whether one can trust the official authorities in Kiev at all.**

On the night of 30 January, 2014, in Kiev, unknown people **torched approx. 20 vehicles, including cars of participants of AutoMaidan**.²⁶ On the night of 1 February, 2014, **a car of the Canadian Embassy employee, Inna Tsarkova, burned**. Previously, she along with other protesters had participated in the auto-rally to the president's residence. Journalist Sergey Leshchenko suggests that representatives of state traffic police or the court could have placed Inna Tsarkova's personal data (her address and the plate number of her vehicle) into the hands of criminals.²⁷

Between 26 January, 2014 and 30 January, 2014 in Dnepropetrovsk, Zaporozhye, Kirovograd, Poltava, Sumy and Cherkasy, approx. 40 people were detained in connection with the storming of regional administration buildings. Random passers-by were also detained and beaten. **The police, working together with unknown athletic-looking persons wearing unmarked clothes, beat and detained activists**. Police did not react to the fact that unknown persons were beating protesters with sticks.²⁸ Through the means of intervention by human rights defenders and giving wide publicity to the violations of law, in many cases, the altering of the preventive measures for participants of anti-government protests from arrest to house arrest has been achieved.



Unknown persons who, under the cover of the police, were beating protesters in Dnepropetrovsk. Photo: censor.net.ua

²¹ <http://www.unn.com.ua/uk/news/1299633-vikradennya-lideru-avtomaydanu-dmitra-bulatova-mogli-instsenuvati-mvs>

²² <http://www.aljazeera.com/news/europe/2014/02/kerry-stand-with-people-ukraine-201421103911508937.html>

²³ https://www.facebook.com/oksana.romaniuk.33/posts/646423138752614?stream_ref=10

²⁴ <http://www.pravda.com.ua/news/2014/02/4/7012730/>

²⁵ <http://mfa.gov.ua/ua/press-center/comments/555-zajava-mzs-ukrajini>

²⁶ https://www.facebook.com/photo.php?fbid=656852097706992&set=a.273917526000453.62210.100001466244176&type=1&stream_ref=10

²⁷ <https://www.facebook.com/leshchenko.ukraine/posts/597656276971711>

²⁸ http://www.odfoundation.eu/ru/urgents/1584/ukraina_regionah_strani_proishodyat_massovie_aresti_aktivistov_antipravitelstvennih_protesto

During the truce and negotiations, the authorities are building up the capacity needed to quell the protests. According to the authoritative publication 'Zerkalo Nedeli' ['The Mirror of the Week'] on 27 January, 2014, the government, in a closed meeting, decided **to increase the number of special units 'Grifon' and 'Berkut' six-fold.**²⁹ In addition, **the government is planning to extend the list of special equipment which can be used by police when restoring public order.** In particular, cartridges with gas grenades 'Shmel' and 'Shmel-M', hand irritant grenades 'RGR', 'Drofa' and enhanced-blast irritant grenades were added to the list.³⁰ Security forces continue to be deployed to Kiev. In the government quarter, armoured vehicles and water cannons are in place. The Minister of the Interior has repeatedly threatened the protesters, noting that **the government will consider all those who remain on the Maidan and in the seized buildings extremists.**³¹

3.2. Lack of investigation into the killings, torture and violence against protesters and journalists.

The presence of selective justice can be corroborated by the fact that protesters are tried very swiftly, also at night, while no law enforcement official has yet been punished. Employees of 'Berkut' Special Forces and Interior Ministry troops, guilty of the use of brute force and injuring journalists during clashes on Grushevskogo Street have not been brought to justice. Some of the journalists sustained bullet wounds to their heads. There are several pieces of video footage which show 'Berkut' officers purposefully aiming at journalists who are capturing their actions.^{32, 33} **As a result of the actions of the police and members of the criminal world, during the period from 19 January, 2014 to 3 February, 2014, 80 journalists were injured.**³⁴



Workers of the militia beat journalist Andrey Kiselev and forced him to kneel in the snow for one and a half hours. Photo: echo.msk.ru

²⁹ http://dt.ua/UKRAINE/kabmin-priynyav-protokolne-rishennya-zbilshiti-chiselnist-grifona-i-berkuta-u-shist-raziv-136290_.html

³⁰ http://zn.ua/UKRAINE/zaharchenko-dlya-ohrany-obschestvennogo-poryadka-potrebovalis-reaktivnye-ognemetny-137889_.html

³¹ <http://mvs.gov.ua/mvs/control/main/uk/publish/article/966858>

³² <http://www.youtube.com/watch?v=ykrQW7Gf6j8>

³³ <http://www.radiosvoboda.org/media/video/25235296.html>

³⁴ <http://imi.org.ua/news/42777-spisok-postrajdalih-jurnalistiv-pid-chas-sutichok-19-20-sichnya-onovlyuetsya.html>

Employees of 'Berkut' also used brute force and shot at medical aid volunteers, who were wearing all the easily identifiable clothing bearing markings.³⁵ Also, employees of 'Berkut' and the MIA troops have still not been brought to justice for the use of force on 30 November, 2013, 1 December, 2013 and 11 December, 2013, when many protesters and journalists were injured. On 1 February, 2014, the European Court of Human Rights declared the case of the activist, Igor Sirenko, who claims that he was illegally detained and beaten by police on 30 November, 2013, a priority issue for consideration.³⁶

The prosecutor's office does not have any results of the investigation regarding those responsible for the death of 4 protesters. 3 people died from gunshot wounds during a crackdown on protesters (25-year-old Mihail Zhiznevsky, 20-year-old Sergey Nigoyan, 45-year-old Roman Senik). At the same time, some photos and video footage may prove that protesters were shot at from the police area with the use of large special ammunition with carbide core.³⁷ The fourth person killed, Yuriy Verbitsky, was kidnapped on 21 January, 2014. The following day, his body was found with signs of torture in the forest near Kiev. The Ministry of Internal Affairs stated that the cause of death was hypothermia.



The bullet, which, according to activists, was extracted from the body of Roman Senik. Photo: starshinazapasa.livejournal.com

As of 3 February, 2014, approx. 160 people were detained for participation in protests in Ukraine. According to the testimony of the victims, many activists and even random passers-by were detained without having been presented with any charges; they were beaten, taken out of the city to the forest and forced to kneel in the snow in cold temperatures by workers of Security Forces.^{38, 39}

After the military-style action, carried out by the police against protesters, 36 people are still missing.⁴⁰ A renowned journalist, Mustafa Nayem reported that, according to 'Ukrainskaya Pravda' ['The Ukrainian Truth'], several embassies' reports state that "***incidents of disappearance of people are directly related to the coordinated actions of law enforcement bodies and criminal groups.*** In particular, it is stated that law enforcement agencies through dummy sites publish personal information about participants and leaders of the protests, including passport numbers, vehicle registration numbers and home address".⁴¹ One example of such a website can be found [here](#).

³⁵ <http://www.youtube.com/watch?v=Zwnjz787r2M>

³⁶ [http://hudoc.echr.coe.int/sites/eng-press/Pages/search.aspx#{"sort":\["kdate%20Descending"\]}](http://hudoc.echr.coe.int/sites/eng-press/Pages/search.aspx#{)

³⁷ <http://starshinazapasa.livejournal.com/753201.html>

³⁸ <http://www.youtube.com/watch?v=zTjltfah-9Y#t=342>

³⁹ <http://fakty.ua/175350-berkutovcy-bili-nas-dubinkami-po-golenyam-i-pyatkam-trebuya-skazat-kto-szheg-ih-avtobus>

⁴⁰ <https://www.facebook.com/photo.php?fbid=367287030078979&set=a.335318776609138.1073741827.335278196613196&type=1&theater>

⁴¹ <http://www.pravda.com.ua/articles/2014/02/2/7012381/>

On 30 January, 2014, President Viktor Yanukovich stated: *"All obligations which were assumed by the authorities have been fulfilled"*.⁴² **At the same time, it is obvious that the 'compromises' of Yanukovich only exacerbated the crisis and increased tensions in society.** The most radical protesters, representatives of the movement 'Pravyi sektor' ['Right sector'] declared **their readiness to cease their open activities if the government fulfils a number of basic demands:** introducing the constitutional reform (reduction of presidential powers); ceasing of the use force by the authorities' introducing amnesty for participants of protest actions; the restructuring of 'Berkut' Special Forces; punishing all those responsible for the killing and torture of protesters; tracing the missing protesters.⁴³ Taking into consideration the sentiment of protesters on the Maidan, a fundamental condition for the termination of the protest for the majority of people is **punishment of police officers, guilty of the use of excessive force** and senior officials who gave t illegal orders, as well as **the resignation of President Viktor Yanukovich** (as a person who has all the key levers of influence on the situation in the country).

4. RUSSIA'S INTEREST IN THE DEVELOPMENT OF THE MILITARY SCENARIO; POSSIBLE SANCTIONS BY THE EU AND USA

4.1. Russia's influence on the violent suppression of the protests in Ukraine.

Russia's pressure was one of the decisive factors behind the refusal of Viktor Yanukovich to sign the Association Agreement, which in turn led to mass protests in Ukraine. Renowned researcher, George Friedman notes that the deepening of relations between Ukraine and the EU threatens the national security of Russia, and Vladimir Putin wants to *"have negative control, to prevent Ukraine from doing the things Russia doesn't want it to do"*.⁴⁴ Recently, the comments of senior officials of the Russian Federation on the events in Ukraine have become sharper. Officially, Moscow considers the protesters 'extremists' who are committing 'illegal acts', which are being 'financed by the West'. **Adviser to the Russian President, Sergey Glazyev, said: "According to our data, American sources are spending \$20 million per week on funding the opposition and the rebels – including weapons. There are reports that militants are being trained and equipped on the premises of the U.S. embassy. This is of course unacceptable, and it is necessary to deal with this situation".⁴⁵**

At the same time, Russian officials openly speak about the possibility of violent suppression of the protests on the Maidan square. Sergei Glazyev described the situation in Ukraine as a 'creeping takeover', and pointed out that the president has no choice: *"He either defends the Ukrainian statehood and suppresses insurgency provoked and financed by external forces, or risks losing power, which would lead Ukraine to chaos and internal conflict..."*.⁴⁶ The Federation Council of Russia expresses its "confusion and indignation by the statements of several Western politicians, who have been unceremoniously interfering in the internal affairs of Ukraine and deliberately provoking the destabilisation of the country".⁴⁷ Russian Foreign Minister, Sergey Lavrov, said that European countries 'inadequately' respond to the seizure of regional administration buildings in Ukraine, which are being carried out, in his words, by 'opposition militants'.⁴⁸

Viktor Yanukovich understands that the outcome of negotiations with the opposition may influence the provision of any further economic assistance from Russia. On the day when Mykola Azarov wrote

⁴² <http://partyofregions.ua/ua/news/52ea54bcc4ca420b770003d8>

⁴³ <http://www.youtube.com/watch?v=isqPpJMKYY4#t=28>

⁴⁴ <http://www.stratfor.com/weekly/perspectives-ukrainian-protests>

⁴⁵ <http://www.kommersant.ua/doc/2400532>

⁴⁶ <http://www.unian.ua/politics/878928-radnik-putina-vvajae-scho-rozvitok-situatsiji-v-ukrajini-zalejti-vid-yanukovicha.html>

⁴⁷ <http://council.gov.ru/press-center/news/38854/>

⁴⁸ <http://www.unian.ua/politics/876351-lavrov-nazvav-neadekvatnoyu-reaktsiyu-es-na-zahoplennya-boyovikami-ukrajinskih-oda.html>

his resignation letter, he immediately reported the fact to the Russian Prime Minister, Dmitriy Medvedev. On 28 January, 2014, during the EU-Russia summit, Vladimir Putin announced that Russia will not revise the terms of cooperation with Ukraine in connection with the change of the government. However, on 29 January, 2014, Vladimir Putin agreed with Dmitry Medvedev that **Russia will fulfil its financial obligations to Ukraine when the country has formed a new government**, in order to understand “*what the economic policy of that government will be, who it will consist of and what rules will they adhere to*”.⁴⁹ Deputy Head of Gazprom, Alexander Medvedev, expressed his concern over the fact that Ukraine had exceeded the term of repayment of the debt of \$2.7 billion for gas, and the situation has further complicated due to the resignation of the government and the political crisis in the country.⁵⁰ According to unofficial information, on 28 January, 2014, Russia has tightened the customs control of goods imported from Ukraine.⁵¹



Police beat and stripped activist Mikhail Gavrilyuk in temperatures of -10 degrees Celsius, and then posed for photographs alongside him. Print screen from YouTube (Fari Ahad's channel)

According to Polish Radio, Polish Prime Minister, Donald Tusk fears that **after the Olympic Games in Sochi, Russia will again start to actively intervene in the situation in Ukraine**.⁵² On state television, Russian MP Vladimir Zhirinovskiy said that after the Olympics, Viktor Yanukovich will take stringent actions against the protesters: **“You will then hear the order ‘spare no bullets’! And there will be bullets! Instead of money, there will be bullets!”**.⁵³ Despite the tense situation in Ukraine, Viktor Yanukovich is planning to visit Sochi for the opening ceremony of the Olympic Games. MP from the presidential party, Hanna Herman, said that prior to Yanukovich's visit to Russia, the government will not participate in negotiations with the opposition regarding amendments to the Constitution.⁵⁴

MEP Pawel Zalewski noted that “Vladimir Putin has been financing the bloodshed in Ukraine. The scenario implemented in Kiev was written in Moscow with the aim of radicalising society”.⁵⁵ Internationally renowned political scientist, Zbigniew Brzezinski stated: **“Russians, wake up! The repressions in Ukraine supported by Russia will eventually lead to a catastrophe in your own country”**.⁵⁶

⁴⁹ <http://itar-tass.com/politika/923474>

⁵⁰ <http://www.pravda.com.ua/news/2014/01/29/7011929/>

⁵¹ <http://www.asmap.org.ua/index1.php?id=62374&langid=1>

⁵² <http://www.pravda.com.ua/news/2014/01/31/7012182/>

⁵³ <http://www.youtube.com/watch?v=mnYpoYp99Aw>

⁵⁴ <http://www.pravda.com.ua/news/2014/02/4/7012663/>

⁵⁵ http://ipress.ua/news/stsenarij_yakyy_realizuvavsya_u_kyievi_napysaly_u_moskvi_ievrodeputat_40660.html

⁵⁶ <http://www.unian.ua/politics/877404-bjezinskiy-zasterig-rosiyu-vid-pidtrimki-represiy-v-ukrajini.html>

In general, Russia holds many economic and political means of pressure against Ukraine, and that pressure may be decisive. ***The recent events confirm the current advantage of the pro-Russian group from Yanukovich's environment***, which may soon implement the military scenario.⁵⁷

4.2. The tough stance of the EU and USA and the possibility of sanctions as a major deterrent for Yanukovich.

Russia, unlike the West, takes a clearer and stronger position on Ukraine, which increases the likelihood of a crackdown on the protests. Many experts believe that Russia is interested in destabilising the situation in Ukraine. Russia has great experience in influencing their neighbours through 'controlled conflicts', such as those in Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh. Russian media ignore the topic of protests in Ukraine, just like they ignored the protests of oil workers in Zhanaozen (West Kazakhstan) in 2009. If Russian influence turns out to be decisive, Ukraine may expect an authoritarian rollback in accordance with the Belarusian 'scenario'.

It should be noted that the diplomatic warnings of the EU and USA, as well as the expressions of solidarity with the Ukrainian people, in no way affect the actions of Yanukovich. The first thing that might prevent him from a military scenario is the position of the oligarchs, who fear the real threat of sanctions. According to journalists, an element of Yanukovich's environment (in particular, the groups of oligarchs Dmytro Firtash and Rinat Akhmetov) oppose a military scenario, as they have already experienced additional difficulties in the servicing of their assets in the West. In addition, according to unofficial information, at a diplomatic level, Rinat Akhmetov was clearly given to understand that, in the case of the military solution to the conflict, his accounts in the EU and the USA can be seized. This has become one of the incentives for MPs from the 'Akhmetov's group' in the Party of Regions to agree on finding a compromise for a peaceful settlement of the conflict.⁵⁸ German Foreign Minister Frank-Walter Steinmeier said that if there is no progress in the negotiations in the coming days, including the negotiations on the issue of the constitutional reform, the Ukrainian authorities may face sanctions.⁵⁹

Former and current members of the Ukrainian government have assets and properties in EU member states. It should be noted that after his resignation, Mykola Azarov flew by private jet to visit his son in Vienna. Two months ago, during meetings of the Party of Regions, Mykola Azarov said that Ukraine was not ready to sign the Association Agreement with the EU, which supposedly included the legalisation of gay marriage. According to the results of journalistic investigations, the daughter of Mykola Azarov owns several businesses in Austria. During the time when Mykola Azarov held the post of the Prime Minister of Ukraine, financial assistance from the budget was allocated to the Austrian company owned by Azarov's family.^{60, 61} After the arrival of Mykola Azarov to his family in Vienna, Ukrainian activists picketed their house. Perhaps this was the reason why, according to Austrian media, on 2 February, 2014, Mykola Azarov flew back to Ukraine. However, to date, this information has not been confirmed.

Authorities and criminal structures terrorise civil society activists to intimidate the opponents of the regime. The protest in Ukraine is largely of an anti-criminal nature: citizens are against the merging of power with crime. Opposition's attempts to negotiate with the government have so far been ineffective. President Yanukovich ignores the voice of society, and offers solutions which would serve only to meet his own interests. The direct intervention of Yanukovich in the voting process of the Ukrainian Parliament on the adoption of the amnesty law has actually become an ultimatum for the

⁵⁷ <http://www.theinsider.com.ua/politics/52e9ee27a355c/>

⁵⁸ <http://dt.ua/POLITICS/ssha-sprobuvali-natisnuti-na-yanukovicha-cherez-ahmetova-136648.html>

⁵⁹ <http://www.pravda.com.ua/news/2014/02/4/7012560/>

⁶⁰ <http://www.pravda.com.ua/articles/2014/01/30/7011979/>

⁶¹ <http://www.pravda.com.ua/articles/2012/10/18/6974896/>

protesters: they have 15 days to surrender the occupied premises. The protesters, however, are refusing to fulfil the requirements of the authorities, since they do not trust their president, nor the Ministry of Internal Affairs, which still hasn't investigated the murders and torture of protesters. Power is still in the hands of the president, and that is why the protesters cannot be sure if the government will stop the repression.

The amnesty law legalises the military scenario. After 15 days, the president could theoretically justify the use of force against those protesters, who will have not agreed to his 'compromise'. The full 'cleansing' of the Maidan square and occupied buildings in all the regions may lead to the death of even more victims and result in an even more large-scale civil conflict.

The Open Dialog Foundation calls on the EU and USA to immediately intervene and increase the pressure on Viktor Yanukovich and the people, who have been financially supporting the regime; to become directly involved in the mediation and negotiation process; to establish an international commission to investigate the crimes of police and criminal structures associated with security agencies and to impose strict, targeted visa and economic sanctions against the regime of Yanukovich, including verification of the legitimacy of accounts of the Azarov family in Austria.

It is particularly important to arrange monitoring missions of the EU, OSCE and PACE in the southern and eastern regions of Ukraine, which are under the influence of the pro-Russian propaganda and are not being sufficiently informed about the development of the anti-government protests and the EU and USA's position on the future of Ukraine.

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