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# Eight сases of the SLC in which the European Court for Human Rights delivered judgements in 2018

## Chernega and others v. Ukraine

Mr. P with other 10 people in the period from 20 May to 6 July 2010 they participated in obstructive protest activities against a road-construction project, in particular tree-felling, in Gorky Park in Kharkiv.

The applicants alleged a number of “attacks” on them and other protesters by the security guards and loggers in the period from 20 May to 2 June 2010.

According to the applicants, on 27 May 2010 the ninth applicant was beaten by unidentified men in orange vests.

According to the applicants, on 31 May 2010 the seventh applicant was assaulted by men in black wearing MG badges in response to her protests about the beating of another protester. According to her, the police officers who were standing nearby observed the assault without reacting to her cries for help.

According to the applicants, on 2 June 2010 men in black with MG badges and loggers were attempting to clear the site of protesters. In the course of that action, the third applicant was closely approached by two loggers, subsequently identified as A. and K., employees of one of the subcontractors. They threatened him and a group of other protesters with working chainsaws. One of them nearly injured the third applicant.

On 28 May 2010 the first to fifth, the eighth and the tenth applicants, among other protesters, were arrested and taken to a police station, where charges of malicious insubordination in the face of lawful demands of a police officer were drawn up.

On various dates those reports were examined by the Kharkiv Dzerzhinsky District Court (“the District Court”). During the hearings, the applicants pleaded not guilty.

The District Court sentenced first and second applicants to the administrative arrest within the term of 15 days.

The SLC lawyer lodged an appeal.

On 18 June 2010 the Court of Appeal conducted the consideration of the case with participation of the SLC lawyer left their conviction without alterations.

On 23 June 2010 the District Court found the fifth applicant guilty and appointed him a fine of 170 hryvnias.

The SLC lawyer lodged an appeal.

The Court of Appeal reversed the judgment of the District Court and imposed reprimand instead of the fine.

On 08 June and 12 July 2010, the District Court terminated proceedings concerning eighth and tenth applicants because of the mismatch of information in police reports.

On 06 July 2010 the sixth applicant was arrested and accused in the wilful default to comply with the orders of the police to leave the construction place.

On 7 July 2010 the District Court the sixth applicant to the administrative arrest within the term of 15 days.

The SLC lawyer lodged an appeal.

The Court of Appeal left their conviction without alterations.

On various dates the protesters, including some of the applicants, complained to the law-enforcement authorities that they had been assaulted by unidentified loggers and men in black clothing with MG badges, and that the police officers stationed nearby had done nothing to protect them. Those complaints were investigated by the city prosecutor’s office.

On 24 June 2010 Kharkiv Prosecutor’s Office decided not to open criminal proceedings.

On 04 August 2010 Kharkiv Region Prosecutor’s Office overturned a decision of 24 June 2010 and ordered to conduct a further examination.

On 09 August 2010, after additional pre-investigating reviews, decided not to open criminal proceedings.

On 13 August 2010 the police refused to institute criminal proceedings in connection with the seventh applicant’s complaint of ill‑treatment. On 20 March 2012 the Kharkiv Dzerzhinsky District Court quashed that decision on the grounds that the requirements of the Code of Criminal Procedure concerning pre-investigation enquiries (see paragraph 101 below) had not been complied with and the applicant’s allegations had not been verified. After the court’s decision of 20 March 2012, the seventh applicant had not been informed about any further progress in the proceedings.

In November 2010 a number of protesters, including all the applicants, lodged an action with the Kharkiv Circuit Administrative Court, complaining that the police had failed to protect them against assaults during their peaceful protest against the tree felling, in particular on 28 and 31 May and 1 and 2 June 2010.

On 17 December 2010 the SLC lawyers lodged an application of 11 applicants regarding the violations of Articles 3, 6, 11 of the Convention.

On 24 May 2011 the first-instance court rejected the applicants’ claim. On 9 December 2011 the Kharkiv Administrative Court of Appeal upheld that decision. On 26 June 2014 the High Administrative Court allowed an appeal lodged by the applicants and remitted the case to the first-instance court for re-examination on the grounds that the lower courts’ examination of the facts had been incomplete. They had failed, in particular, to establish whether attacks on the protesters had really taken place, the list of the officers present, and whether the protesters had appealed for help.

On 18 June 2019 the ECtHR found breaches of Article 3 of Convention in its substantive aspect concerning seventh and ninth applicants; Article 3 of the Convention in its procedural aspect with regard to seventh and ninth applicants; Article 6 § 1 of the Convention in relation to the first and second applicants; Article 11 of the Convention in relation to the first and second applicants in connection with their arrest and conviction; Article 11 of the Convention concerning the seventh and ninth applicants in connection with the events of 31 and 27 May 2010.

## Farziyev v. Ukraine

The applicant, Mr Farziyev Rustam Zakirovych ,is a Ukrainian citizen that was born in 1983 and now is serving life sentence in Nivhorod-Severskyy penalty colony.

On 21 January 2010 the on the Execution of Sentences of Ukraine (“the Code”) was amended. Article 150 now stated that persons sentenced to life imprisonment were to serve their sentences as follows: male prisoners – in maximum-security sectors of correctional colonies of the medium security level and in correctional colonies of the maximum security level; and female prisoners – in medium-security sectors of correctional colonies of the minimum security level with general conditions of detention and in correctional colonies of the medium security level. Article 151 now stated that life prisoners were entitled to one short visit every three months. A newly introduced Article 151² (“Specifics regarding the serving of sentences by female life prisoners”) provided that female life prisoners were to be placed, as a rule, in medium-security sectors of colonies of the minimum security level with general conditions of detention. It also provided that female life prisoners were to be subject to the regime prescribed for prisoners held in colonies of the medium security level (that is, the regime provided for in Article 139 of the Code).

On 8 April 2014 the Code was amended again. Article 151 was amended to entitle all life prisoners to one short visit every month and one long visit every three months from their close relatives. The 2014 amendments thus put male and female life prisoners on an equal footing in respect of visits-related rights.

In 2013 the applicant complained to the ECHR that he had subjected to a difference in treatment based on sex, in view of the provisions of the 2003 Code on the Execution of Sentences of Ukraine, which envisaged different visits-related rights for male and female life prisoners.

On 13 November 2018 the SLC lawyer filed a response on the Government’s Observation to the ECHR.

On 6 June 2019, the European Court found that there had been a violation of Article 14 of the Convention in conjunction with Article 8 of the Convention.

The representative of the applicant in the European Court is Natalia Okhotnikova, a SLC lawyer, practicing in Kyiv.

## Karen v. Ukraine

The applicant Mr. Karpenko is a Ukrainian national who was born in 1981. Since 2004 he has been serving life sentences in correctional colonies in Ukraine.

On 11 July 2003 the Ukrainian parliament adopted the 2003 Code on the Execution of Sentences of Ukraine (“the Code”). Article 150 of the Code (“Place of serving life imprisonment”) provided that life prisoners (irrespective of their gender) were to serve their sentences in correctional colonies of the maximum security level. Article 151 (“Procedure for, and conditions of, the execution and serving of life sentences”) further provided, inter alia, that life prisoners were entitled to one short visit every six months. At the same time, Article 18 § 2 (3) (“Correctional colonies”) provided that female life prisoners were to serve their sentences in colonies of the medium security level. In turn, Article 139 (“Correctional colonies of the medium security level”) provided that prisoners serving their sentences in such colonies were entitled, inter alia, to have one short visit every month and one long visit every three months.

On 21 January 2010 the Code was amended. Article 150 now stated that persons sentenced to life imprisonment were to serve their sentences as follows: male prisoners – in maximum-security sectors of correctional colonies of the medium security level and in correctional colonies of the maximum security level; and female prisoners – in medium-security sectors of correctional colonies of the minimum security level with general conditions of detention and in correctional colonies of the medium security level. Article 151 now stated that life prisoners were entitled to one short visit every three months. A newly introduced Article 151² (“Specifics regarding the serving of sentences by female life prisoners”) provided that female life prisoners were to be placed, as a rule, in medium-security sectors of colonies of the minimum security level with general conditions of detention. It also provided that female life prisoners were to be subject to the regime prescribed for prisoners held in colonies of the medium security level (that is, the regime provided for in Article 139 of the Code).

On 8 April 2014 the Code was amended again. Article 151 was amended to entitle all life prisoners to one short visit every month and one long visit every three months from their close relatives. The 2014 amendments thus put male and female life prisoners on an equal footing in respect of visits-related rights.

The applicant complains under Article 14 of the Convention, taken in conjunction with Article 8 of the Convention, about discrimination due to different visits-related rights which were envisaged by the Code for male and female life prisoners.

The application was communicated with the Government on 16 May 2018. The Government has submitted their Observations in September 2018.

The applicant asked the SLC lawyer to provide him with legal assistance.

On 12 November 2018 the SLC lawyer prepared and sent the reply on the Government’s observations

On 6 June 2019 the European Court of Human Rights delivered a judgement and found a violation under Articles 8 and 14 of the Convention.

## Malyy (2) v. Ukraine

The applicant, Mr A. Malyy, is a Ukrainian national, who was born in 1972 and is serving a life-imprisonment sentence

In the evening on 12 October 2004 a retired couple, Mr and Ms S., were robbed and murdered in their house in the Dnipropetrovsk region. Their 15year-old son A. informed his neighbours, the family of K. (the applicant’s acquaintance), about that tragic event.

On 15 January 2005 the police apprehended the applicant and his acquaintance K. on suspicion of their involvement in several armed robbery assaults on jewellery stores and banks committed in Dnipropetrovsk at various dates in 2004. They both confessed.

According to the applicant, during the period from 15 to 18 January 2005 he was held in the Kirovskyy police station, where he was allegedly subjected to various forms of ill-treatment, such as continuous handcuffing in an extremely tight manner, slaps on his ears, deprivation of sleep, and verbal assaults. He was coerced into signing a waiver of legal assistance.

On 17 January 2005 there was a confrontation between the applicant and K., during which they found out that the applicant had not referred to K. in his statements, whereas K. had incriminated the applicant, as well as several other persons. .

On 18 January 2005 the Dnipropetrovsk Kirovskyy District Court (“the Kirovskyy Court”) remanded the applicant in custody pending trial. On the same day he was transferred to the Dnipropetrovsk Temporary Detention Facility.

On 25 January 2005 a lawyer was appointed for the applicant. On the same day they had their first meeting in the presence of the investigator.

On 28 January 2005 the applicant was taken to the Dnipropetrovsk Regional Criminal Investigation Department, where he was told to confess to the robbery and murder of the family of S. As the applicant refused, the police officers became violent. According to the applicant, they put a black cap on his head covering his eyes and hit him many times in the head with a pile of books. His hands remained handcuffed behind his back. They also hit him several times with a rubber truncheon in the kidneys. Furthermore, the police allegedly threatened the applicant with a sexual assault.

In the morning on 29 January 2005 the applicant told the ITT doctor that he had been beaten and that he was suffering from a headache, but his complaints were disregarded.

On 31 January 2005 the applicant was transferred to the Dnipropetrovsk Pre-Trial Detention Centre (“the Dnipropetrovsk SIZO”). According to him, his initial medical examination there was superficial and his complaints about a headache did not receive any attention.

On 1 February 2005 the applicant signed an “explanation to the plea of surrender of 28 January 2005” under psychological pressure of the police and without his lawyer being present.

On 18 November 2005 the Dnipropetrovsk Regional Prosecutor’s Office refused to institute criminal proceedings in respect of the above allegations.

On 19 January 2006 the Dnipropetrovsk Court, sitting as a court of first instance, found the applicant guilty. The applicant appealed.

On 3 October 2006 the Supreme Court upheld the applicant’s conviction (as well as that of the other co-defendants), having found that the first-instance court had duly examined his arguments and complaints.

The applicant continued to complain to various authorities about his alleged ill-treatment by the police during the pre-trial investigation and about the alleged unfairness of his conviction.

On 19 April 2007 the applicant, following his numerous requests, received a copy of the decision the Dnipropetrovsk Regional Prosecutor’s Office of 18 November 2005 refusing to institute criminal proceedings against the police officers in respect of the allegations of ill-treatment.

On 20 April 2007 the applicant challenged the above refusal to the Dnipropetrovsk Babushkinskyy District Court (“the Babushkinskyy Court”). He complained, in particular, that the prosecutor had relied exclusively on the police officers’ statements and had never questioned the applicant or the other co-defendants who had raised the ill-treatment complaint.

On 18 May and 3 September 2007 the Babushkinskyy Court returned the above complaint to the applicant without examination.

Conditions of the applicant’s detention in the Dnipropetrovsk SIZO

From 31 January 2005 to 26 July 2007 the applicant was detained in the Dnipropetrovsk SIZO: before his conviction (19 January 2006) – in an ordinary cell, and thereafter – in the high-security sector located in semi-basement. According to the applicant, during the entire period the conditions of his detention there were unacceptable. There were tight metal shields on the windows preventing access to the natural light. The artificial light was poor too. The toilet was not separated from the living area and was exposed to the video surveillance camera. The sanitary conditions were very poor, with malfunctioning sewage, recurrent floods and permanent smell of excrements.

The applicant’s correspondence with the Court

According to the applicant, on 11 December 2006 he submitted to the SIZO administration his first letter to be dispatched to the Court, in which he outlined his complaints and requested that the proceedings be opened. In the absence of any reply, on 23 February 2007 the applicant submitted another similar letter to the administration. In his further correspondence with the Court he indicated the reference numbers assigned by the administration to those first two letters. However, the Court did not receive them from the SIZO. The first letter from the applicant which reached the Court was his letter dated 11 December 2006, which had been sent to the Court by his mother on 14 March 2007 (the date on the post stamp).

In February 2017 the ECHR has communicated the application and asked the Government to submit their observations. The Government several times extended the term of submission. At that time the applicant asked the SLC lawyer to provide him with legal aid. When the Government finally submitted the observations, the SLC lawyer prepared the objections and sent them in August 2017.

On 13 April 2019 the ECHR has delivered a judgement and found violations of the Article 3 of the Convention (conditions at the correctional facility), Article 6 and 13 of the Convention.

## Osipenkov v. Ukraine

On 5 July 2016 the applicant was detained by officers of the Kozeletsky Police Department of the Chernihiv Oblast and placed in a temporary detention facility, and from July 22, 2016, to the Chernihiv SIZO. At that time, he already had a positive HIV status, stage IV, and also had such chronic diseases as hepatitis C, a severe condition after a multivariable tuberculosis of both lungs and the bladder (26.09.2013), recurrent candidiasis, herpetic infection, cysts in the left kidney, urolithiasis, chronic pyelonephritis, other diseases.

On 8 September 2016, the applicant suffered an acute myocardial infarction in the anterior part of the left ventricle associated with essential hypertension of grade III, risk 4. He was resuscitated by the cardiology department of the Kozeletsky Central District Hospital in Chernihiv region from 8 September till 19 September 2016.

The state of health of the Applicant continuously deteriorated, only in 2017 he 20 times applied for emergency medical aid in the medical part of the SIZO (03.01, 04.01., 06.01., 11.01., 18.01., 23.01., 24.01., 01.01., 10.02., 14.02, 20.02, 22.02, 1.03, 17.03, 21.03, 22.03, 27.03, 29.03, 18.04, 25.04. 2017).

On 18 April 2017, during the preliminary court hearing, the applicant's health deteriorated and he called urgent medical care. Applicant's pressure rose to 160/90, he felt chest in his pain, weakness. He was diagnosed with “Stable stenocardy, a post-infarction state, a hypertonic disease of 3 degrees, an aneurysm invasion”.

On 27 April 2017, a SLC lawyer drafted and sent a motion to the ECHR to apply emergency measures regarding the treatment of Mr. O.

On 11 May 2017 a SLC lawyer drafted and sent an application to the ECHR for a violation of Article 3 of the Convention because of the applicant's inappropriate treatment.

On 23May 2017, the ECtHR decided to apply urgent measures to Mr. O. and to oblige the Government of Ukraine to transfer him to a medical institution.

As the Government of Ukraine did not provide the applicant with in-patient treatment at a specialized health institution, on June 22, 2017, the applicant had a heart attack of the myocardium.

On June 27, 2017, the SLC lawyer repeatedly requested the ECtHR to apply Rule 39 of the Rules of Court and to oblige the Government of Ukraine to take urgent measures for proper treatment of Mr. O.

On 3 October 2017, the Chernihiv District Court took into consideration the severe heart disease, which poses Mr. O's life at risk, the incapacity of the Medical unit in the pre-trial detention centre to provide the detainee with the medications, the fact he has a family and the permanent residence, while hearing another defence lawyer motion to change the preventive measure to Mr. O. The court has changed the preventive measure to the house arrest.

On 5 December 2017, the SLC lawyer has prepared the response to the Government's observations in Mr. O's case and sent it to the ECHR.

On 29 January 2019, the European Court of Human Rights found that there had been a violation of Article 3 of the Convention in the context of the right to appropriate medical care, Article 13 of the Convention, concerning the absence of effective mechanisms for the protection of violated rights, Article 34 of the Convention regarding constraints for filing an application to the ECHR.

The representative of the applicant before the European Court – Ms Natalia Okhotnikova, a SLC lawyer, practicing in Kyiv.

## Solopova v. Ukraine

Ms. S. is a 20-year-old Ukrainian national. She has been HIV positive since the birth; her parents had asocial way of life and abandoned her after the birth. She was raised by her aunt. As a result of HIV infection, she has had a status of person with disabilities since her childhood. Since January 2009, she has been receiving high-level antiretroviral therapy (hereinafter – ART). In 2014, she was diagnosed with tuberculosis of peripheral lymph nodes and twice changed the ART pattern. Since 2015, the Ms. S. has a low adherence to ART and in 2015 she was diagnosed with the AIDS III clinical stage. From March 2017, the Ms. S. experienced irregular hyperthermia and an increase in lymph nodes up to 3-4 cm

On 04.07.2017, Ms. S. was detained on suspicion of robbery, on the same day, a computer tomography (hereinafter – CT) found that the Ms. S. had enlarged lymph nodes. The next day the Ms. S. was subjected to a preventive measure in the form of detention, and since that time she was detained at the Dnipro pre-trial detention centre.

Since the end of August 2017, Ms. S. began to have hyperthermia, there was pain in lymph nodes. A month later, she started to be treated for tuberculosis, but her health did not improve.

On 12.01.2018, Ms, S. was undergoing a biopsy of the right subclavian lymph node, and on the same day, she was diagnosed with lymphoma.

On 1.02.2018, the pre-trial detention centre informed the judge, which was hearing the criminal case of the Ms. S. that the Ms. S. had suffered a significant deterioration of her health condition, clinical signs of oncological illness appeared. It required additional examinations and courses of chemotherapy in an oncological dispensary hospital that could not be conducted in conditions of the Penal Institution No.4, but the Ms. S. has been remained in detention.

After additional examinations, on 2.03.2018, doctors of the oncology clinic stated the exact diagnosis – Hodgkin's lymphoma II-B cl. stage and prescribed treatment: cyclic polychemotherapy; radiation therapy, continuation of ART. Doctors also recommended that the Ms. S. submitted documents for recognition of disability status.

On 12.04.2018, the lawyer of the SLC, after a meeting with the Ms. S. in the pre-trial detention centre, sent to the ECtHR the request under Rule 39 of the Rules of Court requesting the Government of Ukraine to provide the urgent treatment of the Ms. S. On the same day, the Ms. S. had a first session of chemotherapy. Under the treatment scheme, therapy should consist of four drugs, but only one was given to the Ms. S., others were not available.

On 27.04.2018, the ECtHR indicated to the Government of Ukraine the necessity of immediate medical treatment of the Ms. S. according to doctor’s prescriptions and the treatment regimens.

Subsequently, the Ms. S. had two more sessions of chemotherapy (again with one drug), after which she was immediately returned to the pre-trial detention centre, where she was not provided with medical aid for recovery after chemotherapy.

The lawyer of SLC prepared a complete application form on violation of Article 3 of the Convention and sent it to the ECtHR on 11.05.2018.

In June 2018, the Ms. S. was transferred to a prison hospital at the Lviv pre-trial detention centre, where she underwent a chemotherapy session under the new scheme, although the previous appointments of the oncology dispensary were neither completed nor changed.

In August, the Government of Ukraine sent an objection to the Ms. S.'s application to the Court, and on 10 September 2018, the SLC lawyer sent the reply to them.

The lawyer has repeatedly addressed the Ombudsman and asked to take action to reinstate the treatment of the Ms. S., and her treatment as renewed at the beginning of 2019. Later there were occasions of failure in the treatment due to non-transporting her to the oncology hospital. Thus, inactivity was complained as well, and in June 2019 the radiation therapy course for her has been commenced.

On 27 June 2019 the ECtHR found violation of Article 3 of the Convention in respect of lack of/delay in medical examination, lacking/delayed drug therapy in the prison hospital and oncology hospital.

## Tokar v. Ukraine

The applicant, Ms Irina Viktorivna Tokar, is a Ukrainian national who was born in 1968 and is detained in Uman.

On 26 March 2009 a search was carried out of the applicant’s house in the context of criminal proceedings instituted upon charges of burglary and theft of 480,000 United States dollars and 40,000 euros from P., the applicant’s ex-partner.

On the same day the applicant was questioned as a witness and had a face-to-face confrontation with P.

On Friday 27 March 2009 the applicant was arrested on suspicion of having stolen a safe with money in it from P’s house. On the same date, in the afternoon, a lawyer engaged by the applicant’s mother came to the police station where the applicant was being held and requested an interview with her. He was told that she had waived her right to counsel. At 6 pm. the applicant was questioned as a suspect in the absence of a lawyer. She alleges before the Court to have been forced to sign a waiver of her right to counsel before the questioning, as she was told that the lawyer would be available on Monday only. The applicant denied her guilt in the crime during the questioning.

On 30 March 2009, in the absence of a lawyer, the applicant was questioned as a suspect and confessed to the crime. Following that, according to the applicant, the police officers ordered her to set out her testimony in the form of a “voluntary surrender to the police” (явки з каяттям). She obeyed the officers’ demand, as they had threated members of her family.

On 31 March 2009 a reconstruction of the crime was carried out in the absence of a lawyer. Again under threats from police officers, the applicant agreed to participate in the reconstruction and in her testimony followed the instructions given by the investigator in advance.

On the same day the applicant was taken to the bank and ordered to withdraw USD 200,000 from her bank account. As soon as it was noted that the police officers did not have a seizure order, they were not allowed to enter the bank. The applicant, now in the presence of the bank manager and two witnesses and not being observed by the police, drafted a statement that she had been forced to confess to the crime and that P. and the police officers had extorted money from her. Later, the applicant was taken to the police station where a record of the seizure of the money was drawn up.

On 3 April 2009 the applicant was questioned as an accused in the absence of a lawyer. She confirmed her confession made on 30 March 2009.

On the same day the applicant was questioned by a prosecutor following her complaint of ill-treatment and extortion by the police. No lawyer was present as, allegedly, the applicant had decided to give evidence in his absence. The applicant informed the prosecutor that her confession and other statements during the investigation had been made of her own free will and that since her arrest she had not wished to be legally represented. The applicant alleges before the Court that she was afraid of testifying against the police officers while in detention.

On 4 April 2009 the applicant was released from custody.

According to the applicant on 6 April 2009 she hired a lawyer to represent her in the criminal proceedings.

On 22 April 2009 the lawyer was admitted to the proceedings.

On 28 July 2009 criminal proceedings were instituted against the applicant in respect of another incident of theft from P.

On 17 August 2009, in the presence of her lawyer, the applicant retracted her self-incriminating statements given earlier, stating that they had been made under police duress.

On 14 April 2010 the Kyivo-Svyatoshynskiy District Court of Kyiv convicted the applicant on both counts of theft and sentenced her to nine years’ imprisonment. The court referred, along with other evidence, to the applicant’s confession.

On 23 June 2010 the Kyiv Regional Court of Appeal upheld the judgment. The court dismissed the applicant’s allegations that her defence rights had been breach, stating that the applicant had waived her right to a lawyer each time she had given evidence and also referring to her statement to the prosecutor on 3 April 2009.

On 9 December 2010 the Supreme Court of Ukraine amended the judgment, excluding the second count of theft from the applicant’s charges and reducing her sentence to five years’ imprisonment.

In 2010 The SLC lawyer filed a complaint to the European Court of Human Rights.

In 2018 the application was communicated to the Government of Ukraine.

Оn 11 July 2018 the SLC lawyer prepared the reply to the Government’s submissions to the application.

On 11 March 2019 the European Court of Human Rights found the case inadmissible. The Coutr decided that, in the instant case, the applicant was convicted for theft following the allegedly unfair criminal proceedings. This conviction was eventually quashed in the light of newly discovered circumstances and the criminal proceedings were discontinued for the reason that there had been no evidence of a crime in the applicant’s actions. In these circumstances, the Court considers that the applicant may not claim to be a victim of the alleged unfairness of these proceeding. The applicant are currently trying to receive a compensation at the national level.

## Zhukov v. Ukraine

Mr. Zh. suffered from number diseases of his excretory organs such as: kidney stones, chronic polio, urolithiasis. Few years ago, he was carried out with special surgery — the percutaneous nephrostomy.

On 7 August 2013, Mr. Zh was detained by police officers on suspicion of theft. Later the district court chose him a preliminary measure in the form of detention. He was kept in custody at the preliminary detention centre and the correction colony.

During his detention Mr. Zh. was repeatedly hospitalized to public and special penitentiary medical centres. He was provided with medical care but it was not appropriate enough. So after some time his health started permanent deterioration. The medical prognosis was adverse because of advanced chronic renal failure and damage to the nervous system, and therefore he had to been provided with constant medical supervision and correction treatment. Since February 2016 Mr. Zh. was hospitalized in the surgical department of multidisciplinary hospital in the colony but conditions in prison could not provide adequate medical care and treatment.

Mr. Zh asked the SLC lawyer to provide him with legal assistance.

The SLC lawyer fill a motion to the Irpin district court of Kyiv region on release Mr. Zh. from punishment due to his several diseases.

On 5 August 2016, special medical commission issued their conclusions and recommended to release Mr. Zh from serving punishment.

On 8 August 2016, the head of Buchanska district colony № 85 also submitted to the Irpin district court of Kyyv region a motion on release from serving punishment due to his severe disease.

On 22 August 2016, Irpin district court refused a motion on the ground that Mr. Zh. convicted of a felony, join the straight way, repeatedly committed criminal offences including grave crimes and crimes against life and health of individuals, according to the personal characteristic had several penalties and no encouragements. Therefore taking into account the specific type of disease and medical treatment the court refused.

On 19 September 2016, lost hope of humanism of national courts and faced the real danger to die Mr. Zh. asked the SLC lawyer to represent him in the European court of human rights. The SLC lawyer sent an application with a request to the Court to take urgent intern measures because of the lack of medical care and existence of real danger to Mr. Zh. Health and even for his life.

On 21 September 2016, the ECHR taking into consideration circumstances of the particular case decided to apply Rule 39 and demanded the government of Ukraine to take measures and provide the applicant with access to adequate specialized medical care which he needed including transfer him to a specialized medical institution.

On 26 September 2016, the Court of appeal in Kyiv region quashed the previous decision and released mr. Zh from serving punishment.

After that the SLC lawyer prepared a full application to the ECHR under article 3 and 34 of the Convention.

The European court gave the Government time till 28 September 2017 for their observations.

On 8 May 2018 the SLC lawyer got the observations.

On 2 July 2018 the SLC lawyer got observations related just satisfaction claim.

On 7 March 2019 the ECHR has delivered a judgement and found a violation of the Article 3 of the convention.

# 7 cases in which the SLC lawyers represented applicants before the ECtHR on the stage of communication with the Government of Ukraine

## 

## Grankov v. Ukraine

On 1 June 2012, Mr. Grankov (hereinafter — the Applicant) was detained on suspicion of a rape and theft. The district court chose him a preliminary measure in the form of detention. He was kept on custody at the Bahmut detention centуr.

In September 2012, the pretrial investigation was terminated and the cas was sent to the Centralno-Miskyy town court in Horlivka.

On 1 February 2013, Centralno-Miskyy town court in Horlivka found the Applicant guilty and sentenced him to seven years and six-month imprisonment.

The applicant filed a complaint to the Court of Appeal in the Donetsk region.

On 6 August 2013, the Court of Appeal in Donetsk region quashed the verdict and sent the case to a new trial.

On 17 December 2013, the Centralno-Miskyy district court in Horlivka found the applicant guilty and sentenced him to seven years imprisonment.

The applicant filed an appeal.

On 14 May 2014, the Court of Appeal in Donetsk region quashed a verdict and sent the case to a new tiral.

On 14 April 2014, Ukrainian government conducted the Anti-terrorist operation in Donetsk region. Later Horlivka city was captured by unknown military forces of so-called Donetsk people's republic. The court of Appeal in the Donetsk region and the Centralno-Miskyy court in Horlivka temporary hold to perform the appropriate functions.

According to the order made by the Higher specialized court “On determination of territory jurisdiction” the case files were sent to the Severodonetsk district court because of impossibility of the fair trial.

Until today the Severodonetsk district court did not consider the case simultaneously noticed that documents had not been received from occupied territory yet. However, there are some special procedures provided by the Criminal procedure code of Ukraine for recollection of the lost criminal case files which were conducted by the Prosecutor's Office in Donetsk region.

On 24 November 2015 Bahmut district court in Luhansk region terminated consideration based on the prosecutor's motion related to restoration of criminal proceedings. The court noticed that collected evidence and documents were not full and enough.

The applicant asked the SLC lawyer to provide him legal assistance. The applicant stressed that his detention was unreasonable long, the consideration of the criminal proceedings did not provide, the case files were lost and had not been restored, the motion on choosing of criminal proceedings did not consider, and at the same time the Applicant was not found guilty and his verdict had not come into force. The lawyer familiarized with the case files and prepared several motions related to recollection of the lost criminal case files, changing the preventive measure and releasing the Applicant under Article 206 the Criminal procedure code of Ukraine (because his unlawful detention).

On 15 December 2015, Bahmut district court dismissed a motion on release the Applicant from custody under Article 206 of the Criminal procedure code of Ukraine.

On 15 March 2016 the SLC lawyer lodged an application to the European court of human rights under Articles 5 and 6 of the Convention connected to unlawful detention and breach of fair trial.

On 2 March 2019 the SLC lawyer filed the response to the Government’s observation in the case of the applicant.

## Novikov v. Ukraine

On 8 April 2014 the applicant was arrested on suspicion of robbery and burglary committed by a group of persons.

On 11 April 2014 the Bryanka Court of Luhansk Region ordered the applicant’s detention.

On 2 June 2014 the indictment was transferred to the Bryanka Court for consideration.

On 2 September 2014 the High Specialised Civil and Criminal Court (HSC) reassigned jurisdiction from the Bryanka Court to the Lysychansk Court, as the former was in the territory which the Ukrainian Government no longer controlled. Only the bill of indictment but not other material was transferred to the Lysychansk Court, which repeatedly extended the applicant’s detention. The applicant was released on 8 December 2015.

The examination of the applicant’s criminal cases has been disrupted due to the situation prevailing in certain areas of the Donetsk and Luhansk Regions since the spring of 2014.

In 2016 the SLC lawyer has prepared an application to the ECHR.

The applicant complained under Art. 5 § 3 in respect of the fact that the only reason for extending the applicant’s detention from 2 September 2014 to 8 December 2015 was, allegedly, to restore the case file even though the domestic law allegedly did not provide for such a possibility at the trial stage (Art. 524 of the Code of Criminal Procedure, CCP); Art. 5 § 5 that the applicant did not have the right to compensation for the alleged violation of Art. 5 § 3.

On 20 June 2018 the case was communicated with the Ukrainian Government.

In January 2019 the SLC lawyer got an observation of the Ukrainian Government and has replied on them on 14 February 2019.

## O.V. v Ukraine

The applicant, Mr O.V., was born in Rivne and is serving life sentence in the Gorodische penal colony №96.

On 27 January 2009, the applicant was detained as a suspect in an assassination attempt under aggravating circumstances. After the detention, against the applicant were opened several criminal proceedings.

On 9 October 2009, the Court of Appeal of the Rivne region found the applicant guilty of committing the crimes according to paragraphs 2, 6 and 9 of Article 115 § 2, Article 187 § 4, Article 15, § 2, Article 156, par. 2 and Article 156, par. 2 of the Criminal Code of Ukraine, and condemned him to life imprisonment with the confiscation of all property.

The applicant demanded a cross-examination of the victims of B. and D., but the court of first instance used only the written explanations given by the victims to the pre-trial investigation.

On 8 April 2010, the Supreme Court of Ukraine upheld the verdict of 9 October 2009. Neither the applicant nor his lawyer were present at the court hearing.

In 2010, the applicant filed a complaint to the ECHR on violation of his right to a fair trial, and right to defence and cross interrogation of the victims.

On 27 April 2019, the SLC lawyer filed the response to the Government’s observation in the case of the applicant.

## Pavlov v. Ukraine and Russia

Since August 2014 the applicant has been a member of a volunteer battalion ‘Donbass’ (hereafter “the battalion”) actively involved in combat against the separatist movement in eastern Ukraine.

During the hostilities the applicant’s battalion together with other formations of the Ukrainian Armed Forces took an active part in the military operation aimed at regaining the Government’s control of the town of Illovaysk, Donetsk Region (hereafter “the Battle of Illovaysk”). In the course of the Battle of Illovaysk the applicant’s battalion was surrounded in the town by the anti-government militants (hereafter “the militants”). The applicant submits that these groups had the backing of the armed forces of the Russian Federation.

On 30 August 2014, after an attempt of the Ukrainian Armed Forces to recapture Illovaysk, the applicant was taken captive by the Russian Armed Forces.

On the night of 30 August 2014, the applicant slept in the open air in a Russian Armed Forces camp.

On 31 August 2014 the applicant was transferred to units composed of the militants. Afterwards he was taken to the former building of the Department of the Security Service of Ukraine in Donetsk Region (hereafter “the SSU premises“) where he was searched and ordered to stand in rows in the building’s inner courtyard. The scene was filmed by journalists. The applicant was verbally abused, humiliated and threatened with execution He was beaten by the militants. He was also forced to trample on the Ukrainian flag.

Subsequently, over the next few days, the militants took away the applicant’s uniform.

The applicant as detained in the basement until 3 December 2014, when they were moved to the archive storage area situated in the same building (see more detailed information in the attached appendix).

The applicant was released on 26 December 2014.

In 2014 the SLC lawyer lodged an application before the ECHR under the above-mentioned facts.

On 28 August 2018 the European Court has communicated the case with the Ukrainian and Russian governments. The communication was several times extended. Finally, the observations were prepared in December 2018.

On 17 January 2019 the SLC lawyer prepared and sent the reply on observation made both by Ukrainian and Russian governments.

## Radyukin v. Ukraine

The applicant Mr R. has been held in the “SIZO” from 24 April 2015 to 05 June 2018 in two different sells (no. 905 and no. 939) which he shared with four other detained.

The applicant asserts that conditions of his detention in the Dnipropetrovsk Pre-Trial Detention Facility (the “SIZO”) were incompatible with the requirements of the Article 3 of the Convention.

In particular, the cells were overcrowded, there was lack of access to fresh air and daylight in the cells, lack of essential hygiene means and bath procedures, sanitary conditions were poor, the nutrition was poor and made by tainted food products.

To prove the fact that the cells in the “SIZO” were overcrowded the applicant refers to the Government’s submissions provided in § 7 of their Observations according to which the area of the SIZO’s cells was 14,5 m2 (cell no 905) and 13,6 m2 (cell no 939), which the applicant shared with 4 (four) more detainees.

Despite the fact that such size of the cell is provided by the Law of Ukraine “On Pre-Trial Detention” the applicant refers to the Reports of the European Committee for the Prevention of Torture (hereinafter – the CPT) made on the results of its visits to Ukraine in which the Committee repeatedly emphasized on the necessarily to increase the size of the living area for one detainee from 2,5 m2 to 4 m2.

In 2018 the applicant lodged an application under Article 3 before the ECtHR

In April 2019, the ECtHR sent to the applicant's lawyer the Observations of the Government of Ukraine to his complaint before the ECtHR, and on 14 March 2019, the SC lawyer lodged to the Court the reply to the Government.

## Sagura v. Ukraine

On 11 March 2014 the Luhansk Kamyanobridsky District Court convicted the applicant of murder committed in Luhansk and sentenced him to twelve years’ imprisonment, to be counted from 3 November 2012. It ordered that the applicant remain in detention pending appeal.

On 28 April 2014 the Luhansk Regional Court of Appeal opened the appeal proceedings in the applicant’s case. The seat of the Court of Appeal was changed to Sieverodonetsk. It appears that on 1 July 2015 the prosecutor’s office restored certain material from the case file but on 24 November 2015 the Starobilsk Court discontinued the proceedings for restoration finding that the available material was insufficient for examination of the case.

On 14 December 2015 the Starobilsk Court rejected the applicant’s application for release. In March 2016 the Court of Appeal informed the applicant that it was not in a position to examine his appeal and review his pre-trial detention due to the fact that his criminal case file had been lost.

In 2016 the SLC lawyer has lodged an application before the European Court of human rights on Article 6 of the Convention in relation to the prolonged failure to examine the applicant’s appeal.

On 20 June 2018 the ECHR has communicated the application with the Ukrainian Government. In December 2018 the Ukrainian Government has submitted their observations and the SLC lawyer replied on them on 17 February 2019.

## Svirgunets v. Ukraine

On 06 March 2000 Ms S-uk sold 28/100 of a shop “Podolianka” to the applicant on the basis of the sales contract.

On 14 May 2002 the senior investigator of the Shepetivskyi Inter-district Prosecutor's Office instituted criminal proceedings against the applicant into the crime punishable by Article 27 § 5 ("Types of accomplices")and Article 368 § 3 ("Taking a bribe") of the Criminal Code of Ukraine (“CC of Ukraine”).

The general length of criminal proceedings was from 14 May 2002 to 28 January 2012. The criminal proceedings included five circles of pre-trial investigations which were the result of the appeals to the court decisions.

The first circle of proceedings was from 14 May 2002 till 16 September 2004. From 30 August 2002 to 08 July 2003 were taken 13 court hearings in Slavytskyi district court (hereinafter – "District Court"). 6 court hearings were postponed due to the absence of witnesses and 1 due to the absence of prosecutor.

During the second circle of the criminal proceedings in the trial (from 03 June 2005 to 24 July 2006) there were 25 court hearings, 12 hearings from which were postponed due to absence of victim and witnesses or judge or technical problems.

During the third circle of the court hearings in the first instance, there were 16 court hearings, 5 hearings from which were postponed due to the absence of victim, witnesses or judge or a lawyer of another convicted person.

During the fourth round of court hearings in the trial, there were 10 court hearings, 4 from which were postponed due to the absence of witnesses or judge.

On 06 December 2011 the Shepetivskyi Court quashed the resolution of 29 December 2009 and directed the applicant'scriminal case-file to the Shepetivskyi Inter-district Prosecutor's Office for reopeningof investigation. It was the fifth round of criminal investigations.

On 28 January 2012 the Shepetivskyi Inter-district Prosecutor's Office terminated the criminal proceedings due to failure to prove a guilt of the applicant and withdrew an arrest imposed on property.

During the whole length of criminal proceedings regarding the applicant's case there were numerous delays and based on no reason adjournments. Several periods of State authorities' inactivity; decisions of re-sending the case-file to additional investigation due to procedural mistakes made by state bodies; use of ineffective tools within the situation, when there is the repetitive and constant absence of witnesses and unwilling to do the forensic expertise caused insurmountable obstacles which failed to provide the reasonable time of proceedings concerning the applicant's case.

Based on the judgment of the SlavutskyiCourt dated 17 July 2003 the ownership of 28/100 of a shop “Podolianka” was registered under the United State Tax Inspectorate in Shepetivka. On 11 March 2004 the United State Tax Inspectorate in Shepetivka transferred28/100 of a shop “Podolianka” to private enterprise "Promtekhresurs" for sale at public auction.

From 07 February 2008 till June 2019 Mrs Sv-ts has tried to return her property through administrative and civil procedures. 5 times she lodged requests to the different States authorities (the Prosecutor's Office, the State Treasury Service of Ukraine, Unified Tax Inspectorate), bank "Nadra" on returning her property, they all were refused.

Mrs Sv-ts instituted three civil proceedings regarding the returning of her property. All of them went through three court instances. The third applicant's claim was filed to the District Court in June 2016. The cassation appeal in the third circle of proceedings was filed by the applicant on 18 April 2017. The trial in the third instance is still pending.

In June 2010 Mrs Sv-ts lodged an application before the European Court on Human Rights regarding the breach of Article 6.1 of the Convention and Article 1 Protocol 1 to the Convention in the context of the unlawful confiscation of her property.

In January 2019 Mrs Sv-ts turned to the SLC lawyer and asked for legal assistance at stage of communication before the Court.

On 20 June 2019 the SLC lawyer provided the communication before the Court concerning the violations of the Convention made by Ukrainian authorities during the whole length of abovementioned proceedings.

# 25 cases in which the complaints lodged applications on alleged violations of the Convention or applications on requesting interim measures according to Rule 39 of the Rules of Court have been prepared and lodged to the ECtHR

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# 1 case related to the events in the Eastern Ukraine

## Zu-reva v. Ukraine and Russia

On 30 July 2015 during a bombarding of Dzerzhynsk city, Mrs. Z got a fragmentation wound of her chest. The police has started a criminal proceedings under this fact. The investigator questioned Mrs. Z. as a victim.

After long period of medical treatment and restoration her mental state, in October 2017 Mrs. Z asked the SLC lawyer to provide her with legal aid.

On 3 November 2017 the SLC lawyer made a request to the Toretsk (Dzerzhynsk) police department on providing him with information about the stage of the criminal proceedings.

On 28 November 2017 the Toretsk police station replied that the criminal proceedings were transported to the department of the Security service of Ukraine in Donetsk region.

On 30 November 2017 the SLC lawyer made a request to the investigative department of the SSU on providing him with information about the state of criminal proceedings.

On 2 January 2018 the investigative department of the Security service informed that preliminary investigation is pending and asked Mrs. Z to provide her with victim statues at the gathered criminal proceedings.

On 30 January 2018 the SLC lawyer made a request to the Security service on giving Mrs. Z. the victim status.

On 7 February 2018 the investigative department of the Security service informed that Mrs. Z. had a victim status. The investigator interrogated Mrs. Z.

On 8 February 2018 the SLC lawyer submitted a motion on conducting of several investigative actions.

He did not get a reply so on 11 September 2018 the SLC lawyer repeatedly sent a motion on conduction of the investigative actions.

On 14 September 2018 the investigator partly refused on the motion.

On 23 October 2018 the SLC lawyer lodged before the Investigative Committee of the Russian Federation a criminal complaint.

On 28 November 2018 the Investigative Committee of the Russian Federation informed that under the SLC lawyer’s complaint an investigator has prepared a request on legal cooperation to the Ukrainian state bodies to revise the facts of the case. The SLC lawyer did not get any other letters from the Investigative Committee.

On 6 February 2019 the SLC lawyer lodged an application before the European Court under Articles 2, 3 and 8 of the Convention.

# 18 cases related to prisoners left at the occupied territory

Since 2014 Ukraine permanently faced with some difficulties in the eastern regions. Unlawful military groups occupied towns and founded independent “republic”. To save territory and people Ukraine started counter-terrorist operation in spite of which several places were captured. In August 2014 – November 2014 state bodies were removed from dangerous zone to other regions. Ukrainian government evacuated almost all state departments, courts, police offices, some civilians left homes and were looking for shelter in other region. At the same time prisoners being under government’s control stayed at the occupied territory. During strong armed attacks they could not leave cells to hide and prison officers did not put them to a shelter when it was vital necessary. A part of the inmates has been killed during the shelling; even more were injured.

On 14 November 2014 the Ukrainian President issued a Decree according to which all prisoners and detainees immediately had to be evacuated from dangerous places. However the Decree was not performed. Military forces and police have postponed evacuation in 14 days while terrorists extended military operation more and more. Finally government tried to evacuate prisoners but at the last moment it was terminated because of organizational matters. No attempts were conducted later.

On 27 November 2014 the Ukrainian post service ceased to deliver and send mails in Donetsk and Luhansk regions. Thus, prisoners have had no chance to make appeals or criminal complaints to appropriate state bodies. In February 2015 last prison officers left occupied territory (or cooperated with terrorists) and military groups easily captured detainees and convicted persons.

Terrorists did not provide prisoners with appropriate medical treatment, nutrition and living conditions. They suffered from hunger, cold and humidity. For months prisoners ate only thin soup or small piece of bread per day, were not able to wash. In winters the temperature in cells dropped to five degrees – walls, clothes, linens were cold and wet. People got ill, some of them died or committed suicide.

Actually, there are near ten thousand prisoners stayed at the occupied zone. The Ombudsman evacuated near 600 of them, negotiations are pending.

## Be-zin v. Ukraine and Russia

In the end of 2018 Mr. Be-zin asked the SLC lawyer to provide him with legal assistance.

On 04 March 2004, Mr. Be-zin was sentenced to life imprisonment by a verdict of the Donetsk region court.

From 13 September2010 he has serving his sentence in the YenaKyiv ska penal colony № 52 which was captured by terrorists in February 2015. Mr. Be-zin would like to be evacuated from occupied territory to another region.

Mr. Be-zin relatives submitted numerous requests to the Ombudsperson and other state bodies. Mr. Be-zin name was entered to the list of people who will be evacuated but he has been staying at the occupied territory.

Mr. Be-zin relatives also lodged applications to the so-called state bodies of the DPR which informed that he serves his punishment under their control.

Mr. Be-zin sent several requests to the colony's administration on transferring him to the territory of Ukraine, but received a refusal.

In 25 February 2019 the SLC lawyer prepared and lodged an application under Article 3, 5, 8 and 13 of the Convention before the European court of human rights. He pointed out that conditions in the correctional colonies and psychological pressure, lack of opportunities to submit complaints can be considered as such violation.

## B-nov v. Ukraine and Russia

In December 2018 Mr. B. asked the SLC lawyer to provide him with legal assistance.

On 28 January 2005, Mr. Bwas sentenced to life imprisonment by a verdict of the Court of Appeal of the Luhansk region.

From 25 July 2003 he has serving his sentence in the Slovyanoserbska correctional colony № 60 which was captured by terrorists in February 2015. Mr. B. would like to be evacuated from occupied territory to another region.

Mr. B’s relatives submitted numerous requests to the Ombudsperson and other state bodies. Mr. B’s name was entered to the list of people who will be evacuated but he has been staying at the occupied territory.

Mr. B`s relatives also lodged applications to the so-called state bodies of the LPR which informed that he serves his punishment under their control.

In January 2019 the SLC lawyer prepared and lodged an application under Article 3, 5, 8 and 13 of the Convention before the European court of human rights. He pointed out that conditions in the correctional colonies and psychological pressure, lack of opportunities to submit complaints can be considered as such violation.

## Ih-tov v.Ukraine and Russia

On 10 June 2004 the Court of Appeal in Donetsk region sentenced Mr.I to lifelong imprisonment.

From 09 August 2005 till today Mr. I has been serving the sentence in Enakievska correctional colony №52 in Donetsk region which had been captured by terrorists in February 2015. He is still serving a sentence there.

Mr. I’s mother has turned to the Ombudsman and other authorities. Mr. I was included into the list of persons who should be evacuated but he is still in the occupied territory.

Mr. I has also lodged motions to the bodies of self-proclaimed “DPR” and was informed that he is serving his sentence under their control.

In February 2019 Mr. I turned to the SLC centre asking for legal assistance.

On 08 April 2019 a SLC lawyer prepared and submitted an application to ECtHR concerning violations of Articles 3, 5, 8, 13 of the Convention.

## Iva-tskyy v. Ukraine and Russia

On 17 February 2014 Mr. I was taken into custody by decision of Chervonogvardiyskyi District Court in the city of Makiivka. Mr. I was placed to Donetsk Penitentiary facility №5.

On 03 March 2016 the Central City Inter-District Court in the city of Makiivka in the self-proclaimed “DPR” sentenced Mr. I to a lifelong imprisonment.

On 04 November 2016 Mr. I was transferred from Donetsk pre-trial detention centre to Enakievska correctional colony №52 in Donetsk region which had been captured by terrorists in February 2015. He is still serving a sentence there.

The relatives of Mr. I lodged numerous motions to the Ombudsman and other authorities. Mr. I was included into the list of persons who should be evacuated but he is still in the occupied territory.

Mr. I has also lodged motions to the bodies of self-proclaimed “DPR” and was informed that he is serving his sentence under their control.

In January 2019 Mr. I turned to the SLC centre asking for legal assistance.

On 14 February 2019 a SLC lawyer prepared and submitted an application to ECtHR concerning violations of Articles 3, 5, 8, 13 of the Convention.

## Ko-k v. Ukraine and Russia

In 2017 Mr. Ko-k asked the SLC lawyer to provide him with legal assistance. Mr. Ko-k noted that the court sentenced him to imprisonment Since that date he permanently served his punishment in the YanaKyiv ska correction colony which was captured by terrorists in February 2015. The applicant would like to be evacuated from occupied territory to another region.

On 17 October 2017 Mr. Ko-k was evacuated from the occupied territory.

In the May Mr. Ko-k made a statement of crime to the prosecutor’s office of Donetsk region in Mariupol

The applicant was informed that the datas on his application was entered to URPI. Since then, none of Mr. Ko-k. requests for information on the movement of criminal proceedings has been held.

In September 2018 the SLC lawyer prepared and lodged an application under Article 3, 5, and 13 of the Convention before the European court of human rights. She pointed out that conditions in the correctional colonies and psychological pressure, impossibility to communicate with relatives, illegitimate court conviction, lack of opportunities to submit complaints can be considered as violation the Convention.

## Ku-min v. Ukraine and Russia

In December 2018 Mr. K turned to the SLC lawyers asking to provide him legal assistance. Mr. K was sentenced to imprisonment and has been serving a sentence in Donetsk correctional colony №124 from December 2013.

In the end of January 2018 Mr. K turned to the Ombudsman. Mr. K asked to include him in the list of prisoners that should be evacuated to the territory controlled by Ukrainian authorities.

On 21 February 2018 the response of Ombudsman was received by Mr. K. It stated that he was included in the list of prisoners that should be evacuated to the territory controlled by Ukrainian authorities.

On 29 March 2019 the SLC lawyer prepared and lodged an application to the ECtHR concerning the violations of Articles 3, 5, 13 of the Convention.

## La-ko v. Ukraine and Russia

In the end of 2018 Mr. La-ko asked the SLC lawyer to provide him with legal assistance.

On 15 November 2011, Mr. La-ko was sentenced to life imprisonment by a verdict of the Donetsk region court.

From that day he has serving his sentence in the YenaKyiv ska penal colony № 52 which was captured by terrorists in February 2015. Mr. La-ko would like to be evacuated from occupied territory to another region.

Mr. La-ko wife submitted numerous requests to the Ombudsperson and other state bodies. Mr. La-ko name was entered to the list of people who will be evacuated but he has been staying at the occupied territory.

Mr. La-ko relatives also lodged applications to the so-called state bodies of the DPR which informed that he serves his punishment under their control.

Mr. La-ko sent several requests to the colony's administration on transferring him to the territory of Ukraine, but received a refusal.

In 05 February 2019 the SLC lawyer prepared and lodged an application under Article 3, 5, 8 and 13 of the Convention before the European court of human rights. He pointed out that conditions in the correctional colonies and psychological pressure, lack of opportunities to submit complaints can be considered as such violation.

## Ma-y v. Ukraine and Russia

In April 2017 the applicant asked the SLC lawyer to provide him with legal assistance. The applicant noted that the court sentenced him to imprisonment Since that date he permanently served his punishment in the YanaKyiv ska correction colony which was captured by terrorists in February 2015. The applicant would like to be evacuated from occupied territory to another region.

In December 2017 the applicant was evacuated from the occupied territory.

On 11 May 2018 the applicant made a statement of crime to the Velyko- Novosilkivskyy police department.

As the applicant did not receive notice on entering of his statement to the Unified register of pretrial investigation, he submitted to the Velyko-Novosilkivskyy district court in Donetsk regiona complaint on the investigator’s inactivity. Only on 11 June 2018 the court granted this complaint and obliged the prosecutor’s office in Donetsk region to enter information about the crime to the URPI.

On 10 July 2018 the Velyko-novosilkivskyy police department noticed the applicant about opening of the criminal proceedings.

On 12 July 2018 the applicant sent to the Velyko-Novosilkivskyy police department a motion on conducting of investigative actions.

The applicant did not receive a response on his motion so on 11 July 2018 he sent a complaint on inactivity of the investigator to the Velyko-Novosilkivskyy district court.

On 3 October 2018 the Velyko-Novosilkivskyy district court refused the applicant on his complaint.

In February 2019 the SLC lawyer prepared and lodged an application under Article 3, 5, 8 and 13 of the Convention before the European court of human rights. She pointed out that conditions in the correctional colonies and psychological pressure, impossibility to communicate with relatives, illegitimate court conviction, lack of opportunities to submit complaints can be considered as violation the Convention.

## Pa-ko v. Ukraine and Russia

In the end of 2018 Mr. Pa-ko asked the SLC lawyer to provide him with legal assistance.

On 05 Jun 2003, Mr. Pa-ko was sentenced to life imprisonment by a verdict of the Donetsk region court.

From 20 October2004 he has serving his sentence in the YenaKyiv ska penal colony № 52 which was captured by terrorists in February 2015. Mr. Pa-ko would like to be evacuated from occupied territory to another region.

Mr. Pa-ko relatives submitted numerous requests to the Ombudsperson and other state bodies. Mr. Pa-ko name was entered to the list of people who will be evacuated but he has been staying at the occupied territory.

Mr. Pa-ko relatives also lodged applications to the so-called state bodies of the DPR which informed that he serves his punishment under their control.

Mr. Pa-ko sent several requests to the colony's administration on transferring him to the territory of Ukraine, but received a refusal.

In 25 February 2019 the SLC lawyer prepared and lodged an application under Article 3, 5, 8 and 13 of the Convention before the European court of human rights. He pointed out that conditions in the correctional colonies and psychological pressure, lack of opportunities to submit complaints can be considered as such violation.

## Pe-nyy v. Ukraine and Russia

In April 2017 Mr. Pe-nyy (hereafter – the applicant) asked the SLC lawyer to provide him with legal assistance. The applicant noted that the court sentenced him to imprisonment Since that date he permanently served his punishment in the YanaKyiv ska correction colony which was captured by terrorists in February 2015. The applicant would like to be evacuated from occupied territory to another region.

In February 2018 the applicant was evacuated from the occupied territory.

On 25 March 2018 the applicant made a statement of crime to the Velyko- Novosilkivskyy police department.

As the applicant did not receive notice on entering of his statement to the Unified register of pretrial investigation, he submitted to the Velyko-Novosilkivskyy district court in Donetsk regiona complaint on the investigator’s inactivity. Only on 11 April 2018 the court granted this complaint and obliged the prosecutor’s office in Donetsk region to enter information about the crime to the URPI.

On 19 April 2018 the Velyko-novosilkivskyy police department noticed the applicant about opening of the criminal proceedings.

On 1 July 2018 the applicant sent to the Velyko-Novosilkivskyy police department a motion on conducting of investigative actions.

The applicant did not receive a response on his motion so on 11 July 2018 he sent a complaint on inactivity of the investigator to the Velyko-Novosilkivskyy district court.

On 24 September 2018 the Velyko-Novosilkivskyy district court refused the applicant on his complaint.

In January 209 the SLC lawyer prepared and lodged an application under Article 3, 5, 8 and 13 of the Convention before the European court of human rights. She pointed out that conditions in the correctional colonies and psychological pressure, impossibility to communicate with relatives, illegitimate court conviction, lack of opportunities to submit complaints can be considered as violation the Convention.

## Po-ko v. Ukraine and Russia

In April 2017 the applicant asked the SLC lawyer to provide him with legal assistance. The applicant noted that the court sentenced him to imprisonment Since that date he permanently served his punishment in the YanaKyiv ska correction colony which was captured by terrorists in February 2015. The applicant would like to be evacuated from occupied territory to another region.

In February 2018 the applicant was evacuated from the occupied territory.

On 25 March 2018 the applicant made a statement of crime to the Velyko- Novosilkivskyy police department.

As the applicant did not receive notice on entering of his statement to the Unified register of pretrial investigation, he submitted to the Velyko-Novosilkivskyy district court in Donetsk regiona complaint on the investigator’s inactivity. Only on 11 April 2018 the court granted this complaint and obliged the prosecutor’s office in Donetsk region to enter information about the crime to the URPI.

On 19 April 2018 the Velyko-novosilkivskyy police department noticed the applicant about opening of the criminal proceedings.

On 1 July 2018 the applicant sent to the Velyko-Novosilkivskyy police department a motion on conducting of investigative actions.

The applicant did not receive a response on his motion so on 11 July 2018 he sent a complaint on inactivity of the investigator to the Velyko-Novosilkivskyy district court.

On 24 September 2018 the Velyko-Novosilkivskyy district court refused the applicant on his complaint.

In January 209 the SLC lawyer prepared and lodged an application under Article 3, 5, 8 and 13 of the Convention before the European court of human rights. She pointed out that conditions in the correctional colonies and psychological pressure, impossibility to communicate with relatives, illegitimate court conviction, lack of opportunities to submit complaints can be considered as violation the Convention.

## Ro-ko v. Ukraine and Russia

In April 2017 the applicant asked the SLC lawyer to provide him with legal assistance. The applicant noted that the court sentenced him to imprisonment Since that date he permanently served his punishment in the YanaKyiv ska correction colony which was captured by terrorists in February 2015. The applicant would like to be evacuated from occupied territory to another region.

In December 2017 the applicant was evacuated from the occupied territory.

On 11 May 2018 the applicant made a statement of crime to the Velyko- Novosilkivskyy police department.

As the applicant did not receive notice on entering of his statement to the Unified register of pretrial investigation, he submitted to the Velyko-Novosilkivskyy district court in Donetsk regiona complaint on the investigator’s inactivity. Only on 11 June 2018 the court granted this complaint and obliged the prosecutor’s office in Donetsk region to enter information about the crime to the URPI.

On 10 July 2018 the Velyko-novosilkivskyy police department noticed the applicant about opening of the criminal proceedings.

On 12 July 2018 the applicant sent to the Velyko-Novosilkivskyy police department a motion on conducting of investigative actions.

The applicant did not receive a response on his motion so on 11 July 2018 he sent a complaint on inactivity of the investigator to the Velyko-Novosilkivskyy district court.

On 3 October 2018 the Velyko-Novosilkivskyy district court refused the applicant on his complaint.

In February 2019 the SLC lawyer prepared and lodged an application under Article 3, 5, 8 and 13 of the Convention before the European court of human rights. She pointed out that conditions in the correctional colonies and psychological pressure, impossibility to communicate with relatives, illegitimate court conviction, lack of opportunities to submit complaints can be considered as violation the Convention.

## Ryb-ko v. Ukraine and Russia

In the end of December 2018 Mr. B-v (hereafter – the applicant) asked the SLC lawyer to provide him with legal assistance. The applicant noted that on 18 June 2009 the YenaKyiv skyi District Court in Donetsk sentenced him to imprisonment. Since that date he served a sentence YenaKyiv ska correctional colony in Donetsk region. In 2010 he was transferred to Krasnolutska correctional colony № 19, where he still serving the sentence. Krasnolutska correctional colony was captured by terrorists in December 2014. The applicant would like to be evacuated from occupied territory to another region.

In January 2018 applicant’s wife turned to the Ministry of Justice of Ukraine asking to a promotion in the evacuating the applicant to the territories controlled by Ukraine. The Ministry of Justice stated in its response that there is no mechanism of prisoners’ transferring.

On numerous requests of the applicant’s wife and SLC lawyer in 2018 and 2019 to the Ombudsperson only a formal response was received without any concrete information about prisoners’ evacuation.

In the Krasnolutska colony a systemic evacuation of prisoners has been practicing for last 5 months.

After the numerous complaints of the applicant in 2016-2018 concerning the inappropriate behaviour of the colony’s administration the applicant was noted that there will be done everything to not evacuate him.

From the actions of Ukrainian authorities, it was obvious that Ukraine has no impact on the process of evacuation of prisoners from uncontrolled territories.

In April 2019 the SLC lawyer prepared and lodged an application under Article 3, 5 and 13 of the Convention before the European court of human rights. She pointed out that conditions in the correctional colonies and psychological pressure, lack of opportunities to submit complaints can be considered as such violation.

## Ry-v v. Ukraine and Russia

In April 2017 the applicant asked the SLC lawyer to provide him with legal assistance. The applicant noted that the court sentenced him to imprisonment Since that date he permanently served his punishment in the YanaKyiv ska correction colony which was captured by terrorists in February 2015. The applicant would like to be evacuated from occupied territory to another region.

In December 2017 the applicant was evacuated from the occupied territory.

On 11 May 2018 the applicant made a statement of crime to the Velyko- Novosilkivskyy police department.

As the applicant did not receive notice on entering of his statement to the Unified register of pretrial investigation, he submitted to the Velyko-Novosilkivskyy district court in Donetsk regiona complaint on the investigator’s inactivity. Only on 11 June 2018 the court granted this complaint and obliged the prosecutor’s office in Donetsk region to enter information about the crime to the URPI.

On 10 July 2018 the Velyko-novosilkivskyy police department noticed the applicant about opening of the criminal proceedings.

On 12 July 2018 the applicant sent to the Velyko-Novosilkivskyy police department a motion on conducting of investigative actions.

The applicant did not receive a response on his motion so on 11 July 2018 he sent a complaint on inactivity of the investigator to the Velyko-Novosilkivskyy district court.

On 3 October 2018 the Velyko-Novosilkivskyy district court refused the applicant on his complaint.

In February 209 the SLC lawyer prepared and lodged an application under Article 3, 5, 8 and 13 of the Convention before the European court of human rights. She pointed out that conditions in the correctional colonies and psychological pressure, impossibility to communicate with relatives, illegitimate court conviction, lack of opportunities to submit complaints can be considered as violation the Convention.

## Su-tin v. Ukraine and Russia

On November 2008 the Court of Appeal in Donetsk region sentenced Mr.S to lifelong imprisonment.

From 15 February 2016 till today Mr. S has been serving the sentence in Enakievska correctional colony №52 in Donetsk region which had been captured by terrorists in February 2015. He is still serving a sentence there.

Mr. S’s mother has turned to the Ombudsman and other authorities. Mr. S was included into the list of persons who should be evacuated but he is still in the occupied territory.

Mr. S has also lodged motions to the bodies of self-proclaimed “DPR” and was informed that he is serving his sentence under their control.

In March 2019 Mr. I turned to the SLC centre asking for legal assistance.

On 16 May 2019 a SLC lawyer prepared and submitted an application to ECtHR concerning violations of Articles 3, 5, 8, 13 of the Convention.

## Tr-yla v. Ukraine and Russia

From 05 September 2005 till today Mr. T has been serving the sentence in Enakiivska correctional colony №52 in Donetsk region which had been captured by terrorists in February 2015. He is still serving a sentence there.

From November 2014 there was an order held by President of Ukraine concerning the evacuation of all prisoners from occupied territories to the territories controlled by Ukraine. But neither Mr. I nor other convicted were evacuated.

Mr. T has been staying in closed prison cell without light and with the obstacles of water supply, under continuous explosions of shells near and far from the colony. The administration of the colony hasn’t provided him an appropriative medical treatment and nutrition.

All motions which were lodged by Mr. T to the “DPR” authorities concerning a permition of his evacuation were rejected.

In January 2019 Mr. T turned to the SLC centre asking for legal assistance.

The SLC lawyer lodged an application and Mr. T was included into the list of persons who should be evacuated but he is still in the occupied territory.

On 28 March 2019 a SLC lawyer prepared and submitted an application to ECtHR concerning violations of Articles 3, 5, 8, 13 of the Convention.

## Up-ko. v. Ukraine and Russia

In December 2018 Mr. U. asked the SLC lawyer to provide him with legal assistance. The applicant mentioned that he was sentenced to life imprisonment and since 20 October 2004 till now he has been serving his punishment in Yenakiyivska correctional colony no.52.

On 29 January 2019 the SLC lawyer made a request to the Ombudsman’s office to enter the applicant to the list of prisoners who were served at the temporary occupied territory.

On 25 February 2019 the Ombudsman’s office entered the applicant’s name to the appropriate list.

On 27 February 2019 the SLC lawyer prepared and lodged an application before the European court of human rights under Articles 3, 5 and 13 of the Convention.

## Ye-mov v. Ukraine and Russia

In April 2017 the applicant asked the SLC lawyer to provide him with legal assistance. The applicant noted that the court sentenced him to imprisonment Since that date he permanently served his punishment in the YanaKyiv ska correction colony which was captured by terrorists in February 2015. The applicant would like to be evacuated from occupied territory to another region.

In July 2017 the applicant was evacuated from the occupied territory.

On 11 November 2017 the applicant made a statement of crime to the Velyko- Novosilkivskyy police department.

As the applicant did not receive notice on entering of his statement to the Unified register of pretrial investigation, he submitted to the Velyko-Novosilkivskyy district court in Donetsk regiona complaint on the investigator’s inactivity. Only on 10 January 2018 the court granted this complaint and obliged the prosecutor’s office in Donetsk region to enter information about the crime to the URPI.

On 11 January 2018 the Velyko-novosilkivskyy police department noticed the applicant about opening of the criminal proceedings.

On 25 August 2018 the applicant sent to the Velyko-Novosilkivskyy police department a motion on conducting of investigative actions.

The applicant did not receive a response on his motion so on 20 September 2018 2018 he sent a complaint on inactivity of the investigator to the Velyko-Novosilkivskyy district court.

On 13 October 2018 the Velyko-Novosilkivskyy district court refused the applicant on his complaint.

In February 2019 the SLC lawyer prepared and lodged an application under Article 3, 5, 8 and 13 of the Convention before the European court of human rights. She pointed out that conditions in the correctional colonies and psychological pressure, impossibility to communicate with relatives, illegitimate court conviction, lack of opportunities to submit complaints can be considered as violation the Convention.

# 6 more cases in which applications have been lodged before the ECHR

## Aba-dze vs Ukraine

Mr. A is a Georgian national.

In November 2017 he was illegally deprived of liberty by officers in uniform of the Security service of Ukraine and deported from Ukraine.

On 2 January 2018 the SLC lawyer submitted a statement of crime on kidnapping. The statement was not entered to the Unified register of pre-trial investigations. So on 12 January 2018 the SLC lawyer filed a complaint to the court on inactivity of the prosecutor.

On 30 January 2018 the investigative judge refused to open court proceedings in the case. The SLC lawyer appealed and on 6 April 2018 the court returned the case for new trial.

On 14 June 2018 the complaint was considered in the absence of the lawyer. The court refused.

The decision has not been delivered yet.

The SLC lawyer also got copies of documents on the base of which A was deported. In particular, the SLC lawyer got the decision on exclusion and prohibition to enter Ukrainian territory.

On 20 March 2018 the SLC lawyer filed a complaint against such decision to the circle administrative court.

On 27 March 2018 the court refused to open proceedings in this case because the SLC lawyer breached the rules of jurisdiction.

On 6 April 2018 the decision was appealed. On 19 April 2018 the court of appeal quashed the decision of the trial court and sent the case for new consideration

On 15 May 2018, the trial court opened the proceedings in the case. The case is pending.

Also, the SLC lawyer received by his request the copy of decision on termination of the applicant’s residence permit and refusal to prolong. Such decisions were brought in the absence of A-sh.

On 3 February 2018 the SLC lawyer lodged a complaint before the court on termination of the applicant’s residence permit. On 21 May 2018 the court delivered a judgement on cancelation of such decisions and obliged the State migration service to consider again the applicant’s request to prolong his residence permit.

The state migration service appealed. On 24 July 2018 the court of appeal opened consideration.

On 17 September 2018 the court of appeal quashed the decision of trial court and refused the complaint.

On 3 October 2018 the SLC lawyer lodged the cassation complaint but it refused to open proceedings.

On 27 March 2019 the circle court refused on the complaint.

On 2 May 2019 the court’s decision was appealed by the SLC lawyer.

On 15 April 2019 the SLC lawyer lodged an application before the European court under Article 1 of the Protocol 7 to the Convention.

## Dro-dov case (torture case)

On 26 October 2017 according to the decision of the investigating judge it was provided a search in the flat of Mr D.

On the same day Mr D. was informed of the suspicion of committing a criminal offense under Part 2 of Art. 307 of the Criminal Code of Ukraine and was detained and tortured by police officers with the purpose of obtaining a confession from Mr D. in the sale of drugs.

In 27 October 2017 Mr D. was transferred to the Temporary detention centre with injury of a tongue, nose, and hematomas on the forehead. He was scared and said that he had no complaints on his health.

In the morning on 27 October 2017 Mr D. felt badly and he was transferred by ambulance car to Hospital of urgent medical aid in Kharkiv.

On 16 May 2018 it was opened a criminal proceeding on a fact of the abuse of power by police officers of Chuguivskyi district police department of the Kharkiv region

On 26 June 2018 the criminal proceeding was closed by an investigator of Prosecutor Office of the Kharkiv region.

On 27 June 2018 a SLC lawyer challenged such a closure to the court. The court consideration is pending.

In June 2018 a SLC lawyer send requests to the Temporary detention centre, Hospital of urgent medical aid in Kharkiv, the medical unit of Kharkiv SIZO on the presence of injuries of Mr D.

On 19 September 2018 the Chervonozavodsky Court quashed the order on termination of the criminal proceedings.

On 24 October 2018 the SLC lawyer filed a motion on the recognition of Mr. D. as a victim of the crime to the Prosecutor's office.

On 26 October 2016 the investigator of the Prosecutor Office of the Kharkiv region sent a copy of an order on the refusal to Mr. D. recognition of a victim of the crime from 13 June 2018 to the SLC lawyer.

The SLC lawyer appealed against the order of the investigator of the Prosecutor Office to the Court.

On 9 November 2018 the Chervonozavodsky Court quashed the order on a refusal to Mr. D. of the recognition of a victim of the crime.

On 18 December 2018 the investigator of the Prosecutor Office sent a copy of the order on a refusal to Mr. D. of the recognition of a victim of the crime from 19 November 2018 and a copy of the order on a termination of the criminal proceedings to the SLC lawyer.

On 21 December 2018 the SLC lawyer made a complaint on the resolution on termination of the criminal proceedings to the Chernozavodskyy district court in Kharkiv.

On 18 March 2019 the investigative judge of the Chervonozavodskyy district court granted a complaint of the SLC lawyer and cancelled a resolution of an investigator of the prosecutor’s office of Ukraine.

On 29 May 2019 the SLC lawyer submitted an application before the European court under Article 3 of the Convention.

## Kh-v v. Ukraine

Mr. Kh-v is a citizen of Tajikistan who have been chasing by Tajikistan law enforcement agencies. An extradition request was sent from Tajikistan authorities to the Ukrainian ones. Mr. Kh-v was detained and the extradition arrest was imposed on him.

On 09 February 2017 the General Department of the State Migration Service in the city of Kyiv refused Mr. Kh-v’s application on getting the asylum in Ukraine.

On 17 February 2017 Mr. Kh-v’s wife turned to the SLC center asking to represent Mr. Kh-v’s and her interests concerning the fear of possible refoulement and unlawful detention of Mr. Kh-v.

On 22 February 2017 the SLC lawyer lodged an application to the General Prosecutor’s Office of Ukraine on reconsideration the decision about extradition of Mr. Kh-v.

On 22 February the SLC lawyer sent a complaint to the State Migration Service of Ukraine concerning the decision of General Department of the State Migration Service in the city of Kyiv on refusal in accepting the Mr. Kh-v documents.

On 04 April 2017 the SLC lawyer lodged a complaint to the Pecherskyi District Court in the city of Kyiv concerning the refusal of the Prosecutor’s Office on reconsideration the decision about the extradition.

On 26 June 2017 State Migration Service of Ukraine rejected in granting the complaint concerning the decision of General Department of the State Migration Service in the city of Kyiv.

On 27 June 2017 the SLC lawyer lodged a complaint to the Circle Administrative Court in the city of Kyiv concerning the rejection of State Migration Service of Ukraine in granting the complaint concerning the decision of General Department of the State Migration Service in the city of Kyiv.

On 03 July 2017 the Circle Administrative Court in the city of Kyiv opened proceedings of the Mr. Kh-v case and appointed court hearings.

On 06 March 2018 the Circle Administrative Court in the city of Kyiv announced a break in the consideration of a case until 24 April 2018.

On 24 April 2018 the Circle Administrative Court in the city of Kyiv started the examination on merits the case-file, involved the General Department of the State Migration Service in the city of Kyiv as a litigant and postponed the consideration of the case-file.

On 09 August 2018 the Circle Administrative Court in the city of Kyiv held to start the case consideration by written procedure.

In the end of August 2018 Pecherskyi District Court in the city of Kyiv refused the motion of Prosecutor’s Office concerning choosing a preventive measure and Mr. Kh-v got out of custody.

On 19 December 2018 Circle Administrative Court in the city of Kyiv fully refused in granting the claims.

In January 2019 the SLC lawyer lodged an appeal concerning the decision of the Circle Administrative Court in the city of Kyiv. The Court of Appeal refused to grant a complaint.

In May 2019 the SLC lawyer lodged a cassation claim concerning the decision of the Court of Appeal. The Supreme Court refused in opening the cassation proceedings.

On 22 May the law enforcement authorities of Ukraine kidnapped Mr. Kh-v.

On 23 May 2019 the SLC lawyer lodged an application to the European Court on Human Rights regarding suspension of the extradition of Mr. Kh-v.

ECtHR implied an urgent measure in the form of the termination of extradition. However, the law enforcement agencies have already handed Mr. Kh-v to the law enforcement agencies of Tajikistan.

For the time being the SLC lawyer is preparing an application to the ECtHR concerning the breaches of Articles 3, 5 of the Convention.

## P-va v. Ukraine

Mrs. P. (a Russian citizen) is married with a Ukrainian citizen. In December 2018 she lodged a request on prolonging of her temporary residence permit.

In January 2019 she got knew that the temporary residence permit was cancelled, the State migration service of Ukraine refused to prolong the term of her residence in Ukraine.

On 20 February 2019 the SLC lawyer made an administrative complaint to a court against the decision of the State migration service of Ukraine. He also asked the court not to exclude Mrs. P. from Ukraine till consideration of the case would be finished.

On 18 April 2019 the Circle administrative court fully refused to use a provisional remedy.

On 3 May 2019 the SLC lawyer appealed.

On 11 June 2019 the court of appeal upheld the decision of the trial court of 18 April 2019.

Due to the existence of danger of expulsion on 20 May 2019 the SLC lawyer lodged before the European court of human rights a request to apply temporary measure and oblige the Ukrainian government not to remove Mrs. P from Ukraine till her case would be considered by the ECHR. The Court has applied such measures in the case related to Mrs. P. On 13 June 2019 the SLC lawyer lodged an application before the European court of human rights under Article 3 of the Convention.

## Po-renko v. Ukraine

In the evening on 7 April 2016 Mr. Po-renko (hereinafter – the applicant) was arrested by police officers and transported to the Podilsk district police station in Kiev. There he was beaten on his hand and other parts of his body, strangled, handcuffed, frightened and forced the applicant to plead his guilt on committing the rape and attempted rape. Such abuse was continuing around three hours. Then the applicant was conducted to the advocate who called the ambulance and made a photo of the applicant’s injuries. Doctors fixed injuries and refused to hospitalize the applicant.

On 8 April 2016 the investigative judge of Podilsk district court in Kiev considered the SLC lawyer’s complaint on tortures and brought a decision on urgent forensic medical examination.

On 8 April 2016 the applicant was noticed on suspicion and the Podilsk district court chose him a preliminary measure in the form of detention till 5 June 2016. The term of preventive measure was permanently prolonged.

On 10 May 2016 the applicant was transferred to the Kiev detention centre and registered at the list of HIV+ people.

In October 2016 the applicant complained that his health state deteriorated, the body temperature was more then 41 Celsius degree, he lost consciousness. Doctors made an X-ray as a result of which the applicant was diagnosed with tuberculosis. On 26 October 2016 the applicant was put to the medical unit of the detention centre where he had medical prescriptions. On 19 November 2016 his state of the health deteriorated a bit more due to flu.

On 27 March 2017 the applicant’s health state deteriorated again and he was transported to the Kyyv city medical centre by the ambulance to stay in hospital. On 3 April 2017 the applicant was discharged from the medical centre to detention centre. After that he lost ability to talk, move, swallow, control the defecation

On 4 May 2017 the SLC lawyer lodged a motion to the court on changing of the preliminary measure for the applicant due to his pure health state.

On 5 May 2017 the Podilsk district court refused of the motion on changing of the preliminary measure, providing the applicant with appropriate medical assistance, and prolonged the term of his preventive measure to 19 July 2017

On 20 July 2017 the SLC lawyer lodged before the ECHR an application under Rule 39 of Rules of the Court. On 21 July 2017 the ECHR urgently decided to apply the Rule 39 and obliged the Government to provide the applicant with appropriate medical assistance and if it would be necessary – to hospitalize him to the special medical facility.

On 27 July 2017 the temporary detention centre noticed the Podilsk district court that the applicant stayed in critical condition and he could die, he had to be hospitalized and treated in the specialized medical unit.

On 31 July 2017 the SLC lawyer lodged a motion on changing of the preliminary measure but it was refused.

On 7 August 2017 the applicant died at the civil hospital.

On 15 August 2018 the applicant asked the expert commission to assess the medical treatment given to her son during his detention. On 18 September 2017 she received a reply that it was impossible because all medical documents were extracted during pre-trial investigation.

On 17 November 2017 and 2 June 2018, the applicant asked the investigator to give her a victim status. She did not receive any reply. On 6 April 2018 the SLC lawyer asked the police to give answers and familiarized him with the case-files. He did not receive any answer too.

On 17 August 2017 the Court the SLC lawyer lodged an application before the ECHR under Article 3 of the Convention due to the lack of appropriate medical treatment in conjunction with Article 34 of the Convention due to non-performing obligations under Rule 39 and under para 3 Article 5 of the Convention as preventive measure was inappropriate.

On 4 June 2018 the SLC lawyer filed a motion on familiarization with the case-files. The investigative ignored.

On 4 July 2018 the SLC lawyer filed the same motion but it was ignored too. The SLC lawyer made a complaint on this.

On 17 July 2018 the SLC lawyer filed a complaint before the investigative judge. On 27 August 2018 the investigative judge obliged the investigator to familiarize the SLC lawyer with the case files. However, the investigative did not perform decision and on 11 October 2018 the SLC lawyer filed a criminal complaint on non-enforcing of the court’s decision.

As to the ill-treatment of the applicant, on 16 March 2018 the SLC lawyer finally received a resolution on termination of the criminal proceedings.

The ECHR asked the Government to prepare their observations till 28 February 2018

On 16 July 2018 the SLC lawyer lodged a request on familiarization with the case-files in the criminal proceedings. The prosecutor ignored.

On 26 July 2018 the SLC lawyer also lodged a complaint on non-providing him with the case-files to the investigative judge.

On 13 November 2018 the investigative judge quashed a resolution on termination of the criminal proceedings and continued the pre-trial investigation

On 13 December 2018 the SLC lawyer again made a request on familiarization with the case-files.

On 31 January 2019 the SLC lawyer made a complaint to the head of the department of investigation of criminal proceedings on not-giving of case-files.

On 7 February 2019 the SLC lawyer got a reply that his complaint had been gathered to the criminal proceedings.

As the materials of the case-files had not been given the SLC lawyer, on 7 February 2019 he made a request to the court with a question whether its decision had been sent to the prosecutor’s office. On 14 February 2019 the Pecherskyy district court in Kyiv informed that the decision had not been sent to the prosecutor’s office.

On 13 February 2019 the SLC lawyer asked the prosecutor’s office in Kyiv to give him a resolution on refusal to give Mrs. P a victim status.

On 22 February 2019 the SLC lawyer got a reply that his motion had been gathered to the case-files.

On 19 February 2019 the SLC lawyer made a complaint on not-giving him the case-files. On 1 March 2019 the SLC lawyer got a refusal on familiarization him with a case files because Mrs.P did not have a victim status.

On 27 February 2019 the SLC lawyer asked the prosecutor’s office to give him the case-files.

Due to ignoring of his motion on 4 March 2019 the SLC lawyer made a complaint on inactivity of a prosecutor to the Pecherskyy district court in Kyiv

On 12 March 2019 the court refused the SLC lawyer and returned the complaint.

On 20 March 2019 the SLC lawyer appealed. On 9 April 2019 the Kyiv appeal court quashed a decision of the trial court.

On 28 March 2019 Mrs. P asked the prosecutor to give her a victim status again. On 4 April 2019 Mrs. P got an answer that the prosecutor’s office had already considered such question.

On 28 March 2019 the SLC lawyer made a complaint to the General prosecutor’s office of Ukraine and to the prosecutor’s office of Kyiv on not-giving of the case-files.

On 15 April 2019 the Prosecutor’s office in Kyiv transmitted the complaint to an investigator whose actions had been complained.

On 8 May 2019 the SLC lawyer prepared and sent an application to the ECHR under Article 3 of the Convention on Mr.P’s tortures and ineffectiveness of the criminal proceedings.

On 6 June 2019 the SLC lawyer prepared and sent an application to the ECHR under Article 2 of the Convention on ineffective investigation of Mr.P’s death.

## Sher-ev v. Ukraine

Mr Sh., an Tajikistan citizen, when living in Tajikistan was a member of a political-religious organization «PIVT» , participants of which had been persecuted in this country and then this organization was declared as an extremist.

Because of criminal persecutions of this organization in Tajikistan, Mr. Sh. had to leave Tajikistan and in 2015 he moved to Turkey. There he organized web-site on which he shows the problems with corruption and unlawful action of the acting authorities of Tajikistan. For his activity acting authorities of Tajikistan threatened with extortion.

In December 2016 the Turkey policemen and Tajikistan council came to the Mr. Sh. office, unlawfully closed his office. As for Mr. Sh. he was departing from the country. Mr. Sh. moved to Ukraine where on May 2017 asked to provide him with a refugee status. On 24 of October 2017 State Migration Service refused to give this status to Mr. Sh.

A decision about a refusal to provide him with a refugee status was appealed to the court. Consideration of the case is pending.

On 28 December 2017, the decision was dismissed in satisfaction of the claim and cancellation.

This decision was appealed to the court of appeal.

On 6 March 2018, the court of appeal refused. The SLC lawyer appealed

On 2 April 2018, the Supreme court opened the proceedings.

Due to extradition of Mr.Sh on 30 May 2019 he submitted a motion to the European court on applying urgent measure in his case under Article 39 on prohibition of his explosion to Tadjikistan. The ECHR refused.

On 27 June 2019 the SLC lawyer lodged an application to the ECHR under Article 3 of the Convention.

# 69 cases which were considered in national courts

# 10 foreigners who are in want of legal defense

## Ab-va case

On 15.08.2017 Mrs Ab-va, a Russian national and her seven young children arrived at the International Airport “Boryspil” from Egypt through Turkey. She wanted to meet her husband who was on stage of becoming a refugee. The officials of the Border Guard Service denied Mrs Ab-va to enter applicant to Ukraine according to the decision not to entry to Ukraine. Mrs Ab-va applied for protection, but the Migration Service of Ukraine refused to consider her application.

On 16.08.2017 Mrs Ab-va and her children were released from the airport.

On September 2017 Mrs Ab-va asked the SLC lawyer to provide her legal assistance. The SLC Lawyer sent a request to State Security Service and State Migration Service of Ukraine on the reasons for the refusal of entry into Ukraine and refusal to consider an application for granting refugee status.

On 02.10.2017 the SLC lawyer got a resolution of 29.03.2017 about the prohibition of entry into Ukraine. According to this resolution Mrs Ab-va was a member of a terrorist organization "Islamic State".

On behalf of Mrs Ab-va on 21.11.2017 the SLC lawyer challenged refusal of enter into Ukraine in court.

Mrs Ab-va applied to the State Migration Service of Ukraine for obtaining a refugee statue but on 12.12.2017 the SMS issued a decision on the refusal to provide her with a refugee status.

On 27 February 2019 the court has refused on the complaint.

On 4 April 2019 this decision was appealed.

## F-vych case

On 18 June 2019 officers of the Security service of Ukraine has kidnapped Mr. F (a citizen of Belarus) from the office of the State migration service in Kyev. Mr. F. came to the migration service to get a temporary residence permit. Then he was involuntary removed to Belarus.

On 20 June 2019 the SLC lawyer submitted a request to the State migration service on getting video records to determine the moment while F-vych was kidnapped.

On 20 June 2019 the SLC lawyer on behalf of F-vych’s wife submitted to the State bureau a criminal complaint related to kidnapping.

On 25 June 2019 the SLC lawyer got to know that the criminal proceedings under his complaint had not been started so he submitted a complaint to an investigative judge on inactivity of the State bureau of investigation.

On 26 June 2019 the SLC lawyer lodged before the Security service of Ukraine a request on Mr. F’s arrest on 18 September 2018.

On 1 July 2019 the State migration service of Ukraine refused to give the SLC lawyer a video record of F’s kidnapping.

## Losh-riov case

Mr. L, a citizen of Russian Federation, was taking part in the Revolution of Dignity during 2013-2014. Mr. L was sentenced for 2 years of imprisonment in RF for unlawful holding of weapon.

On 14 July 2015 Mr. L was released from custody in accordance with the RF law on amnesty. Then, Mr. L was chased by law enforcement agencies of RF because of his political beliefs.

In the beginning of 2017 Mr. L arrived to Ukraine.

In 2018 Mr. L turned to the SLC lawyers asking for legal assistance in getting a refugee status. The SLC lawyer prepared and lodged an application with supplementing documents to State Migration Service of Ukraine (SMS) concerning the getting the refugee status by Mr. L.

SMS held a decision about implementation of a full procedure of consideration an application and documents for getting a refugee status.

In the end of 2018 SMS conducted 3 interviews with Mr. L. In 2019 SMS conducted 2 interviews with Mr. L.

For the time being, the consideration of the application is still pending. The final decision hadn’t been held.

## My-lov case

Russian citizen, Mr. M moved to Ukraine due to the threat to his freedom and political views, because in Russia he participated in many activities of the opposition, including single pickets, mass protests, rallies, etc (protest on the Bolotnaya Square, protest for defence of the Khimki forest, etc).

Mr. M multiple was brought to responsibility for the human rights and oppositional activity. He was registered in the centre «E», which oversees the «unreliable citizens».

After moving to Ukraine, Mr. M. continued to cooperate with the independent organization Conflict Intelligence Team, which exposed the actions of the Russian authorities in the East of Ukraine and Syria.

In fact, Mr. M’s activity is aimed at combating the Russian aggression and exposing the lies of the Russian authorities about the absence of Russian intervention in Ukraine.

7 May 2014. Mr. M first time applied for refugee status to the Migration Service of Ukraine (SMS), he was refused. Mr. M did not appeal against the decision of the SMS. He applied to a lawyer and it was decided to re-apply for the refugee status.

On 25 May of 2018 a response was received about the rejection of the complaint about the refusal of execution of the document to the refugee status in Ukraine.

The SMS refused to execution of the document for the further procedure of refugee status. Layer field a complain about the decision of SMS to the District Administrative Court of Kyiv.

On 18 June of 2018 the court opened the proceeding. According to decision of the court, this proceeding will be conduct under the simplified procedure without notifying

trial participants (written proceeding).

The decision has not been received yet.

## Na-ze case

Mr. N is a Georgian national who claimed to the court on refuse to get him migrant’s states in Ukraine and deportation him from it’s territory.

On 17 November 2017 Mr. N was illegal detained in a restaurant and deported from Ukraine.

The SLC lawyer got video records of illegal detention. On 20 December 2017 he withdrew statement of crime on kidnapping Mr. N to the prosecutor’s office.

On 5 January 2018 the SLC lawyer filed a complained before the investigative judge on not-entering the statement of crime to the Unified register of pre-trial investigations.

On 2 July 2018 the investigative judge refused on a complaint. The decision has not been received yet.

However the criminal proceedings were opened by the prosecutor’s office with a delay. The N’s civil partner asked the investigator to give her a victim status. The investigator refused. On 4 June 2018 the SLC lawyer appealed against such decision.

The SLC lawyer also got documents according to which Mr. N was deported. In particular it was the resolution on explosion and deportation from Ukraine.

On 15 February 2018 the SLC lawyer filed a complaint to the circle administrative court on the decision.

On 25 February 2018 the court opened proceedings. The investigative judge refused on complaint.

Nowadays the SLC lawyer tried to get access to the national security information to have a possibility to familiarize with the case files. The Security service of Ukraine as a defendant submitted confidential documents

## Pyrno-rov case

Mr.P was born on 11 august 1992. He is accused in committing crimes, prescribed by Part 3 Art.332, Part 1 Art 258-3, Part 5 Art.27, Part 1 Art.14, Part 2 Art.258, Part 3 Art 358, Part 5 Art 27, Part 3 Art.358, Part 3 Art.332 of the Criminal Code of Ukraine.

In the end of 2018, the case was transmitted to Leninskyi District Court in the city of Dnipro from the city of Kyiv. For the time being to Mr. P is under detention.

A SLC lawyer signed a contract about legal assistance and made consent about strategy of defence with Mr. P. The wife of Mr. P gave a number of characteristic documents of Mr. P according to the Sheriat Law.

The indictment and data from the Unified Register of Pre-Trial Investigations were exanimated by SLC lawyer. The case files were observed in the part which wasn’t added to general case.

The defence strategy was agreed with a defence lawyer of second accused in this case.

The preliminary position of the Prosecutor Office about preconditions of transmitting the case was observed.

The number of violations of Criminal Procedure Code was found and the motion about returning the indictment to the prosecutor was prepared.

On 14 January 2019 the pre-trial court meeting of the Leninskyy district court in Dnipro took place. The indictment was sent back to the prosecution, the preliminary measure in the form of detention was prolonged.

In the end of January 2019 ,the SLC lawyer submitted an appeal claim on prolonging of the preliminary measure.

The appeal court refused the claim.

Then the prosecutor did not submit a motion on prolonging the term of Pyrna-rov’s arrest and applied to him the extradition arrest.

In March 2019 the prosecutor sent an indictment related to Perna-rov to the court again.

The SLC lawyer has examined the indictment and found several deficiencies and prepared the motion on returning of the indictment to the prosecution.

On 13 May 2019 the appointed pre-trial court meeting did not take place.

On 25 May 2019 the Leninskyy district court in Dnipro during the pre-trial court meeting granted the SLC lawyer’s motion and sent back the indictment to the prosecutor. The preliminary measure for Pyr-rov has not been chosen.

*As to the extradition arrest.*

On 13 March 2019 the SLC lawyer and Pyrnarov let a contract on legal aid.

On 13 March 2019 an investigative judge of the Krasnogvardiyskyy district court in Dnipro granted the prosecutor’s motion on choosing of a preliminary measure in the form of extradition arrest.

The SLC lawyer submitted an appeal claim to the Supreme Court on the preliminary measure in the form of extradition arrest.

On 13 April 2019 the Dniprovskyy appeal court upheld the decision of the Krasnogvardiyskyy district court in Dnipro.

On 10 May 2019 the SLC lawyer submitted to the trial court a motion on cancellation of the extradition arrest.

On 10 May 2019 the Krasnogvardiyskyy district court prolonged the extradition arrest.

The SLC lawyer appealed.

On 7 June 2019 the Dniprovskyy appeal court upheld the decision of the Krasnogvardiyskyy district court in Dnipro.

The next court meeting is scheduled on 13 July 2019.

## Pya-kov case

At the end of 2015 Russian citizen, Mr. P moved to Ukraine due to his political views. He participated in the anti-terrorist operation in the East of Ukraine on the side of the Ukrainian government forces. Since June 2015, he defended territorial integrity and sovereignty of Ukraine in the armed conflict with Russia as an undercover agent of the intelligence service of the Ministry of Défense.

On 9 December 2015 Mr. P was detained by the Security Office of Ukraine and charged of various crimes. These detention and charge were caused by political and various intrigues in the security agencies of Ukraine.

Oleg Muzhchil "Lisnik" was the leader of Mr. P. He was one of the most famous, authoritative and honest defenders of Ukraine. He was killed during his detention. He was also charged of crimes, which he allegedly committed.

Over a year ago, Mr. P was arrested. At present, criminal cases were transferred to a trial. The trial has been delayed for more than a year by prosecutors and courts. Courts under various pretenses constantly postpone the proceedings.

In the spring of 2017, Mr. B applied for a refugee status to the Migration Service of Ukraine (SMS).

On 13 September 2017, SMS refused Mr. P. for the refugee status.

On 4 October of 2017, Mr. P. received the decision of the SMS from 13 September 2017.

Mr. P has reasonable fear of becoming a victim of discrimination and harassment by the authorities of Russian Federation and non-governmental nationalist organizations (in the form of prosecution, illegal judgment, torture and inhuman or degrading treatment). Consequently, he cannot return to Russia.

Under the decision of the SMS Mr. P has not reasonable fear of becoming a victim of discrimination and harassment by the authorities of Russian Federation

On 10 October 2017, Mr. P. filed a motion to the Kyiv District Administrative Court in which he asked the court to cancel the decision of the SMS on the refusal him to the refugee status and oblige the SMS to give him that status.

On 8 September 2018 the District Court quashed the decision of the SMS from 13 September 2018.

The SMS appealed against the judgment of the District Court.

On 29 November 2018, The Administrative Court of Appeal conducted the proceeding.

The Administrative Court of Appeal obliged State Migration Service to check the application of Mr. P on recognition him as the refugee or the person who needs an additional protection.

On 24 and 26 April 2019 there were two interview conducted within the framework of procedure of determination of refugee status or additional protection in accordance to the court decision.

For the time being, after passing several interviews his case-file was directed to the State Migration Service of Ukraine with order to hold a decision.

## Sa-yev case

The citizen of Tajikistan Mr. Sa-yev is a member of political party, which is prosecuted criminally by the state bodies. He asked for refugee status in Ukraine.

On 12 November 2018 the State migration service refused on his application for refugee status. In such circumstances, he asked the SLC lawyer for legal aid.

On 27 December 2018, the SLC lawyer made a complaint against refusal.

On 14 January 2019 the circle administrative court in Kyiv returned the complaint without consideration. On 7 February 2019 the SLC lawyer appealled.

On 25 April 2019 the Sixth appeal administrative court quashed a decision and returned the case for tiral.

On 27 May 2019 the circle administrative court in Kyiv gave a term on correction of deficiences.

On 11 June 2019 the SLC lawyer has sent the corrected complaint.

On 1 July 2019 the court has started criminal proceedings in a case.

Related illegal detention of Mr. S

On 19 November 2018 Mr.S was detained.

On 9 January 2019 the court decision on his detention was cancelled by the appeal court. Despite of that Mr.S continued to be in a prison till 16 January 2019

On 29 January 2019 the SLC lawyer lodged a criminal complaint.

On 7 February 2019 the SLC lawyer made a complaint to the investigative judge because an investigator did not enter data about the crime to the Unified register of pretrial investigations.

On 30 May 2019 the investigator submitted a resolution on termination of the criminal proceedings.

On 5 June 2019 the SLC lawyer made a complaint against such resolution.

On 12 June 2019 the General prosecutor’s office of Ukraine quashed a resolution of termination of criminal proceedings.

## Sheve-va case

In the end of March 2015 Mrs. Sh arrived from Russian Federation (RF) to Ukraine because of her political opinion. She was participating in the Antiterrorist Operation (ATO) in Eastern Ukraine on the side of the Armed Forces of Ukraine. She defended Ukraine interests in the forefront and was a secret co-operator of Ministry of Defence General Department.

On 09 December 2015 due to political intrigues in Ukrainian security agencies she was arrested and accused by Security Service of Ukraine in different crimes. Head Mr. M «Lisnyk» who was one of the most famous, authoritative and honest defenders of Ukraine – was killed during his detaining in Kyiv (he was also accused in the crimes that he seemed to have done).

Long enough (more than one year) Mrs. Sh was in custody. For the time being criminal cases are transferred to the court but their hearing is being delayed for almost one year by both prosecutors and judges who under various circumstances made decisions to postpone the process.

In the spring 2016, Mrs. Sh lodged an application to State Migration Service(SMS) in which she asked to grant her refugee status or a status of person in need of additional protection. On 19 April 2017 Mrs.Sh received a notification from State Migration Service of Ukraine General Department of Kyiv(SMS KGD) about a decision № 24-17 from 04 April 2017 which stated the dismissal without prejudice her complaint on State Migration Service of Ukraine decision to refuse in official registration of papers for the decision on the issue of recognition her as a refugee or a person who needs additional protection, because she missed a time to appeal that decision.

She has justified fears of becoming the victim of discrimination and persecution both from RF state bodies(as taking criminal proceedings, unlawful conviction, torture, inhuman or degrading treatment) and from the non-governmental nationalistic groups and that’s why she can’t return to the country of origin.

Moreover, she substantiated the fact that she couldn’t appeal on SMS KGD decision on time because she was in pre-trial detention centre (SIZO) thereby she was limited in communication with translator, lawyer and her general emotional condition was oppressed.

According to the decision of SMS Mrs. Sh has no ground to become the victim of discrimination and persecution (as taking criminal proceedings, unlawful conviction, torture, inhuman or degrading treatment in the case of her returning to the country of origin.

On 23 April 2017, Mrs.SH applied to the Administrative District Court of Kyiv with an administrative suit for the purpose of appealing the decision of SMS.

On 12 December 2017 in the court hearing a decision was made about taking a written administrative proceeding in the case of Mrs. Sh(refusal in official registration of papers for the decision on the issue of recognition her as a refugee or a person who needs additional protection).

The decision has not been received yet.

## Tel-ov case

Mr. Tel-ov lives in Kharkiv.

Tel-ov is a drug addict. Tel-ov together with Mr. Bar. used to buy poppy seeds for producing of drugs. Produced drugs they took themselves.

On 10 February 2015 after another buying of poppy seeds and producing drugs, Mr. Bar. took only half of his part. He said that he would take the rest later and left. When he returned, he took the rest and put money in Tel-ov’s pocket without being noticed. On the same day Tel-ov was arrested on suspicion of drug dealing.

On 12 February 2015 an investigating judge chose detention in custody as a preventive measure for Tel-ov.

Tel-ov applied for legal aid to the SLC lawyer.

On 27 May 2018 the SLC lawyer lodged a motion on changing of Tel-ov’s preventive measure.

The motion was granted by the court and Tel-ov was released. House arrest was chosen as a preventive measure in his case.

After his release, Tel-ov participated in a substitution therapy.

Court hearings in Tel-ov’s case are postponed on different reasons.

In 2017, no court hearings was conducted and no witnesses were questioned. They were postponed due to the fact that there were no witnesses or because of participation of a judge or a lawyer in other cases.

In 2018 court hearings were postponed due to the fact that there were no witnesses or because of participation of a judge in other cases.

At the beginning of 2019 the criminal case was transmitted to another judge of the Moskovskyy district court in Kharkiv city.

In 2019 all court meetings were postponed due to the absence of witnesses or busyness of the judge in other court meetings.

# 13 cases related drug users,

## B-ov case

On 12 June 2013, M. B who lived in Pokotilovka (Kharkiv region) was detained together with his brother after three episodes of controlled drugs purchase.

On 13 June 2013, Mr. B was noticed on suspicion under Article 307 of the Criminal Code of Ukraine (selling drugs).

On 27 June 2013, the Court of Appeal in Kharkiv region chose Mr. B a preliminary measure in the form of detention.

On 6 January 2014, the police officer brought a report according to which Mr. B purchased drugs and kept of potent drugs, He was not noticed about any suspicion in this case and he has not had any information about results yet.

During pretrial investigation Mr. B did not plead his guilt and maintained that police officers provoked him to commit the crime. However, the court did not consider testimonies given by Mr. B and did not assess them.

On 10 December 2014, the Kharkiv district court in Kharkiv region found Mr. B guilty and sentenced him to six years imprisonment.

Mr. B and the lawyer lodged appeals.

On 14 April 2015, the Court of Appeal in Kharkiv region quashed the verdict and returned case to the trial court.

On 25 March 2016, the SLC lawyer familiarized with case files.

The lawyer submitted request to receive personal characteristics of witnesses, extract evidence of the controlled purchase,

Court hearings were often postponed because of the absence of witnesses.

On 19 May 2016 the Kharkiv district court questioned a police agent, so called “Petrov”. He informed that he met with police officers earlier, used drugs and cooperated with police officers in the form of asking B’ to produce drugs. He hesitated which one of two brothers B. gave him drugs because they were quite similar (Mr. B/’s brother previously was sentenced).

Also the Kharkiv district court maintained that witnesses had been convicted earlier, one of them was a drug dealer. The last witness was absent, now he is in the wanted list.

On 18 July 2016 and 6 September 2016 defence witnesses were interrogated.

On 28 October 2016 the witness did not come to the court.

On 19 December 2016 the court hearing was postponed because of several reasons.

On 11 January 2017 and 28 February 2017, the court hearing was postponed due to several reasons.

On 28 March 2017 the court meeting was postponed due to a bomb threat at the Kharkiv District Court.

On 25 April 2017 the Kharkiv district court terminated consideration of the case. During following legal debates the prosecutor asked the court to find Mr. B guilty and sentenced him to six years and six months imprisonment with deprivation of property. The SLC lawyer insisted on acquittal because the prosecutor failed to prove the charge in this criminal proceeding, used provocation of crime as evidence and did not have any other material evidence of the crime.

On 26 April 2017 the Kharkiv District Court found Mr. B guilty of drug trafficking and sentenced him to six years of imprisonment with deprivation of property.

On 25 May 2017 the SLC lawyer submitted an appeal to the Court of Appeal in Kharkiv region.

The Court of Appeal opened a procedure. The hearings often postponed because of several reasons such as the prosecutor had not familiarized with an appeal yet.

The court meeting was scheduled on 21 June 2018 but has not taken place due to not-informing of the SLC lawyer

On 5.09.2018, the court hearing was postponed due to the judge’s business. The next court hearing was scheduled for 4.10.2018.

On 04.10.2018, the court hearing was postponed because the judge had been in the deliberation room. The next court hearing was scheduled for 22.11.2018.

On 22.11.2018, Mr. B. at the court session filed a motion for a judge to be dismissed because the judge previously considered the case against Mr. B. and the conviction was revoked by the Court of Appeal of Kharkiv region as unlawful and unfounded.

On 10.12.2018, the lawyer was informed about the appointment of consideration of the motion for 10.12.2018. The court hearing was postponed due to the late notification of the lawyer about the date and time of the court hearing and the lawyer’s business in another court hearing. The next court hearing was scheduled for 27.12.2018.

On 19 March 2019 the pre-trial court meeting has taken place. The case was appointed to consideration.

On 7 May 2019 the court meeting was postponed due to the absence of prosecutor.

On 5 June 2019 the court maintained the order of examination of evidences. It decided to consider the testimonies of witnesses at first, then examine the accused person. At the same time the prosecutor denied to examine material evidences because they were broken.

The next court meeting is appointed on 16 July 2019.7.4

The court hearing is pending.

## Bo-an case

Ukrainian citizen Mr. Bo-man I. is a drug user, the patient of substitution therapy, he has the third disability group from childhood and heart diseases.

He was arrested on suspicion in committing a crime under Article 307 of the Criminal Code of Ukraine (drug trafficking).

On 1 April 2015, a lawyer of SLC entered the criminal proceedings. The same day a notification about changed notified suspicion was hand-delivered to Mr. Bo-man.

On 3 April 2015, an indictment was handed to Mr. Bo-man and the criminal proceedings was taken to court.

A lawyer of SLC lodged a lawyer’s request to Kirovograd drug dependence clinic on stopping to give substitution therapy to Mr. Bo-man. The problem was solved in his favour and Mr. Bo-an’s broken right was restored.

Preparatory case hearing was postponed at the lawyer’s request because of the deterioration on Mr. Bo-man’s health and his stay in hospitals.

During the next case hearings only some evidence was examined, prosecution witnesses and the case file were not examined.

The lawyer prepared the motions on admitting some evidence inadequate and inadmissible because of the violations of pre-trial investigation bodies. Additionally, the lawyer is collecting data on Mr. Bo-an’s diseases.

Subsequently, the court examined the written evidence and identified the need to examine the witnesses.

The court hearings are often postponed because of Mr. Bo-man’s stays in hospitals and necessity to pass medical examinations of his heart diseases.

The court hearing on 15.06.2017 and 29.06.2017 were postponed because the witnesses did not come and the presiding judge was fired.

After determining the new composition of the court, during July-November, the indictment was read out and written evidence was drawn up, witnesses were examined several times.

On 14 February 2018 the court examined records of phone calls. The case was postponed till 20 March 2018

On 20 March 2018 the court meeting was postponed because of the absence of witnesses.

On 20 April 2018 the court meeting was postponed on 17 May 2018 according to the accused’s motion

On 17 May 2018 the court meeting was postponed till 25 July due to the absence of the prosecutor

On 25 July 2018 the court meeting was postponed due to the judge illness.

On 05 September 2018 the court meeting was postponed due to judge presents in other trial.

On 16 November 2018 2018 the court meeting was postponed due to other case was heard.

On 18 December 2018 during trial written evidence were investigated.

The next court meeting is appointed on 05 February 2018.

On 05 February 2019 the court hearing was postponed on 18.03.19 due to participation of the lawyer in other court hearing.

On 18 March 2019 continued the examination of evidence of the case (the listening of the audio records) and pronounced a break till 22 April 2019.

On 22 April 2019 the Court postponed the court hearing till 14 June 2019.

The next court hearing is appointed on 22 July 2019.

The case is still pending.

## Bo-rov case

Bo-rov, V. M., a resident of Kharkiv city, together with another man, stayed in Kharkiv SIZO on the basis of the criminal proceedings instituted by the Lenin District Police Station. On 09.21.2014 they were taken by a convoy vehicle to the Frunze District Police Station, where some investigative actions were conducted in relation to these persons in the scope of the criminal proceedings instituted by the Frunze District Police Station. Thus, the Free Legal Aid Centre was not informed of their detention.

Then, unlawful methods of investigation and procedural actions were carried out with respect to these men, who are drug addicts and who had not received any medical care in the Kharkov SIZO, without presence of a lawyer and allowing to use any legal assistance. Thus, despite the fact that detainees were “sick” they were not taken to a doctor and no medication was given to them.

Despite the fact that due to a drug overdose above mentioned persons were in condition dangerous to life, officers of convoy did not inform ambulance about this situation began to deliver these people to hospital themselves. At the result of this, on 20 August 2014 at about 8 -00 hours B. died in a convoy vehicle on the territory of a hospital, but the cause of death and its real time police officers were hidden by the police.

Nor prison officers, neither employees of Dzerzhinsky District Police Station, nor the prosecutors of Dzerzhinsky District and prosecutors of Kharkiv region notified the mother of B. about the death of her son.

Only having received the information from the SLC lawyer, B.’s mother could apply to the Prosecutor’s Office and obtain permission for the burial of her son, while it is indicated in the preliminary medical certificate of death 29 August 2014, that the cause of death cannot be established until obtaining the results of additional examinations.

On 1 September 2014 B.’s mother filed the criminal complaint on the officers of the Frunze District Police Station under the following corpus delicti: leaving in a danger, abuse of power, negligence, violation of the right to defense to the Prosecutor’s Office of Kharkiv region, prepared for her by a lawyer of the SLC.

The Prosecutor’s Office of Kharkiv region refused to register this complaint in the URPTI and sent it for registration in the URPTI to the Prosecutor’s Office of Kharkiv city.

Prosecutor’s Office of Kharkiv city also refused to register this complaint and sent it for registration in the URPTI to the Prosecutor’s Office of the Frunze district of Kharkiv.

The Prosecutor’s Office of the Frunze district of Kharkiv refused to register this complaint in the URPTI and sent it for registration to the Prosecutor’s Office of Kharkiv region.

The Prosecutor’s Office of Kharkiv region refused to register this complaint in the URPTI, referring to the fact that on 20 August 2014 the information about the B.’s death was filed in the URPTI.

At present, there is a complaint in the Chervonozavodskyi District Court of Kharkiv on the matter of the refuse to include information about the commission of the following crimes against B.: leaving in a danger, abuse of power, negligence, violation of the right to defence. Also, an application about involvement the mother of Mr. Bo-rov as a victim in the criminal proceedings is filed to the Prosecutor’s Office of Kharkiv region.

In November 2014 a motion of the lawyer of SLC was satisfied and Bo-rov’s mother was questioned as a victim.

In November 2014 the lawyer of SLC filed a civil lawsuit against the Police Department of the Kharkiv region for moral damages in the amount of 500 000 UAH.

In the end of 2014 investigator informed the lawyer of SLC that in a few days he would bring to charge to police officers.

In March 2015 the prejudicial inquiry was finished and an indictment act was handed over to the Frunzenskyi District Court. A copy of the indictment was not submitted to Bo-rov’s mother.

However, the indictment act was submitted to the court only in relation of criminal negligence of the policeman, Mr H., the prosecution against other two officers was detached to separate proceedings.

In the court hearings, the lawyer of SLC filed a civil lawsuit against the Police Department of the Kharkiv region and policeman H. for moral damages in the amount of 1,000,000 UAH.

The lawyer of SLC is going to file a motion on involvement as a second defendant the State Treasury of Ukraine to the court.

At last, after long-term delay the trial started in the court on the charge of committing a crime under Art. 367 of the Criminal Code of Ukraine (negligence that led to grave consequences). The case considered in the Frunze district court.

The hearing is often not held because of absence of witnesses, the trial is pending. In fact there is no trial. The trial has not completed yet because of non-appearance of the prosecutor and the defence counsel as well as illness of the accused. In 2017 there was no court meetings related merits of the case.

In 2018, due to the absence of witnesses, the prosecutor refused to listen such witnesses. Only six witnesses were interviewed. Also, the trial has postponed due to the presence of a judge in the consultative room in another court hearings.

In 2018 there was no court hearing due to absence of witnesses. Besides, the judge who was t examining the case was dismissed because he did not pass the qualifying examination. Thus, the judge was changed.

In 2019 the court hearings have been postponing due to presence of a judge in a counselling room, absence of the prosecutor and non-execution of bringing orders of witnesses.

The trail is still pending.

## Dysh-k case

In February 2019 Mr. D submitted before the Petrikivskyy district court in Kirovograd region a motion on enrolment of the term of preliminary detention to the term of his sentence.

On 22 March 2019 his motion was granted by the court, the decision has not been appealed by prosecution and if so it should have come in force on 29 March 2019 and the term of Mr. D’s punishment should have been ended on 8 April 2019. However, Mr. D was not released.

On 27 March 2019 Mr. D asked the SLC lawyer for legal aid.

On 10 April 2019 the SLC lawyer made a request to the head of correctional colony and asked to release Mr. D because the term of his sentence had ended on 8 April 2019.

On 15 April 2019 the SLC lawyer sent a complaint to the Petrivskyy district court on illegal detention of Mr. D. under Article 206 of the Criminal procedure code of Ukraine.

On 22 April 2019 Mr.D was released.

Nowadays the SLC lawyer prepares an application to the European court of human rights.

## La-v case

On 19.06.2017 citizen Tol-ova turned to a lawyer with request to provide the legal aid her cohabitant La-v, who is suspected in commission of crimes according to art. 307 (par.2) of the Criminal Code of Ukraine.

At the same time regarding him the preventive measure has been chosen in the form of detention. He was at the Kherson pre-trial detention centre.

During the jail visitation, La-v explained that he was suspected in the Methadone (MTD) possession with intend to sell.

According to La-v, he was buying and possessing this drug for personal consumption.

The SLC lawyer has familiarized with the case-file at the stage of examination. On 22.06.2017 the court was hearing the motion from the investigator concerning the fixation of terms to examine a case. The lawyer lodged an objection and investigator's motion was dismissed.

On 27.06.2017 the court has extended the preventive measure to La-v for 30 days. Concerning this decision an appeal was lodged.

On 04.07.2017 the court again was hearing the motion from the investigator concerning the fixation of terms to examine a case. The lawyer lodged an objection and investigator's motion was dismissed.

It was established during examination, that La-v is charged with “possession with intent to sell” merely on the grounds of judge and investigator's consideration that drug amount and package La-v has had was intended for selling.

On 17.07.2017 the Kherson court of appeal dismissed the appeal concerning the reversal of the court decision to extend the preliminary measure.

After case examination, the motion to dismiss the case was filed to the investigator due to lack of proof of the guilt upon “possession with intent to sell”. This motion was unreasonably withheld.

On 11.07.2017 an initial assessment of the case was held. The lawyer's motion to change the preventive measure to the less restrictive has been dismissed by the court.

On 05.09.2017 witnesses for the defence failed to appear in court. The La-v's preventive measure has been extended, the case hearing has been postponed.

On 12.11.2017 witnesses for the defence haven't appeared again. The La-v's custody has been extended, the case hearing has been postponed.

On 02 August 2018 the SLC lawyer's motion to change the preventive measure to the less restrictive has been dismissed by the court again.

On 14 September 2018 the La-v's preventive measure has been extended for the formal reason and procedural action did not conducted.

On 12 November 2018 during trial the written evidences were investigated, the video was watched, the audio was listened. SLC lawyer's motion to change the preventive measure to the less restrictive has been dismissed by the court, Mr. La-v's preventive measure has been extended again.

On 03 January 2019 the written evidence was repeatedly examined, the video- and audio- evidence were examined. Mr. L was rejected in changing the preventive measure to less strict, the term of custody was prolongated.

On 25 February 2019 the court hearing was postponed due to unreadiness of the prosecutor party to the court pleadings, the motion on changing the preventive measure to less strict was dismissed, the term of custody was prolongated.

On 15 April 2019 the court pleadings were conducted, the court consideration was postponed with the aim to give the last plea of the accused.

On 23 April 2019 the lawyer’s motion on changing the preventive measure to less strict was dismissed, the term of custody was prolongated.

On 13 June 2019 the lawyer’s motion on changing the preventive measure to less strict was dismissed, the term of custody was prolongated.

Due to absence of the text of the final Court judgement the court hearing was postponed on the later date.

## La-ko case

Mr L, lives in Kharkiv with his elderly mother, the patient of substitution therapy, don`t work, has not been convicted person yet. Mr L. suffers from several diseases such as chronic hepatitis C with transition to cirrhosis of the liver, hepatosplenomegaly, varicose veins of the esophagus: metabolic cardiopathy of CH 2 st.; chronic vascular-venous insufficiency 3-4; post-thrombo-fibotic syndrome of both legs, edema and ulcer, mental and behavioural disorders as a result of the use of opioids.

On 3 October 2017 Mr L was found guilty of committing crimes related with drugs and sentenced to 4 years imprisonment.

Mr L thought that such punishment was too much strict because it prevented further treatment in the substitution therapy. Moreover, the cirrhosis of the liver is included in the List of diseases which could be a reason of release the person from the further serving a punishment.

On 9 October 2017, The SLC lawyer entered to the criminal proceedings. On 26 October 2017 the SLC lawyer lodged an appeal on the decision.

On 24 May 2018 the court of appeal did not change a verdict.

On 23.08.2018, a cassation appeal was lodged.

On 05.11.2018, the judgment of the Criminal Cassation Court of 10.01.2019 9.2018 was received. The complaint was dismissed and the court granted a term to correct it

On 19.01.2019, a cassation appeal was lodged with amendments and additions.

On 29.01.2019, the Cassation Criminal Court ruled to open the cassation proceedings and to request the case file.

On 16.01.2019, the Cassation Criminal Court was appointed the case to consideration on 11.04.2019.

On 11.04.2019, the Cassation Criminal Court refused on the cassation claim but the verdict of the Kharkiv district court of Kharkiv city and the decision of Kharkiv appeal court were uphold.

The SLC lawyer prepared a request on pardon for L. due to his illness to the President of Ukraine.

The case is pending.

## P-v case

On 28 May 2014 Mr. Pa-v was arrested by policemen in the private taxy. He was delivered to the supermarket, where police unwarranted searched him and took to the flat, where he lived. Policemen also searched Mr. Pa-v`s flat, where find nothing. After that he was taken to police office, where detention report of Mr. Pa-v was draw up. Only after all such actions Mr. Pa-v was provided with a lawyer.

On 24 July 2014 case files was sent to the Moskovskiy district court in Kharkiv region. On 12 January 2015 Mr. Pa-v was found guilty of drug trafficking with verdict of the district court.

On 07 May 2015 Court of Appeal in Kharkiv region closed the verdict of district court and sent the case to a new trial. The prosecution witnesses are not delivered to the court by the prosecutor.

After 1 year and 7 months of Mr. Pa-v being detention, on 20 January 2016 he was released from detention. Home arrest was chosen for him as a preventive measure.

In the end of 2016 a judge, who considered the case, resigned and the case was transferred to another judge who started hearing the case from the beginning.

On 2017 during trial an investigator and expert was questioned as witnesses. The investigator told that she did not remember the circumstances of Mr. Pa-v detention, and the expert explained that the unreliable information written in his expert opinion is a technical mistake. Other witnesses were not questioned.

Moreover, during trial prosecutors has changed several times, and none of them has not provided prosecutions witnesses delivering.

During 2018 year the prosecutor did not provide witnesses and the judge repeatedly approved the decisions on the appearance of witnesses.

In June 2018, the judge satisfied the lawyer's motion on change the order of study evidence and decided to investigate the evidence in connection with the fact that the prosecution witnesses has not been delivered.

In 2019 the court examined all the documents of criminal proceedings that were submitted by prosecutor, and conducted an examination of an expert. The case is at the stage of preparation for court debates.

## Terniv-kyi case

On 08 October 2017 District Court in the city of Kyiv made a conviction in which Mr.T was found guilty in committing crimes prescribed by Part 1Art.307 with imposing a punishment of 4 years and 6 months of imprisonment and by Part 2 of Art.307 of the Criminal Code of Ukraine with imposing a punishment of 6 years of imprisonment and confiscation of all his personal property. A finite punishment of 6 (six) years' imprisonment in a criminal institution with the confiscation of all his personal property was imposed in accordance with Part 1 of Art.70 of the Criminal Code.

On 01 October 2018 a contract with a SLC lawyer about providing legal assistance was signed.

On 06 October 2018 an appeal complaint was filed to Kharkiv Court of Appeal on basis of the lack of argumentation and motivation in judgement.

Eventually, the next court hearing is appointed on 30 Jule 2019.

## T-nko case

At the beginning of July 2015 Mr T. asked the lawyer to provide him legal assistance. During July the lawyer held two meetings with Mr T. in the Mikolayivsk pre-trial detention Centre. On 12 August 2015 the lawyer joined the pre-trial investigation at the stage of opening the case file and familiarized with them. According to the case file Mr. T. was accused of drugs sailing committed twice on 13 May and 25 June 2015. The lawyer was assured that prosecutor had not had any proofs of guilty. Moreover, he considered detention of Mr. T. as illegal and unlawful.

On 27 June 2015 T. was arrested under Article 208 of the Criminal Procedure Code of Ukraine. The main reason of his detention was testimonies of witness who said that T. sold him drug – acetylated opium. There was no more reason to detain Mr. T. however the investigator did not revise information received by the witness and did not have another proofs of his guilty.

On 28 September 2015 the lawyer sent to the Kherson Prosecutor's Office a statement of the crime under Article 371 of the Criminal Code of Ukraine. The lawyer stressed the unlawful nature of detention procedure at the present case. But until now he was not provided with answer on his complaint.

Also, the lawyer noticed that Mr. T was unnecessary injured by police officers. His traumas were confirmed and registered by a doctor of pre-trial detention centre Mr. T also pointed that he had not signed any proceedings documents during first hours in the police office. According to him signatures had been forged. Nevertheless, the court farther rejected to hold an expertise of his handwriting.

On 19 October 2015 a new indictment against Mr. T was presented at the court hearing. The prosecutor refused from the accusation in the episode taken place on 13 May 2015.

On unspecified date the court debate has been conducted. The lawyer stressed the numerous of non-compliance in the case file and Mr. T submitted the motion about examination of witnesses. The court granted his motion as his last will.

In 2016 there were four court hearings in the trial court.

On 9 February 2016 Mr. T was found guilty of the crime provided under Art. 307 of the Criminal Code of Ukraine and sentenced to 8 years imprisonment with confiscation of property.

The lawyer appealed against the verdict. There were only two court hearings in 2016.

On 18 July 2016 the Court of Appeal uphold previous verdict despite of several violations during the trial. After a month the SLC lawyer arranged a meeting with T. to discuss consequential steps in the Higher specialized court. On 17 October 2016 the lawyer submitted an appeal.

Also in October 2016 the Prosecutor’s Office in Kherson region sent a letter to the lawyer according to which his statement of crime was entered to the United register of pre-trial investigations. Nowadays the investigator questions witnesses of T’s ill-treatment.

On 21 November 2016 the lawyer lodged a motion on taking part in the court hearing.

On 21 February 2017 the Higher specialized court postponed the trial to a later date.

On 28 March 2017 the Higher specialized court partially satisfied the cassation appeal the case was sent for retrial to the Appeal Court.

On 29 June 2017 the court of appeal in Kherson region ordered the prosecution to give all documents.

On 19 July 2017 the case was sent back to the trial court.

On 16 August 2017 Gornostayskyy District Court in Kherson region during preliminary consideration and according to the lawyer’s motion changed the preventive measure for T-enko from detention to home arrest and release him at the court room. Also the court turned back to the prosecution an indictment.

Prosecution appealed, however on 17 October 2017 the court of appeal in Kherson region dismissed the appeal.

On 16 November 2017 the SLC lawyer received a new indictment.

The pre-trial court meeting was appointed on 1 December 2017 but did not take place due to the absence of accused person

On 19 December 2017 the pre-trial court meeting was took place where the court decided to schedule the case to court consideration. The preliminary measure for the accused was not b chosen

On 12 January 2018 during the court meeting a witness was interrogated.

On 22 January 2018 and 12 February 2018 witnesses did not come so the court meeting was postponed.

On 27 February 2018 the court meeting was postponed due to the absence of witnesses and the accused.

On 21 March 2018, 6 April 2018, 25 April 2018, 22 May 2018, 19 June 2018, 10 July 2018, 03 August 2018, 30 August 2018 prosecution witnesses did not come so trial was postponed.

On 15 November 2018 2018 prosecution witnesses did not come again, the Court decided to bring these witnesses to the court.

9 times (09.01.2019, 24.01.2019, 27.02.2019, 18.03.2019, 08.04.2019, 24.04.2019, 23.05.2019 , 04.06.2019 , 27.06.2019 ) the court hearings were postponed due to numerous obstacles (absence of the prosecutor, accused etc).

The case is still pending.

## Voy-nko case

Mr. V., is Ukrainian citizen, who is currently living in Kharkiv. He is a patient of substitution maintenance therapy, he has used drugs for more than 15 years.

In April 2014, Mr V, together with Mrs. F. were detained by policemen and delivered to Frunzensky police station, where Mr. V was tortured, and Ms. F. was beaten because policeman wanted to find out who has money and use drugs, as well as to give them the consent to be their secret agent.

Moreover, on 09 January, 2015, near the Moscow Police Station, Mr. V. was kicked in the right wing of the hip by a police officer in a civilian form, which was recorded on the video camera near police station.

On 12 March 2015 the SLC lawyer filed a statement of crime made by police officers against B and F.

On 16 March 2015 the SLC lawyer filed a complaint to the court in fact that policeman refused to enter information in case of Mr. V torturing to URPI.

On 10 June 2015, the judge refused to satisfy the SLC lawyer complaint.

Mr V. was accused of drug dealing. The court chose a detention as a preventive measure for Mr. V, which was systematically continued every two months. The lawyer participated in these court hearings.

During the 2015-2017 years, the court trials were periodically postponed for various reasons, including the absence of witnesses, the employment of a judge in other court hearings, and the removal of judges.

In 2018, the prosecutor's witnesses have not come to the court. In June 2018, the judge of the Frunzensky District Court satisfied the SLC lawyer motion on change the order of the investigation of evidence and decided to investigate the evidence in connection with the fact that prosecution witnesses were absent.

In 2019 the judge repeatedly ordered to bring the witnesses which hadn’t being executed.

In June 2019 the court started an examination of evidence in the case.

## Za-niy case

Mr. Z., born in 1966, is a resident of the city of Bogodukhiv, Bogodukhivskiy district, Kharkiv region. He has previously been convicted; currently he is unemployed and lives together with his mother of retirement age. Mr. Z. has a third group of disability. He was diagnosed with: effects of a transmitted ischemic stroke; dyscirculatory mixed encephalopathy of 3 stage with lacrimal hypertension, slight vestibular atactic syndrome, mnemonic disorders; toxic polyneuropathy; organic disorder of personality and behaviour due to ischemic stroke and brain dysfunction, toxic encephalopathy, intellectual mnemonic decline, asthenic syndrome; hypertension of 3 stage, 4 degree of risk.

On 23.09.2016, Bogodukhivsky District Court of Kharkiv region sentenced Mr. Z. to 3 years of imprisonment under Article 309 § 2, Article 310 §2 of the Criminal Code (hereinafter- CC) of Ukraine with application of the requirements of Article 75 of the CC of Ukraine for 2 years.

The public prosecutor who participated in the trial lodged an appeal. He requested to revoke the sentence, to re-qualify the actions of Mr. Z. under Article 309 § 2, Article 310 §1 of the CC of Ukraine, to sentence him to 3 years of imprisonment with the application of the requirements of Article 75 of the CC of Ukraine for 3 years.

The Deputy Prosecutor of Kharkiv region also lodged an appeal, in which he requested to revoke the sentence, to re-qualify the actions of Mr. Z. under Article 309 § 2, Article 310 §1 of the CC of Ukraine, to sentence him to 3 years of imprisonment without the application of the requirements of Article 75 of the CC of Ukraine.

Complaints of the prosecutor and Deputy Prosecutor of Kharkiv region were dismissed and the sentence was upheld by the judgement of the Court of Appeals of Kharkiv region of 09.03.2017.

The prosecutor has lodged a cassation appeal, which concerns the wrong qualification of actions of Mr. Z. and unreasonable application of the requirements of Article 75 of the CC of Ukraine by the court.

The decision of the Court of Appeal of Kharkiv region was revoked and a new trial was scheduled in the Court of Appeals.

On 09.10.2018, the lawyer entered the case.

New trial in the Court of Appeal was scheduled on 10.10.2018.

On 10.10.2018, the hearing was postponed to 15.01.2019 due to the leave of the judges.

On 15.01.2019 the Kharkiv appeal court partly granted the prosecutor’s appeal. The verdict of the Bogoduhivskyy district court in Kharkiv region from 23.09.2016 was cancelled and the criminal proceeding was sent for the new trial.

The pre-trial court meeting was scheduled on 17.04.2019.

On 17.04.2019 the pre-trial court meeting was postponed.

On 30.05.2019 the pre-trial court meeting took place. The indictment was scheduled for consideraation on 05.06.2019.

On 05.06.2019 the court meeting was postponed due to the judge’s business.

On 26 June 2019 during the court meeting the prosecutor changed accusation. The court provided the SLC lawyer with time to preparation.

The next court meeting was scheduled on 20 August 2019.

## Zh-n case

In the beginning of June 2019 Mrs. Zh turned to the SLC asking to provide her with legal assistance.

According to her, police officers rigged for her proceedings under art. 307 of the Criminal Code of Ukraine (Illegal production, making, purchasing, storage, transportation, sending or sale of narcotics, psychotropic substances or their analogues).

Mr. Zh doesn’t have any of documents concerning the proceeding of her case. The policemen didn’t familiarize her with case file. Mr. Zh is sure about her innocence.

Mr. Zh lodged a motion about involving the SLC lawyer as her defendant in the trial.

On 24 June 2019 the court hearing concerning the motion was supposed to be but it was postponed due to illness of a judge.

In the next court hearing the motion of Mrs. Zh will be considered. The SLC lawyer is going to lodge a motion about familiarizing with case file.

## Z-as case

Mr Z. asked the lawyer to provide him legal assistance because of the accusation under article 309 of the Criminal Code of Ukraine (Illegal production, manufacture, purchase, storage, transportation or sending of drugs, psychotropic substances or their analogues without purpose to sell). According to prosecutor there were two episodes of the crime. Earlier Z. committed the same crime during his imprisonment and was repeatedly convicted.

The lawyer pointed the lack of appropriate evidence in the case. As Z. said he was forced to plead the guilt of the crime otherwise police officers threaten to accuse him of graver crime such as drug sailing.

In 2016 there were six court hearings in this case.

Nowadays the district court appointed the preliminary hearing due to changing of territorial jurisdiction.

Finally the preliminary court hearing was appointed on 20 September 2016 but it did not take place. Only after two months – on 22 November 2016 the court conducted the preliminary hearing and called witnesses for trial on 29 November 2016. However witnesses did not come to this court meeting as well as to the meeting on 24 December 2016 when the court also tried to start consideration of the case-files.

On 14 February 2017 and 11 April 2017 the trial was postponed due to witnesses and prosecutor absence.

The trial is currently pending.

On 15 August 2017 the pre-trial court meeting took place.

On 12 September 2017, 28 September 2017, 15 November 2017 due to the absence of witnesses the court meeting was postponed.

On 18 December 2017, 31 January, 28 March, 13 June, 20 June 2018 the court meeting was postponed due to the absence of witnesses. During the last meeting the prosecutor asked the court to change an order of examination of the evidences. The court refused.

On 31 August 2018 during trial a prosecutor witness was interrogated, other prosecutor witnesses did not appear.

On 10 October 2018 the court hearing was postponed due to the absence of witnesses

The court hearing is pending.

On 23 January 2019 the preliminary court hearing was appointed due to changing the presiding judge. The consideration was postponed in conjunction with absence of the prosecutor.

On 20 May 2019 the court hearing was postponed due to participation of the judge in the other court hearing.

On 25 June 2019 the preliminary court hearing had been conducted, a preventive measure hadn’t been chosen, the case file was appointed to the court consideration on the merits.

# 2 cases related people suffered from grievous illness and other vulnerable group of prisoners

## Ku-sh case

Mr. Ku-sh was born in 1983. He is currently serving his punishment in Kropyvnitsk correctional colony (no 6)

Mr. Gnez-lov suffers from several diseases such as HIV with clinical stage 4 and concomitant diseases. The latest study on CD showed 52cc / MLC. Nevertheless, prison administration refused to prepare a motion to the court as well as starts any special proceedings to make medical reports. Nevertheless, prison administration refused to prepare a motion to the court as well as starts any special proceedings to make medical reports

The SLC lawyer filed a request to the medical facilities on the health status of the convicted person and accordance of the medical treatment (on 21 March to 25 September 2018) to medical standards.

In December 2018 Mr. Ku-sh by his own prepared a motion of release him on probation related with his health status. The Leninskiy district court in Kirovograd is going to consider the motion on 04 January 2019.

The SLC lawyer prepared medical documentation and written explanation to the Mr. Ku-sh motion.

On 04 January 2019 the court hearing was postponed till 21 January 2019.

On 20 January 2019 Mr. K was evacuated from the correctional colony 6 to a medical institution under Daryivska correctional colony № 10.

On 21 January 2019 the Court returned the motion about discharge from criminal liability in view of illness of Mr. K and explained him the possibility to lodge an abovementioned motion to district court under which jurisdiction the medical institution is located. The Court ignored the motion concerning the postponement of the court consideration on the other date in order to receive a conclusion of Medical Advisory Commission from the medical institution.

After the treatment in the medical institution under Daryivska correctional colony № 10 Mr. K was transferred to the correctional colony 6.

On 04 March 2019 the SLC lawyer lodged a motion concerning discharge from criminal liability in view of illness of Mr. K to the Leninskyi District Court in the city of Kirovohrad.

On 09 April 2019 in the court hearing the SLC lawyer lodged a motion to the Court with an aim to oblige the Correctional colony 6 to provide the personal card and medical documents of Mr. K, to conduct the medical examination and the Medical Advisory Commission for Mr. K and give a conclusion on the health status of Mr. K. The Court granted a motion and appointed the next court hearing on 12 April 2019.

On 12 April 2019 the SLC lawyer provide additional explanations to the motion. The correctional colony didn’t execute a demand of the Court regarding the conducting and providing the conclusion of Medical Advisory Commission for Mr. K. The SLC lawyer repeatedly lodged a complaint concerning the aforementioned issue. The Court rejected to grant the motion due to the absence of the Commission’s conclusion.

The SLC lawyer lodged an appeal on the court decision of 12.04.2019 and submitted it to the Kropyvnytskui Court of Appeal. The Court of Appeal opened proceedings and appointed the court hearing on 14 May 2019.

On 14 May 2019 the Court of Appeal refused the appeal of the SLC lawyer and left the previous decision without changes.

The SLC lawyer is preparing an application to EctHR.

## Me-hov case

Mr. M, was sentenced to imprisonment and served a sentence at Sinelnikovskaya Correctional Colony No.94 in the Dnipropetrovsk region.

On 15.12.2017, Medical Advisory Commission (hereinafter – MAC) diagnosed Mr. M. with: "Cirrhosis of the liver, obscure genesis, stage of decompensation. Hepatic-cellular insufficiency of II st. Varicose-veins of the esophagus of the II-III st. Ascites. Post-hemorrhagic anemia II st. Chronic gastroduodenitis, exacerbation st.", which are included in the List of Diseases that are the basis for submitting a motion on the release from further serving a sentence due to a serious illness.

The administration of the Correctional Colony No. 94 filed a motion to release Mr. M. from serving a sentence, but the Synelnikovsky District Court of Dnipropetrovsk Region dismissed it in January of 2018.

On 22.10.2018, the lawyer of the SLC filed an appeal to the court for the release of Mr. M from further serving of the sentence due to serious illness. On 9.11.2018, the same court ordered to deliver Mr. M. to the prison hospital at the pre-trial detention centre in Dnipro, to hold MAC repeatedly and to submit the conclusion of the MAC to the court immediately. However, there was almost no treatment for Mr. M. in the hospital.

On 12.12.2018, Mr. M. was reported on the impossibility of forming a commission because of the changes in the providing of medical care for prisoners due to the reform of the organization of provision of medical aid to the State Criminal Execution Service of Ukraine, and on the same day, he was transferred to the colony.

The lawyer of the SLC lodged the requests to the medical division of the colony and to the Centre of Healthcare at the State Penitentiary Service of Ukraine and a complaint to the Prosecutor's Office, but so far, this has not given any results.

Only on 8 February 2019 the medical consulting commission took Mr. M’s examination and decided that disease from which Mr. M suffered were entered to the list of illness which could be a ground for probation.

On 21 March 2019 the Synelnykivskyy district court granted the motion of the SLC lawyer on M’s release due to his grave diseases.

At the end of March 2019, the prosecutor lodged an appeal against such decision.

In April 2019 the SLC submitted an objection on appeal claim.

On 15 April 2019 the court appointed the hearing on 25 April 2019

On 25 April 2019 the court meeting was postponed in May 2019.

In May the court meeting was postponed on 5 June 2019 due to the judge’s illness.

5 July 2019 Dniprovskyy appeal court granted the prosecutor’s motion, quashed the decision of Sinelnykivskyy district court and delivered a new decision in which refused on the motion.

After exhausting national remedies, the SLC lawyer contemplates the possibility of applying to the European Court of Human Rights.

# 4 cases related to the conflict at the Eastern part of Ukraine

## Gu-nova case

Mrs. G is a Ukrainian citizen who lives in Horlivka, Donetskyy region. She has a 5-years old daughter.

In October 2012 Mrs. G decided to live with her civil partner in Kharkiv but when her child was born, Mrs. G returned to Horlivka. Time by time she came to Kharkiv to ger allowance for young mothers. All the time her permanent residence was registered in Horlivka.

When the Antiterrorist operation was started, Mrs. G came to Kharkiv.

In August 2015 Mrs. G asked the Department of social care to give her a certificate of IDP. Her application was granted. Also she was informed that might get a monthly targeted allowance. Mrs. G submitted an application on such allowance. From 4 November 2015 to 3 February 2016, from 22 February 2016 to 21 August 2018 she got it.

Since August 2017 the department of social care cut off payments and cancelled the IDP’s certificate witout any reasons. Only on 9 November 2017 Mrs. G was informed about that decision and was proposed to return the monthly targeted allowance in the amount of 22113 hryvna. Mrs. G did not agree.

27 March 2018 she was noticed on suspicion of fraud under Article 190 of the CC of Ukraine. The preliminary measure was not chosen for her.

On the same day Mrs. G asked the SLC lawyer to provide her with legal assistance.

The criminal proceedings were sent to the Moskovskyy district court in Kharkiv on consideration.

On 15 May 2018 the pre trial court meeting took place. The SLC lawyer filed an oral motion on returning the indictment to the investigation because it was in consistent with the Criminal procedure code of Ukraine. The Judge noticed that such motion had to be written. So the court meeting was postponed on 11 June 2018

On 11 June 2018 the SLC lawyer made a written motion on returning the indictment.

On 10.07.18, the court hearing was postponed due to the judge’s business. The next court hearing was scheduled for 24.09.2018.

On 24.09.2018, the court determined the order of examination of evidence. The next court hearing was scheduled for 25.10.2018.

On 10.25.2018, representative of the victim and part of prosecution witnesses were questioned during the hearing. The next court hearing was scheduled for 30.11.2018.

On 30.11.2018, the court hearing was postponed due to the absence of prosecution witnesses. The next court hearing is scheduled for 18.01.2019.

On 18.01.2019 the court meeting was postponed due to the absence of witnesses of prosecution and Mrs. G’s illness. The next court meeting was appointed on 15 March2019

On 15 March 2019 the court meeting was postponed due to the lawyer’s business. The next court meeting was scheduled on 15 May 2019

On 15 May 2019 the court has interrogated a witness. Other witnesses did not come.

On 12 June 2019 the court meeting was postponed due to Mrs. G’s illness. The next court meeting was scheduled on 16 July 2019.

The case is pending.

## Sa-v case

Mr. S was born in the city of Kupiansk in Kharkiv region. On 01 June 2015 during the mobilization process Kupiansk the military registration and enlistment office called Mr. S to participate in anti-terrorist operation in the position of deputy commander of a combat vehicle.

On o2 December 2015 there was information sent to the Police Station's Front Office of Artemivsk Police Office which stated that at the checkpoint of the Military Forces of Ukraine in the village of Semyhiryia of Artemisk district in Donetsk region Mr. S was killed. The information about murder of Mr. S was entered to the Unified Register of Pre-Trial Investigations.

From the very beginning of the pre-trial investigation an investigator was investigating a “suicide” of Mr. S instead of murder. All the data entered by investigator stated the fact of suicide not a murder. This kind of demeanour is a feature of ineffectiveness and prejudication of the investigator.

When conducting forensic examination, experts didn’t set the length of the shot and didn’t accurately determine the distance of the shot.

The investigator repeatedly terminated criminal proceedings regarding Mr. S’s case. The Mr. S’s lodged a grievance on the investigator’s decision to the court.

On 19 March 2019 Mr. S’s mother turned to the SLC asking for the legal assistance.

In June 2019 the SLC lawyer lodged and sent a motion concerning conducting a re-forensic medical examination.

For the time being, the SLC lawyer is preparing an application to the ECtHR regarding the violation of Article 2 of the Convention.

## Tka-k case

Mr. T-k is a citizen of Ukraine, who is accused of insubordination (another deliberately failure by the order of the commander in a military situation)

On January 31, 2015 the leader of the sector "C" in the area of counter-terrorism operations gave a battle order for preventing illegal military formations breakthrough and maintenance operations of the Armed Forces of Ukraine. According to the order, anti-tank battery of the military unit had to perform a combat mission, namely to prevent breakthrough of the enemy and lead him to fire damage, and to support assault groups of the Armed Forces of Ukraine. The Applicant did not perform this order.

Subsequently, T-k was arrested and the police opened a criminal proceeding under three articles of the Criminal Code of Ukraine.

On February 3, 2015 for T-k was chosen a preliminary measure in the form of detention. The lawyer appealed against this decision.

During consideration the appeal court found that the battle order had been secret and the case had not contained this document. According to the prosecutor's explanation in the same court hearing the order must have been in verbally form, while the suspicion report had told about written notice.

On March 2, 2015 the Zaporozhye region Court of Appeal changed the preventive measure of detention on personal surety. Also in this judgment the Court noted that since March 3, 2015 Mr. T-k would be located in the territory of headquarters in Kramatorsk city.

After his release, T-k was again appointed as a commander and sent for performing his military functions in the Luhansk region. In October 2015 the applicant was promoted to captain position.

Nowadays, the case was referred to the Pechersk district court of Kyiv for consideration.

In 2016 – 2018 there were 12 court hearings at the trial court and 2 court hearings at the court of appeal in the city of Kiev. In 2016 the SLC lawyer filed a motion on returning of the indictment to prosecutor. The motion was granted.

After some time the indictment was sent to the Pecherskyy district court again. The judge who earlier returned the indictment recused.

From 2016 to 2018, 12 trials and 2 court hearings were held in the Kyiv Court of Appeal. In 2016, the lawyer of the SLC filed a motion for the return of the indictment to the prosecutor. The request was granted. The new composition of court started to considerate the case. There were 4 court meetings in 2018. The last one was on 27 December 2018, which was also postponed due to the absence of prosecutor.

Nowadays T-k was not interrogated, more then 50 witnesses were not questioned, case-files have not been examined. The next court meeting is appointed in February 2019.

T-k pleeded his guilt and asked for pardon which has been applied to him.

## Zhy-nko case

On 14 October 2014, Mr Zh. went to the field was located between the village Novopetrivka and Grigorivka Oleksiyivka in the Donetsk region for work. As a result of explosion he got injured forearms of both hands, numerous fragile injuries to the right leg, contusion and loss of hearing on the right ear.

On 14 April 2017 a SLC lawyer send an application on a crime to the Security Service of Ukraine. The criminal investigation was opened.

On the same day Mr Zh. send an application on a crime to the Investigative Committee of the Russian Federation.

In March 2018 Mr Zh. send a request on informing on results of investigation but an investigator didn’t answer on it.

In March 2019, Mr Zh. sent a second further request for information on the results of the investigation, but the investigator did not give him an answer.

The investigation is pending.

# 25 other cases

## BKA case

Kropyvnytskiy police office opened a criminal proceeding in fact on improper performance of professional duties by healthcare worker. Mrs BKA who was born in 1993 is a victim in this criminal proceeding. This criminal proceeding was opened in fact of death of Mrs BKA newborn child. She was interrogated by the policeman.

On 12 April 2018 The SLC lawyer sent a motion on demanding all medical documentation related with death of child and Mrs BKA health status/

On 02 April 20182018 The SLC lawyer sent a motion on interrogation witnesses (doctors)

On 03 April 20182018 The SLC lawyer sent an application to Perinatal centre of the Kirovohrad Regional Hospital of demanding all medical documentation.

On 04 April 2018 the SLC lawyer participated in the interrogation by an investigator of the witness.

On13 April 2018 the SLC lawyer familiarized with BKA ‘s medical documentation in a medical institution.

On 13 Jun 2018 the SLC lawyer sent a motion on the appointment of a comprehensive forensic medical examination.

According to the latest information, the investigators sent the casefile for forensic medical examination. The SLC lawyer sent a lawyer request to confirm the information.

The investigator ordered a complex forensic medical expertise and submitting the case file of the criminal proceedings and the all gathered medical documents to an expert institution. The case file was sent to the expert institution.

## B-da case

On 24 March 2012 Mr. B-da was detained on suspicion of the perversion of minors. The most important evidence were testimonies of witnesses on events happened five years ago as well as video records made by a disguised camera in his flat. Police officers have failed to prove legitimacy of undetected watching. The trial court chose the preliminary measure for B-da in the form of detention.

On 10 March 2014 the trial court found B-da guilty and sentenced him to seven years imprisonment. The verdict was appealed by the SLC lawyer on termination of the criminal proceedings due to the lack of corpus delicti. Familiarizing with case-files the SLC lawyer pointed out that there were several disaccordance between the registry journal and the audio record of court meetings. The SLC lawyer made about 120 objections on such disaccordance which mostly were granted by the court. On 23 and 26 June the court made some changes to the registery journal.

The SLC lawyer submitted some additions to the her appeal because during pretrial investigation and consideration in the trial court several violation were committed and the case was totally framed up. The Shevchenkivska police station illegally opened the case without any specific ground with breach of investigative jurisdiction, conducted investigative actions without authority for that, brought illegal orders on searches, illegally changed jurisdiction without prosecutor’s participation, illegally ordered forensic examinations, repetitive examinations. During consideration at the court there were also several violations. Court’s conclusions did not correspond with the crime event, the trial court did not assess evidence on their admissibility. Some evidences were found inadmissible but the trial court reffered on them in its verdict.

In September 2015 the SLC lawyer made a motion on partially renovation of the preliminary investigation for examination of the evidence and interrogation of witnesses. The trial court refused while the same motion of the prosecutor was granted.

In December 2015 the SLC lawyer made a motion on maintaining of the term of the preliminary measure for B-da in accordance with the ECHR’ case-law. The motion was granted and Br-da was detained for two months.

In December 2015 the Verkhovna Rada of Ukraine amended the Criminal Code of Ukraine. According to this amendment a day of preliminary detention counted as two days of imprisonment. Upon this Br-da was detained 3,5 years, the trial court sentenced him to 7 years imprisonment. Br-da was released from punishment on 11 January 2016 by the SLC lawyer’s motion.

On 20 April 2016 the Court of appeal quashed the verdict and the case was returned to the trial court.

The SLC lawyer also started to provide another person – Mr. Z who also was an accused in this case – with legal assistance.

In January – June 2017 the trial court appointed several court meetings but no one of them was taken place. The court maintained the order of evidences’ examination according to which firstly witnesses must be questioned. However due to not-providing of their presence by the prosecutor court hearings are permanently postponed.

In 2019 the court meetings did not take place due to the absence of the witnesses and other participants of the process as well as due to the judge’s bussiness in other cases.

The court proceedings are pending.

# Dro-dov case (criminal proceeding on Article 307)

On 26 October 2017 according to the decision of the investigating judge it was provided a search in the flat of Mr D. Policemen seizured three polymer bundles with fasteners in the middle with a white substance were removed, cash in the amount of 1641 UAH, electronic scales with layers of blue matter, a hat. On the same day Mr D. was informed of the suspicion of committing a criminal offense under Part 2 of Art. 307 of the Criminal Code of Ukraine and was detained.

On 27 October 2018 an investigative judge of the Chuguivskyi city court of the Kharkiv region decided to apply to Mr D. a preventive measure in the form of a detention for a term of 60 days.

On 23 November 2017 it was provided a forensic examination of materials of substances and products of total weight of 0.933 grams.

On 22 January 2018 a pre-trial investigation was ended. An indictment act was sent to the Chuguivskyi city court of the Kharkiv region.

In June 2018 a preliminary court hearing has been held, the case is scheduled for trial on 9 September 2018.

On 13 September 2018 the Court extended the term of the Mr. D`s detention for one month.

On 11 October 2018 the Court extended the term of the Mr. D`s detention for 60 days.

On 19 November 2018 the lawyer of SLC submitted a motion on a changing of the preventive measure from the detention to a home arrest to the Court. The Court refused to satisfy this motion.

On 07 December 2018 the Court extended the term of the Mr. D`s detention for 60 days.

The court did not start the consideration of the case due to the unwillingness of the prosecution to change qualification of the crime from a murder to a murder commited under unlawful violence.

## D-v case

On 18 October 18 2017, a traffic accident occurred at one of the intersections in the central part of Kharkiv city, in which as a result of the collision of two cars, six people died and several others were seriously injured.

Both cars were premium-class cars, were in good technical condition. The driver of one of the cars, a young woman, rode at a speed that was almost twice more the permissible speed in a city and cross the intersection on the red traffic light; another driver began to move before the signal of the traffic light, which allows movement. The examination on alcohol or drug intoxication of the female driver just after the accident showed that her body contained psychoactive substances, but during the trial the court found this evidence to be unreliable. Another participant in the accident, Mr. D. was recognized as sober by the expertise.

In the case there were many complex forensic technical expertise, which established violations of the Traffic Rules (hereinafter – TR) by both drivers.

On 26 March 2019, the Kyiv District Court of Kharkiv found both drivers guilty of committing a crime, stipulated by par.3 of Article 276 of the Criminal Code of Ukraine – violation of the TR, which caused the death of several persons.

The obvious injustice of the sentence, in particular, in terms of the equivalency of the punishment imposed, in the presence of the obvious, even for the non-specialist, difference in the degree of guilt of the drivers involved in the road accident caused such a resonance in society that people began to collect signatures in defence of Mr D.

After pronouncing the verdict of the trial court, the lawyer of the SCR conducted a confidential meetings with the PD. in the pre-trial detention center, after which the lawyer made copies of materials of a voluminous criminal case.

For a long time, the attorney met and analyzed the case materials while preparing for the examination of the case by the Court of Appeal, that scheduled for mid-August 2019.

## D-zenskyy case

Mr. Dz. was, born on 12 September 1985in Kharkiv.

He is a defendant in a criminal case that is considered by one of the district court in Kharkiv and kept in custody in the Kharkiv pre-trial detention centre (hereinafter – the SIZO).

He has repeatedly complained on the persistent deterioration of his health during his stay in this institution, as a result of the inadequate treatment he received by the medical staff.

After applying Mr.Dz. to the KHPG, the SC lawyer meet with him in the SIZO, knew about circumstances of his health problems and the medical care provided to him.

Having analysed the information, the lawyer have prepared and lodged the complaint to the Zhovtnevy District Court in Kharkiv, in accordance with Article 206 of the Code of Criminal Procedure and requested the following:

-to oblige the Head of the medical unit number 27 (at the SIZO) of the branch of the State institution "Center of Public Health of the State Penitentiary Service of Ukraine not later than during two working days to prepare a medical certificate about the health of Mr. Dz. As well as the request to about his referral of treatment to the public health care facility "Regional Clinical Emergency Hospital" and

- to oblige the Chief of the SIZO not later than during two working days to provide transportation of Mr. Dz. to this medical establishment and its round-the-clock guarding during its treatment and examination therein.

However, the judge of the Zhovtnevy District Court of Kharkiv on 6 June 2019 refused to institute opening of the proceedings upon the complaint and sent a copy of the complaint to the Kharkiv Regional Prosecutor's Office for examination of the facts set forth therein and to take necessary actions.

On 7 June 2019 the Kharkiv Regional Prosecutor's Office reported that the complaint of the lawyer on the failure to provide Mr. Dx. with proper medical care was directed to the Chief of the branch of the State Institution "Centre of Public Health of the State Criminal Executive Service of Ukraine" in the Kharkiv and Luhansk Oblasts.

Until now, no response was received from the Centre, therefore the lawyer is going to lodge the separate complaint for the inactivity of the Centre.

## Gnez-lov case

Mr. Gnez-lov was born in 1973. He is currently serving his punishment in Kropyvnitsk correctional colony (no 6)

Mr. . Gnez-lov suffers from several diseases such as HIV with clinical stage 4 and concomitant diseases, severe immunosuppression, hepatitis C, MZZTB. Above mentioned diseases are included in the List of diseases which could be a reason of release the person on probation. Nevertheless, prison administration refused to prepare a motion to the court as well as starts any special proceedings to make medical reports

On 27 December 2018 the SLC lawyer prepared a motion of release the person on probation related with his health status. The SLC lawyer sent this motion to the Leninskiy district court in Kirivograd.

On 28 January 2019 the SLC lawyer lodged a motion to the Court with an aim to oblige the Correctional colony 6 to provide the personal card and medical documents of Mr. G, to conduct the medical examination and the Medical Advisory Commission for Mr. G.

On 19 February 2019 the Court granted the motion and obliged the administration of the colony to to provide the personal card and medical documents of Mr. G, to conduct the medical examination and the Medical Advisory Commission for Mr. G and postponed the court hearing on the other date.

On 04 March 2019 The Court rejected to grant the motion concerning a discharge from criminal liability in view of illness of Mr. G due to the absence of the Commission’s conclusion which wasn’t provided by colony.

The SLC lawyer lodged an appeal on the court decision of 04.03.2019 and submitted it to the Kropyvnytskui Court of Appeal.

On 22 April 2019 The Court of Appeal opened proceedings and appointed the court hearing on 06 May 2019.

Mr. G. expressed a will to withdraw the appeal by submitting a written refusal to the Court of Appeal.

On 06 May 2019 the Court of Appeal pronounced the will of Mr. G to the SLC lawyer. In conjunction with the abovementioned actions of Mr. G the SLC lawyer lodged a motion to the Court of Appeal regarding withdrawal of appeal.

Kropyvnytskyi Court of Appeal granted the motion of the SLC lawyer.

## G-v case

Mr G. (hereinafter – the applicant) is a member of a voluntary battalion “Aydar” which was founded after beginning of the Anti-terrorist operation in the East of Ukraine.

On 1 July 2014 for militaries of the battalion “Aydar” came to the apartment of Mr S. whom had allegedly provided assistance to separatist groups. During their visit one of the militaries demanded Mr. S to give them his cell phone and a laptop in order to find any information concerning separatist activities of Mr. S.

On 2 July 2014 the applicant, together with other militaries, was detained by the police informed about suspicion in commitment of a robbery of Mr. S. At the same day he was interrogated as a suspect and then released.

On 24 June 2015 the applicant was arrested by the police officers in Kharkiv

On 25 June 2015 the applicant was taken into custody by the ruling of the Pechersk District court of Kyiv, since he was suspected in commitment of an aggravated armed robbery.

On 29 June 2015 the applicant’s defense lawyer filed an appeal to the Court of Appeal of Kyiv City.

The actual consideration of the appeal took place on 5 August 2015, i.e. after one month and ten days of applicant’s detention in custody which contradicts the requirements of the national legislation according to which such a kind of an appeal shall be considered within three days after its filing.

The delay in consideration of the appeal was caused by unlawful actions of the lower court which had not delivered the materials of the case to the Court of Appeal, as well as by the Court of Appeal which had not arranged properly neither the applicant’s transfer for the court hearing no conduction of the hearing through video conference.

By the ruling of 5 August 2015, the Court of Appeal of Kyiv City issued a decision about replacing of a preventive measure for the applicant from detention in custody to the obligation to appear to court.

However, the applicant was released from custody only on 7 August 2015.

Since other suspects were absconding from justice, in the end of August 2015 materials of the criminal proceedings relating to the applicant were extracted, and in September 2015 the prosecutor's office submitted the indictment against the applicant for consideration to the Troytsky District Court of Lugansk Region (hereinafter – the Troitsk Court).

In October 2015 the SLC lawyer lodged the application to the ECtHR on violation of Article 5 § 1 (a), (c) and Article 5 § 3 of the Convention.

After two self-disqualifications of judges in the Trinity Court, there were no judges left for the formation of a new composition of the judicial panel, and the HSCU directed the case for consideration in essence to the Svatovsky District Court of Lugansk Oblast (hereafter, the Svatovsky Court).

The preparatory hearing in the case in the Svatovsky court was postponed many times, including because of the fact that the two accomplices of the crime were found and arrested in turn, and the criminal charges were joined in the court.

Only on August 31, 2018, the Svatovsky court t last carry out the preparatory hearing and, at the request of the party of defense, decided to remit the indictment back to the prosecutor for correction of its deficiencies.

On September 17, 2018, the prosecutor sent a complaint to this ruling, together with a request to renew the time limit for appeals, but on 12 November 2018 the Luhansk Court of Appeal refused to renew the term.

On 6 December 2018, the prosecutor lodged a cassation appeal against the ruling of the Court of Appeal, and the Supreme Court opened the cassation proceedings.

On May 27, 2019, after the previous postponement of the case, the Supreme Court examined the cassation appeal of the prosecutor, revoked the decision of the Lugansk Court of Appeal and sent the case back for a new consideration.

## ІАV case

Kropyvnytskiy police office opened a criminal proceeding in fact on improper performance of professional duties by healthcare worker. Mrs IAV is a victim in this criminal proceeding. This criminal proceeding was opened in fact of IAV inguring during the surgery. She was interrogated by the policeman.

On 19 April 2018 The SLC lawyer sent a motion on demanding all medical documentation related with Mrs IAV health status.

On 12 April 2018 The SLC lawyer sent a motion on interrogation vitnesses (doctors)

On 16 April 2018 theSLC lawyer participated in the interrogation by an investigator of the witness.

On 20 April 2018 the SLC lawyer sent a motion on the appointment of a comprehensive forensic medical examination.

On 16 May 2018, the SLC lawyer filed a motion on request a record of a court session (a civil case in which doctors who participated in the surgery were interrogated)

Because of investigator inaction, on 09 November 2018 the SLC lawyer filled a motion on removal of the investigator and the appointment of another investigator.

On 13 November 2018 the investigation judge satisfied the SLC lawyer`s motion on removal of the investigator.

On 26 December 2018 the SLC lawyer sent a lawyer`s request on inform about appointment of another investigator.

The criminal proceeding was transferred to the another investigator.

The SLC lawyer lodged a new motion to the new investigator concerning the conducting of several investigative measures with the motion regarding ordering the forensic medical examination.

## Ka-lus case

Ka-lus was detained in April 2018 on suspicion of committing illegal production of weapon. The preliminary measure for Ka-lus prolonged several times.

On 24 June 2018 Ka-lus asked the SLC lawyer to provide him with legal aid.

On 2 August 2018 the prosecutor lodged a motion to the investigative judge on prolonging the preliminary measure for the applicant. On 3 March 2014 the SLC lawyer filed an objection against such motion. On 3 March 2018 the investigative judge granted the motion.

On 10 August 2018 the SLC lawyer appealed. On 28 August 2018 the court of appeal partly granted his appeal, quashed the court’s decision and release Mr. Ka-lus on bail. On 4 September 2018 the applicant was released factually.

On 17 July 2018 the SLC lawyer made a motion on familiarization with the case-files but the investigator ignored it. On 24 July 2018 the SLC lawyer lodged a complaint against such inactivity.

The investigative judge granted the complaint and obliged to provide the SLC lawyer with the case-files. On 8 August 2018 the investigative gave the SLC lawyer only a part of the case-file on familiarization.

On 20 July 2018 the SLC lawyer made a complaint on illegal detention of the applicant in the pre-trial detention facility of the Security service. On 23 July 2018 the investigative judge returned the complaint without consideration. On 30 July 2018 this decision was appealed as a decision out of the rules prescribed by the Criminal procedure code of Ukraine. On 3 August 2018 the court of appeal refused on opening the proceedings. The court noted that such decision could not be appealed by the law. On 14 September 2018 the SLC lawyer made a claim to the Supreme court which opened the proceedings and appointed the court hearings in April 2019.

On 11 April 2019 the Supreme Court refused on the appeal.

## Klo-ko case

Criminal proceedings regarding accusation in murder

On April 2017 the Court of Appeal in Kharkiv region established court jurisdiction and submitted a case to Kominternivskyi District Court in the city of Kharkiv.

Eight court hearings appointed by Kominternivskyi District Court didn’t take place due to an absence of prosecutor.

On December 2017 Kominternivskyi District Court made a decision to file the motion to Court of Appeal in Kharkiv region for the purpose of the establishing the court jurisdiction because at that moment a scene of the crime was in Frunzenskyi district in the city of Kharkiv.

The precautionary measures were not taken to the accused. There were no measures to ensure criminal proceedings.

The case was appointed to court examination. Twelve court hearings were held. At the first court hearing the motion about determination the procedure of evidence examination and inexpediency of the examination of evidence that was the subject of the court hearing of appellate instance was filed.

The Court has established the order of evidence examination. The victim didn’t appear to 10 court hearings.

As to motion of the SLC lawyer the Court changed the order of evidence examination and held to go to the examination of 52 witnesses who were examined during the pre-trial examination.

The next court hearing is appointed on 7 August 2019.

Criminal proceedings regarding torture applied to Klo-ko

A request with demand to provide a familiarization with the case file and notification of the progress of pre-trial investigation was filed.

Prosecutor provided for a familiarization the case file of criminal proceedings from which it was seen that it was closed by the decision of the prosecutor.

A complaint was filed to an investigator judge of Chervonozavodskyi District Court in the city of Kharkiv.

Within five months the investigator judge couldn’t examinate the criminal proceedings because prosecutor didn’t provide case file.

An SLC lawyer filed a number of motions regarding the reasonable time of court hearing in relation to the complaint on the decision to close the criminal proceedings including the motion about the prosecutor’s obligation to provide case file.

On 23 July 2018 the complaint on the decision to close the criminal proceedings was upheld by the investigator judge, the prosecutor’s decision was revoked and the case was submitted to Kharkiv Prosecutor's Office for pending of pre-trial investigation.

There was no reply from Kharkiv Prosecutor's Office to the requests with demand to provide a report about the progress of pre-trial investigation. Thus, a complaint about the omissions of the prosecutor was filed to Chervonozavodskyi District Court in the city of Kharkiv.

The SLC lawyer familiarized with case file of the pre-trial investigation and received an adjudication concerning the terminating of criminal proceedings.

The SLC lawyer lodged a complaint to the court regarding the decision about terminating the criminal proceedings.

The trial is still pending.

Mrs. K is going to lodge an application to ECtHR regarding the breach of Article 3 of the Convention by exhausting domestic remedies in terms of ineffectiveness of the investigation of her complaint on tortures.

## K’t case

Mr. K was born on 21 May 2000.

On 31 May 2016 a theft incriminated Mr. K has been committed. At this time the client has not reached the age of 16.

On 28 June 2016 another theft has been also committed. At this time the client also has not reached the age of 16.

On 29 March 2017 the Lutsk city court in Volyn region found K. guilty on commission of the first theft. On 5 October 2017 the Lutsk city court in Volynsk region found Mr. K. guilty of commission the second crime.

On 6 November 2017 a legal representative of Mr.K. appealed the verdict. The legal representative asked to quashed a judgement and return the case for new trial because the trial court did not take into account Mr K’s age and also that he had been involved to the crime.

On 20 February 2018 the court of appeal in Volynska region changed the sentence for Mr.K.

Nowadays the case is considered by the Supreme Court.

The SLC lawyer has analyzed the case-file and made an addition to the cassassion appeal.

## L-va case

Russian citizen, Mrs. L. was accused of preparing for forming terrorist group or organization, committing a terrorist attack by organized group and of illegal weapon handling.

On 9 December 2015 a criminal proceeding was opened. Pre-trial investigation in the criminal proceedings was provided by the Main Investigation Department of the State Security Service of Ukraine.

A lawyer of SLC filed a criminal complaint on abuse of power of prosecutor officer of General Prosecutor’s offiice of Ukraine and applied for his disqualification.

Since the information on lawyer’s criminal complaint was not entered to the Unified Register of Pre-Trial Investigations the lawyer lodged a complaint to the investigating judge.

Also, the lawyer lodged a lawyer’s request to General Prosecutor’s Office of Ukraine on unauthorized interference in private communication of Mrs. L. and her defender.

Moreover the SLC lawyer lodged a complaint to unauthorized interference in private communication Mrs L with her defender to the Court.

The SLS lawyer lodged to the Court a motion on return Mrs L. her passport.

The SLC lawyer prepared a motion on return the indictment act to prosecutor.

Currently the criminal proceedings is taken to Holosiivskyi District court of Kyiv region.

On 10 November 2016 the case hearing was postponed because of the translator’s and victims’ failures to appear in the court.

On 5 December 2016 the case hearing was postponed again because of the translator’s and victims’ failures to appear in the court.

On 16 January 2017, 13 February 2017, 15 March 2017, 19 April 2017 and 11 May 2017 the case hearings were postponed again because of several reasons like victims’ failures to appear in the court, judge take part in another court hearing, providing medical treatment to accused.

On 12 May 2017 the Court adjourned the case hearing to give time for the prosecutor for making indictment act translation.

On 08 June 2017 the prosecutor has not made translation yet, the case hearing was postponed again.

On 09 July 2017 the trial was postponed because of judge vocation.

On 19 October 2017 in preparatory court hearing the SLC lawyer lodged a motion on return the indictment act to prosecutor. But the Court decided to assign the case to trial.

The first court hearing is going to be on 19 December 2017.

Nowadays the case is considered by the court. The indictment was announced. During the next court meeting the evidences will be examined.

## Luk case

Mr. Luk. is an Ukrainian citizen who lives in Kharkiv region. He was accused of committing several crimes under article 185 (theft and burglary taking together) and 307 (drug dealing) of the CC of Ukraine.

Mr. Luk. pleaded his guilt of committing thefts and burglaries simultaneously reimbursed pecuniary damage to inflicted victims. However, he objected during court meetings against accusation of committing of the drug dealing.

The SLC lawyer familiarized with case-files and made some conclusions which might be described as follow.

The SLC lawyer noticed that drug dealing was provoked by police officers and collected evidences were inadmissible. Indeed Mr. Luk. was a drug addict, convicted several times of drug collecting without aim to sell them. Even so previous guilty verdicts could not be considered as a proof of the actually guilt.

Two controlled purchases of drugs were conducted by the same under-covered police agent and the same witnesses. There was no additional proofs of selling drugs to other people by Mr. Luk. except selling to the police agent. The SLC lawyer also got to know that people mentioned in this case participated in controlled purchases in other criminal proceedings (including witnesses). Moreover, the police agent was not questioned in the court meetings though she was asked to come for several times. Also, she was found guilty for different reasons seven times and was on probation during controlled purchase. Finally, she died so her interrogation now is impossible.

The first controlled purchase was provided while the prosecutor's resolution of committed the controlled crime expired. The case files also have not included any data about court decisions which allowed providing audio and video recording.

The SLC lawyer prepared several motions including the motion of changing preliminary measure from detention to house arrest. Nowadays the term of home arrest expired and no preliminary measures were chosen instead.

In September 2016, the trial court passed the verdict and found Mr. Luk. guilty of theft and illegal selling drugs.

The SLC lawyer lodged a complaint against the verdict of the trial court, as he believed the sentence in recognition of Mr. Luk. guilty in selling drugs under par.2 Article 307 of the Criminal Code unsubstantiated. Now Mr. Luk. waits the appeal hearing.

On 16 January 2018, the Court of Appeal did not change the verdict (1 episode justified), removing the reference to inadmissible evidence from the verdict.

On 12 March 2018 the SLC lawyer filled a cassation appeal.

On 7 June 2018 the SLC lawyer filed a motion for recounting term of pre-trial detention to the term of the sentence (from 21.06.2017 to 16.01.2018).

On 4 October 2018, the Kharkiv District Court of Kharkiv region dismissed the application for recounting term of pre-trial detention to the term of the sentence (from 21.06.2017 to 16.01.2018).

On October 2018 the, SLC lawyer appealed the judgment of the District Court.

6 November 2018, the Kharkiv Court of Appeal revoked a judgment of the District Court and granted the motion of the SLC lawyer.

On 9 November 2018 Mr. Luk was released from penitentiary.

On 22 October 2018, The Supreme Court of Ukraine opened proceedings.

On 10 December The Supreme Court of Ukraine appointed the case to the hearing on 18 April 2019.

On 18 April 2019 the Supreme Court didn’t grant a cassation appeal of the SLC lawyer.

The SLC lawyer is preparing an application to the ECtHR.

## Ly-chyy case.

Mr.L was sentence to six months of arrest on 31 August 2017 by the Volodymyr-Volynskyy city court. On 18 October 2017 Mr.L was transported to the Lutskyy detention centre where he died on 22 October 2017 due to the lack of medical assistance.

The criminal proceedings were opened due to medical negligence and falsification of medical documents.

On 23 April 2019 the investigator delivered a resolution and terminated the criminal proceedings.

On 24 June 2019 the SLC lawyer complained against such resolution.

## Ma-rov and others’ case

Firstly, in the beginning of 2019 the relatives of convicted who are serving a sentence in Berdyansk correctional colony № 77 (hereinafter – Colony 77) turned to human rights activists concerning the tortures applied to convicted. Then, the convicted themselves appealed to the human rights activists. The relatives and convicted stated that there are tortures which have been systematically applying to the new-come convicted; the convicted who are in the quarantine could be tied for several days; the prisoners could be beaten several times per day; the could be made to stay naked in the freezing cold for several hours. The family members were demanded to pay money for loyal attitude from the Colony 77 workers and conditional-early release.

On 03 March 2019 relatives turned to SLC concerning the legal aid. In total, seven convicts turned to legal aid: Belyak Yuriy Volodymyrovych, January 30, 1980; Zhukovsky Andriy Valerievich, May 23,1992; Ivanov Eduard Vasilievich, April 16, 1977; Makarov Pavel Grigorovich, July 03, 1985; Milushin Sergey Dmitrievich, 1989; Kmet Denis Vyacheslavovich, May 21, 2000; Rudenko Dmitriy Yuryevich, July 30, 1999; Monolatiy Arthur Sergeevich, November 16, 1987; Yakovenko Arthur Leonidovich, September 18,1988.

The SLC lawyer has met with them and the convicted persons reported in details about the abuses, tortures and inhuman treatment they suffered during the serving of the sentence in the Colony 77. According to the victims, the purpose of these tortures was the extortion of money. As they were explained by the assistants of the colony’s administration, if they pay they will no longer be beaten, they will receive an easier job. All of the above persons paid for their own security. The highest paid amount is 300 000 UAH. The money was transferred by the relatives of those convicted through the payment terminals of the "PrivatBank" Bank to the perpetrators' accounts or their relatives.

Following the claim of the SLC lawyer, the Territorial Office of the State Bureau of Investigations, located in the city of Melitopol, began a pre-trial investigation. With the participation of the SLC lawyer the accused Belyak Y.V., Makarov P.G., Kmet D.V., Zhukovsky A.V., Ivanov E.V., Rudenko D.Y. were interrogated. The lawyer also participated in the interrogation of the relatives of these individuals.

With the lawyers’ assistance for convicts the security measures were applied. They were transferred to other colonies for further serving their sentences.

At the present time, the lawyer assists with the collection of evidence of extortion.

## Ni-tyn case

On 16 January 2018 an SLC lawyer signed a contract about legal assistance with Mrs .L who is a daughter of deceased Mr.N.

Mrs. L has lodged an application to City Court in the city of Rubizhansk for the purpose of pending the previous trial regarding her father with an aim of Mr. N exoneration.

On 19 January 2018 at the court hearing the above application was added to criminal proceedings regarding Mr. N. That same day prosecutor filed a motion about termination of the proceedings.

On 02 March 2018 the board of City Court made a decision about an appointment of trial from the beginning for the purpose of Mr. N exoneration.

On 24 March 2018 the SLC lawyer send a report about changes in the above proceedings on the request from European Court of Human Rights (ECtHR) on a complaint № 13623/15 Nikitin v. Ukraine.

On 23 May 2018 a victim Mrs. M filed an application to the court in which she stated that she had doubts about Mr. N guilt in murder of Mr. M and supported the application of Mrs. L about Mr. N exoneration.

During the following court hearings four witnesses were exanimated. Eyewitnesses testimony neither corroborated nor denied the charge. Also, the fifth witness Mr. P was exanimated. He stated that he was a direct witness of murder committed by Mr. N. but his testimony was taken as contradictious.

On 18 December 2018 an exanimated witness Mr. L gave a testimony that was opposite to Mr. P one and in favours of Mr. N.

The next court hearing is appointed to 23 Jenuary 2019 and 19 February 2019.

On 19 February 2019 during the court meeting 4 policemen were questioned. They gave testimonies contradicted with the previous testimonies given by Mr. G. In response of the SLC lawyer’s motion the court announced results of the internal revision of policemen which had been conducted in 2016.

The SLC lawyer submitted a motion on questioning of five other witnesses who earlier had given testimonies against N, interrogation of the investigator K. and the specialist Sh who earlier had participated at the investigative actions related Mr. N.

The court granted the SLC lawyer’s motion and obliged the lawyer to conduct witnesses to the court.

The SLC lawyer recognized that one of the witnesses had moved to another country, another one died, and moreover it was no possibility to establish the place of residence of another witnesses.

On 5 June 2019 during the court meeting the SLC lawyer submitted a motion to establish the location of witnesses.

The court noted that it was not possible to establish such location

The court also changed the order of examination of the evidence provided by the defence and decided to examine the evidence which had been enlisted to the SLC lawyer’s motion of 7 December 2018.

The court examined the part of evidence.

The next court meeting is appointed on 8 August 2019.

## Old lady’s abuse case

On 20th of December 2013 a drunken policeman of Ordzhonikidze District Police Department rang to the apartment of 84-year resident of Kharkov and asked her to open the door.

After the elderly woman opened the door policeman began to beat her. Her neighbours heard noise made by him and woman’s shouting and called to police. The woman’s body and her head were all bruised.

After beating the woman, the policeman started to rummage in her cabinets. A police patrol that arrived on the scene arrested the hooligan, who tried to attack the woman’s son and grandson, and brought him to the police station.

Despite the old age of the victim and the fact that she is a member of hostilities, the investigation department of Ordzhonikidze District Police Department initiated a criminal proceeding only ten days after event, namely on the 1st of January 2014. The criminal case was instituted under Article 125 § 1 of the Criminal Code of Ukraine (light bodily injury). In fact, the investigation of this crime was not conducted.

The case was transferred to another investigator after the victim applied for legal aid to the KHPG and the lawyers of the KHPG filed the complaint on ineffective investigation of the case. At that new investigator didn’t classify actions of the offender under Article 162 § 2 (invasion into a housing committed by police) of the CC of Ukraine either.

From March 2014 to June 2014 the investigation of the case was conducting with participation of the lawyer of the SLC.

On 28th of March 2014 the lawyer lodged statement about committing crimes against victim under Article 162 § 2 (invasion into a housing committed by police) of the CC of Ukraine to Ordzhonikidze District Police Department.

In March 2014 the lawyer lodged a complaint to the Ordjokinidze district Prosecutor’s Office in which he asked to conduct investigation as the crime was committed by a police officer.

The Prosecutor’s Office did not reply to this complaint. The complaint was not included into the case file of the criminal case.

After that on 29th of March 2014 the ex-policeman was charged in crimes under Articles 125 § 2 and 162 § 2 Article 162 of the CC of Ukraine (as it was mentioned in descriptive part of act) but the reasoning part of act contained reference only on Article 125 § 2 of the CC of Ukraine.

As policeman was fired from police after he committed the crime the criminal proceedings were conducted as if he was not a special subject of the crime – a state agent. For this reason, the lawyer of the SLC prepared and filed a complaint to the Prosecutor’s Office of Ordzhonikidze district on transferring case to the Prosecutor’s Office as the crime was committed by a policeman.

However, the lawyer has not received the reply. The complaint and reply were not attached to the case-files of criminal proceedings, but instead it was attached to case-files of supervisory proceedings.

When in June 2014 the court hearings started in Ordzhonikidze District Court of Kharkiv the prosecutor asked the applicant’s son to refuse from legal assistance of the lawyer of the SLC. When they refused to do it the prosecutor tried to induce the lawyer not to notify the court that the crime was committed by a policeman, as in this case a judge will close the case immediately due to the lack of corpus delicti of the defendant.

The lawyer lodged the motion to call as witnesses members of police patrol, who arrested the policeman who beaten the woman. The petition was refused by the judge on the grounds that the petition didn’t contain information about domiciles of policemen from police patrol as well as their first names and family names.

On 09.07.2014 the lawyer participated in a court hearing. His petition calling the police officers who arrested the police officer, who beat the elderly women as witnesses, was rejected by the judge on the grounds that the petition did not contain home address policemen and their first name and patronymic. Before the court hearing the prosecutor asked the lawyer not to inform the court under recording that the accused was a police officer, as the judge would close the case on the ground of lack of corpus delicti in his actions.

After the motion of the lawyer to draw the Kharkiv Region Police Department as co-defendant in the civil lawsuit the judge announced a break in the hearings as he sent the request to the police station about providing the court with order of dismissal of the accused.

After ignoring this request the judge once again made the request, but the answer did not come, and instead the prosecutor changed the indictment, stating therein that the crime was committed by a police officer who was not in the performance of official duties, and not in the form of a police officer.

The judge rejected the appointment of re-examination of injuries because the indictment is not specified on the arraignment for causing serious injury.

The lawyer of the SLC filed a complaint against the Ordjokinidze district Prosecutor’s Office about the inappropriate direction of the indictment to the court and obtaining bribes.

During hearing the court found violation of the investigating jurisdiction, namely, the case against a crime of a police officer has been investigated by the police authority, although according to the CCP it had to be done by a prosecutor’s office.

On 30 April 2015, the court passed the acquittal verdict on the grounds that according to the CCP of Ukraine the pre-trial investigation in the case had to be conducted by the prosecutor’s office, not by the police department.

The SLC lawyer appealed this verdict to the Court of Appeal of Kharkiv region. On 2 July 2015, the Court of Appeal of Kharkiv region cancelled this verdict.

On 30 July 2015, another judge of District court Mr. Maslov returned the indictment to the prosecutor.

On 11 August 2015, Mr B. was recognized as the legitimate representative of elderly woman and questioned as a witness.

On 17 September 2015, the indictment was signed. Mr P. has been notified of the suspicion.

On15 October 2015, the Court held a preparatory hearing. The case was scheduled for consideration.

On 8 November 2015, the claim was filed to the court.

On 10 November 2015, the court hearing was held to determine the order of examination of evidence.

On 3 December 2015, the court hearing was adjourned because the judge had been in the deliberation room.

On 16 December 2015, the lawyer lodged a complaint against the judge Klimenko to the Higher Qualification Commission of Judges (HQC).

On 18 December 2015, the court hearing was adjourned because of the fact that the prosecutor did not come to the court.

On 22 December 2015, the lawyer sent the request to examine the material of supervisory review.

The court hearing was scheduled for 26 January 2016, but it is not commenced because of non-appearance of a prosecutor or postponing it by the judge upon any reasons. During 2016 year the hearings in the case were assigned many times but in fact they did not take place, so the trial was not completed yet.

In 2017, court hearing was appointed on 11 May, however, it was postponed to 9 June 2017 according to the prosecutor’s motion (a new prosecutor asked the court to give him an opportunity to familiarize with the case-file).

In 2018, the procurator was changed. New prosecutor asked to give him time to familiarized with the casefile and gather evidence base, that is why court hearings was not conducted.

In February 2018, the judge satisfied the SLC lawyer motion on the appointment of a re-examination of bodily injuries. The forensic medical examination was conducted.

In 2019 a recrudescent examination was conducted. It affirmed that injuries which the old woman has received, were made not from falling of the chair when she was taken to an emergency hospital but from beating.

The case was terminated in conjunction with discharging from criminal liability due to limitation period.

## Poryan-ska case

Before being arrested, Poryadynska – an applicant – was registered as a mental patient and was undergoing a course of periodical treatment.

On 24.11.2016 the investigative authorities has put her on the wanted list.

On 26.02.2017 the applicant has born a son.

On 11.04.2017 the applicant was detained and brought before the court by the investigative judge decision, as a wanted person for the robbery and fraud. After that, investigative judge of the Novograd-Volynskii district court in the Zhytomyr region (the district court) has chosen the preventive measure – taking into the custody for 11 days.

On 24.04.2017 the investigative judge of the district court has extended the custody for 44 days.

On 06.06.2017 the district court has extended the preventive measure for 60 days till August,4 2017.

On 19.06.2017 the government facility “Zhytomyr pre-trial detention center (“SIZO”) №8” has notified the applicant's lawyer: “Applicant's mental health has changed on 15.06.2017 and currently there are signs of the delusional affective disorder. The applicant's psychiatric hospitalization is advisable.”

After the lawyer has received this notification, he appealed to the court seeking the change of the preventive measure but on 02.08.2017 the court dismissed this appeal and extended the custody for 60 days till September, 30 2017.

On 07.08.2017 the district court has ordered to the applicant the primary outpatient forensic psychiatric evaluation.

On 08.09.2017 SIZO has notified the applicant's lawyer: “ … At the present moment her (Applicant's) mental health defines as severe mental illness, which is also endangering her life (catatony, refusing to eat and drink). Providing with specialized medical care in terms of the present medical centre for such condition is impossible. … In view of the aforesaid, it is appropriate to request the court for the decision according to the art. 508 of the Code of Criminal Procedure (CCP) to place the Applicant to the mental establishment for the fixed term.”

After the lawyer has received this notification, he appealed to the court seeking the change of the preventive measure according to the art. 508 of the CCP and transferring the applicant under her parents' surveillance with compulsory treatment at the mental facility.

On 18.09.2017 the application to the European Court of Human Rights has been made, requesting the enforcement of the preventive measure and obliging the Government to provide her with necessary medical care.

On 19.09.2017 the ECHR requested from the Government of Ukraine the information about Raisa's medical condition, medical care she receiving and requiring, her safety under the custody.

On 28.09.2017 the district court dismissed the lawyer's motion concerning the change of the preventive measure and extended the preventive measure for 45 days and ordered the outpatient forensic psychiatric evaluation at the Kyiv centre of psychiatric forensic.

On 10.03.2017 the ECHR enforced the preventive measures and obliged the Government to provide her with required medical care.

On 11.11.2017 the applicant has been released from the custody. She receives now the psychiatric treatment.

On 19.01.2018 the SLC lawyer lodged before the ECHR an application.

The SLC lawyer also got several documents on response of his requests.

On 07.02.2018 the SLC lawyer sent an additional application to the ECHR.

The SLC lawyer also realized that after the applicant’s release from custody she was ill-treated by the state agents. So on 14 November 2017 the SLC lawyer made a statement of crime to the prosecutor’s office in Kiev.

On 16 November 2017 the SLC lawyer asked the forensic expert bureau to write down the physical violence. On 23 November 2017 the expert made his resolution

On 16 November 2017 the SLC lawyer made a request to the ambulance. On 11 November and 2 December 2017, the SLC lawyer received a reply.

On 4 December 2017 the prosecutor’s office transmitted the statement of crime to the district police office.

On 15 December 2017 the police opened the criminal proceedings.

On 29 December 2017 the SLC lawyer submitted a motion on familiarization with the case-file.

On 27 January 2018 the SLC lawyer made a claim to the prosecutor’s office.

On 2 July 2018 the applicant’s mother lodged a motion on give her a victim status and a motion on familiarization with the case-files.

On 27 July 2018 the SLC lawyer again lodged a motion on familiarization with the case-files.

On 7 August 2018 the SLC lawyer lodged before the investigative judge a complaint on non-familiarization with the case-files. On 15 August 2018 the investigative judge returned the complaint without consideration. On 27 August 2018 the SLC lawyer appealed against such decision to the Court of appeal which granted claim and returned the case for new trial.

On 24 September 2018 the investigative judge granted the complaint and obliged the prosecutor to familiarize with the case-files.

The SLC lawyer repeatedly tried to familiarize with the case files at the Shevchenkivskyy police department but policemen were not able to find the documents.

On 14 February 2019 during another visit to the Shevchenkivskyy policedepartment the SLC lawyer got a reply according which the case-files had been sent on 3 October 2018 to the Shevchenkivskyy district court.

On 27 February 2019 the SLC lawyer asked the Shevchenkivskyy district court about the case-files.

On 7 March 2019 the Shevchenkivskyy district court informed that case-files had been returned to the Shevchenkivskyy police department.

On 11 April 2019 the SLC lawyer familiarized with the case-files and recognized that the criminal proceedings had been terminated. The SLC lawyer submitted a complaint before the Shevchenkivskyy district court.

On 24 April 2019 the Shevchenkivskyy district court cancelled a resolution on termination of criminal proceedings.

## Case of Mr. P.

In October 2009 after the consistent two-weeks treatment in three hospitals of Kharkiv 27-year-old P. died with the high temperature. According to the report of forensic medical examination the cause of death was acute pancreatitis with transition to pancreas necrosis.

The district Prosecutor’s Office of Kharkiv city refused to initiate criminal proceedings on the fact of death of P., but further their ruling was quashed by the prosecutor of higher lever and transferred to the district police department for conduction of additional verification. In January 2010 the new ruling about refuse to initiate criminal proceedings was issued. This ruling was quashed by the district court in May 2010.

In 2010 the materials of verification were transferred to the Main Bureau of the forensic medical examinations of Kyiv city for conduction of commission forensic examination, the report of which was received only in October 2012.

After taking into force of the new Code of Criminal Procedure (of 2012) the information about sudden death of P. was registered in the URPTI, but no new investigative actions were conducted in the present proceedings. At the end of 2013, the criminal proceedings were closed, while the father of P. who is the victim in the proceedings, was not informed about its closing.

After applying of the victim to the SLC, the lawyer of the SLC involved the specialist in the sphere of forensic medical examination, and a doctor of the relevant specialization, for obtaining of consultation and medical conclusion. The lawyer prepared the appeal against the decision about closing of criminal proceedings, however the investigation body had not provided the lawyer with the copy of this decision, despite the complaints to the district and city Prosecutor’s Offices. In the absence of evidence of obtaining the decision much later than the date of its issuance, there is no real chances that the complaint against the decision will be considered by the court. Now the lawyer initiates the complaining proceedings for obtaining this decision by means of court order.

In October 2014, the lawyer complaint to the investigator’s refusal to give a copy of the investigator’s decision on termination of the criminal proceedings, and the District court granted this complaint.

Having obtained the copy of the decision, the lawyer complaint the decision itself to the investigative judge of the District court, and in November, 2014, the court granted the complaint and ordered to the investigator to continue the investigation.

No one investigative action was carried out after the revocation of the resolution to close the criminal proceedings. Because of this the SLC lawyer lodged to the investigator the motion to carry out additional investigatory actions, particularly, a complex forensic medical examination.

After reversal of the investigator’s resolution, the case file was passed for the investigation to another District Police Department, but this has not been informed neither to the lawyer, no to the victim’s father. In October, 2015 the lawyer was informed about the disposition of the case, and he addressed to the new (Dzerzhinskyi) Police Department. At the end of December 2015, the on the request of the lawyer the new investigator questioned the victim’s father in detail, to define necessary investigation actions.

In 2016 it was another change of investigator in the case. For certain time, the case file was passed to the investigation department of the regional department of the National Police. After returning the case file, the SLC lawyer submitted the motion for a forensic medical examination (to determine whether the treatment of the victim Mr P.’s dead son was in accordance with the medical protocols) and the forensic handwriting examination to determine the issue of falsification of medical records.

In December 2016 the investigator granted all the requests and prepares materials for sending experts.

In January 2018, the investigator directed the case-file to the Kharkiv Bureau of Forensic Examinations for the examination, which was finished only on June 20, 2018, but neither the victim nor his lawyer was informed about its completion.

In September 2018, the lawyer got acquainted with the case-file, in particular, with the medical forensic examination report which did not establish violations of medical rules during the treatment of the deceased son of Mr. P. P. in al of the hospitals. It turned out that the examination was not carried out on the originals of documents but on their copies, since the originals, together with other medical evidence, were not transferred when the materials were handed over from one investigative body to another one. The graphological examination was not conducted because, according to its rules, it can be carried out using only the original documents, but they were given copies of such.

Having known this, in October 2018 the lawyer filed a request to the former Kominternivsky Police Department of Kharkiv city about who, when and to whom the materials of the proceedings were handed over, but did not receive the reply.

Having repeatedly requested and again did not receive an answer, in December 2018 the lawyer lodgeda request to the Kharkiv Regional Bar to bring the officers of the police department who were guilty of failing to his lawyer's request, to administrative liability. The head of the Bar refused to draw up a report on such an administrative offense, referring to that this should be resolved within the framework of criminal proceedings.

Having exhausted his own possibilities to find the missing materials of criminal proceedings, the lawyer on January 4, 2019 addressed the Poltava Department of the State Bureau of Investigation (hereinafter – the Poltava SBI Office) with a criminal complaint on the official negligence of the investigator, which led to the loss of evidence.

Having no received a response to his criminal complaint, on January 23, 2019 the lawyer lodged a complaint to the Oktyabrsky District Court of Poltava for inactivity of the investigators of the Poltava SBI Office, which the investigator judge granted on January 31, 2019.

Upon satisfaction of the said complaint, the lawyer sent a statement to the Poltava SBI Office to provide him with an extract from the URPI, as well as a motion for the involvement of Mr P. as a victim in the case and his interrogation as a victim.

On 16 May 2019, the Poltava SBI Office sent a letter informing Mr. P. that he was recognized as a victim in the case.

On June 3, 2019, the lawyer again got acquainted with the case-file in the investigation division of the Shevchenko Police Department of Kharkiv, during which he suddenly found among them a cover letter from the investigator Slobidsky (formerly Kominternivsky) Police Department of Kharkiv city, dated of 22 October 2018, informing that they were sent to the Shevchenko police department, in connection with the lawyer's request for missing criminal proceedings.

At present, the lawyer works to ensure that, upon commissioning the originals of medical documents, to get carrying out the handwriting and graphological (for establishing the membership of the signatures contained in medical documents, certain persons) examinations.

## Sa-n case

On 07 November 2018 Mrs. Me-hova in interest of her husband Mr. Sa-n asked the SLC lawyer for legal assistance.

According to Mrs. Me-hova, Mr. Sa-n was born on 06 November 1956, he is currently pensioner.

On 06 November 2018 Mr. Sa-n was arrested in his living place by the Security Service of Ukraine (SSU) officers in suspicion of committing encroachment on territorial integrity.

On 08 November 2018 in SSU detention facility during confidential meeting Mr. Sa-n told the SLC lawyer, that he (Mr. Sa-n) has never done any unlawful actions. Many people had access to the computer that had been removed from him, and confiscated notes had planted.

According to the motion on a preventive measure and annexes to it, Mr. Sa-n "mounted, voiced and posted" on the Internet video clips with public calls (slogans) expressing the approval of the so-called "Novorossiia" and joining it to Russia, and also contain the implicit prompting of the recipients to the physical destruction of those who do not support the creation of this state formation and restoration of the "united Orthodox motherland".

On 08 November 2018 Kherson city court chose a detention as a preventive measure to Mr. Sa-n and did not determine the size of pledge. The SLC lawyer filled an appeal.

On 27 November 2018 Mr. Sa-n was delivered to SSU for interrogation. He denied to tell any information in accordance to art. 63 Constitution of Ukraine.

On 19 December 2018 the appeal trial was postponed due to the first instance court had not gave the casefile.

On 21 December 2018 Mr. Sa-n was giver a motion on detention prolongation and the decision to extend the term of pre-trial investigation.

On 26 December 2018 the first instance court postponed a trial on prolongation the detention until the court of appeal would consider the SLC lawyers complaint. On the Same day the court of appeal did not satisfy the SLC lawyer complaint, detention was found lawful.

On 27 December 2018 the Mr. Sa-n`s detention was prolonged to 24 February 2019.

On 14 January 2019 the lawyer agreed with client on legal position during the meeting in pre-trial detention centre.

On 14 January 2019 the lawyer’s appeal to prolongation the term of custody was dismissed.

On 21 February 2019 Khersonskyi District Court in Khersonska region prolongated the term of custody and dismissed the motion about changing the preventive measure to less strict.

On 16 April 2019 Khersonskyi District Court in Khersonska region prolongated the term of custody and dismissed the motion about changing the preventive measure to less strict.

On 26 April 2019 the lawyer was informed about the ending of the pre-trial investigation.

On o3 May 2019 Khersonskyi District Court in Khersonska region prolongated the term of custody and dismissed the motion about changing the preventive measure to less strict.

In conjunction with transferring the case file to another lawyer the SLC lawyer stopped represent S.

## Se-nov case

Mr. S. is an Ukrainian citizen, who is currently living and working in Kharkiv. He has previously been convicted.

On 3 February 2012 he was actually arrested by police officers on suspicion of attempted murder more than two people.

On 6 February 2012 the District Court chose a detention as a preventive measure for Mr. S.

On 9 February 2012 the investigators of the Dzerzhinsky District Police Station had meeting with Mr. S. in the Kharkiv pre-trial detention centre. During this meeting, the investigators presented indictment and interrogated Mr. S. without a lawyer. According to the CPC the lawyer obligatory takes part in this category of cases. Also the investigators forged the data about lawyer’s participation during investigation in the report.

On 22 January 2016 Mr. S. was recognized as a victim in criminal proceeding against investigators K. and N. of Dzerzhinsky District Police Station (violation of the right to defence).

On 26 January 2016 the investigator K. and N. were noticed on suspicion of forgery.

The cases against the investigators were examined separately in the different District Courts.

On 1 February 2016 the District Court chose a dismissal and a personal commitment as a preventive measure for the investigator K.

On 12 February 2016 another District Court chose a dismissal for the investigator N.

During the trial the investigators K. and N. did not admit their guilt although the evidence of theirs guilt was indisputable.

On 1 March 2016 the indictment of K. was sent to the Zhovtnevy District Court. On 4 March 2016 the indictment of N. was sent to the Dzerzhinsky District Court.

At the request of the victim, on 10 March 2016 the SLC lawyer entered to the K.’s case and on 17 March 2016 the SLC lawyer entered to the N.’s case. During the K.’s trial accused person, victim and almost all witnesses were questioned. The N.’s trial is delayed due to defender’s ungrounded requests of challenge to the judge and the prosecutor.

In relation to N.’s trial the SLC lawyer sent the requests for discovery of additional evidence in criminal proceedings, declared the requests of access to documents which might be considered as proofs.

The K.‘s trial was postponed several times due to the absence of defender and because the judge’s being busy. The both trial is currently pending.

During judicial investigation the court questioned almost all witnesses, an accused person and the victim.

An accused person fired.

On 6 October 2016 the judicial investigation terminated.

On 21 October 2016 the court meeting was postponed due to judge’s being busy.

On 16 December 2016 the court meeting was postponed.

On 21 March 2017 the court meeting was postponed due to absence of accused person.

On 24 May 2017 the court meeting did not take place because of termination of authority of judge.

The court meeting was appointed by the new trial on 29 August 2017

On 29 August 2017 the court meeting was not taken place due to the absence of the lawyer.

On 28 September 2017 the court meeting was not taken place due to the prosecutor’s participation in another trials.

On 1 November and 6 December 2017 and 29 January, 7 March, 19 April, 12 June 2018 the court meeting was postponed due to judges’ business.

On 11.07.2018, the case was postponed due to the absence of the defence counsel. The next hearing was scheduled for 26.09.2018.

On 26.09.2018 the motion of the defence counsel for the disqualification of the prosecutor. The next hearing was scheduled for 08.10.2018.

On 08.10.2018, the hearing was postponed due to the motion of the defendant. The next hearing was scheduled for 20.11.2018.

On 20.11.2018, the hearing was postponed due to the absence of the defendant.

On 16 January 2019 the consideration of the case was postponed due to absence and his representative. The next court hearing was appointed on 19.03.19.

On 19 March 2019 the court consideration of the case was postponed due to absence of the victim. The next court hearing was appointed on 16.04.19.

On 16 April 2019 the court consideration was postponed due to inability of the representative to attend the court hearing. The next court hearing was appointed on 24.06.19.

On 24 June 2019 the court consideration was postponed due to presence of the judge in a counseling room. The next court hearing was appointed on 18.07.19.

## Shma-lov case

In August 2012 the police officers of one of the district of Kharkiv detained Mr. Shma-lov who was going to a work in the case. Shma-lov was forced to go to the police department. On the morning and in the evening of the following day police officers, using threats and physical violence, forced him to give confession in the illegal drug trafficking.

Unable to bear the torture, Shma-lov has signed the confession. All night he was kept in the police department. Next morning, being in the toilet and understanding that after he signed the confession he could be convicted to the long term imprisonment, the man under stress tried to escape from police department through the window of the toilet. He tried to go down the wall but fell on the ground. At the result of the fall both arms and both legs of Shma-lov were broken. He was delivered to the hospital and then operated. Shma-lov lost the ability to move and use his arms’ function.

Despite the fact that accusation was completely falsified in October 2012 the pre-trial investigation was terminated and the case on the unlawful drug trafficking was delivered to the court.

From 2013 the proceeding in the district court of Kharkiv was started. As Shma-lov is unable to participate in the court hearing on the reason of his inability to go to the court the consideration of his case was terminated until his convalescence.

The SLC lawyer lodged complains on unlawful actions of the police officers to the Prosecutor’s Office. After verifications on these applications Prosecutor’s Office issues decisions about refuse to institute criminal proceeding, which later were quashed by the court.

In November 2014, the lawyer lodged a motion for recognition the application as a victim and resolution for access to the criminal proceeding.

At the end of the year the case has been remitted for conducting additional investigation, and his preventive measure – obligation not to leave a place of his residence without the investigating authority permission has been cancelled.

The lawyer continuously submitted complaints on inactivity of the investigation to the three Prosecutor’s offices: district, city and regional (oblast), but there are no any actions on investigation of the policemen’s crime. Having exhausted the possibility in investigation of the police abuse, the lawyer now prepares to the ECtHR.

These were also submitted applications for an offence under Art. 120 the Criminal Code of Ukraine (bringing to suicide) against the prosecutor of Kharkiv region. This statement was not included to the Unified Register of Pre-Trial Investigations. On August 15, 2014 the court ordered the prosecutor to put this information to the Unified Register of Pre-Trial Investigations and to start a pre-trial investigation.

Over 2014 the victim party has repeatedly filed complaints about the length of the period of pre-trial investigation.

In 2015 an investigating experiment on the crime scene was conducted with the participation of the SLC lawyer and Shma-lov.

In April 2015 the indictment was drafted relatively the criminal search officer P. policeman of the Ordzhonikidze district police station. By this act investigator was accused of committing crimes under Art. 365 (the abuse of power, leading to serious consequences) of the Criminal Code of Ukraine and article 127 (torture) of the Criminal Code of Ukraine.

Then the SLC lawyer lodged a civil lawsuit against the Police Department of the Kharkiv region and the policeman for moral damages. During the court hearing the SLC lawyer lodged a motion on involvement of the State as a second defendant. The hearings are pending.

Since then, the case was considered by the Ordzhonikidze district court of Kharkiv. The trial was repeatedly postponed as a result of the non-appearance of the accused, his lawyer, prosecutor for reasons of illness, employment in other processes, illness of a judge, etc.

At last on June 27, 2017, the court recognized the criminal search officer of the Ordzhonikidze district police station P. guilty of all charges and sentenced him to five years imprisonment with probation.

Mr Sh. did not agree with the sentence, and therefore the SLC lawyer lodged in his interests an appeal against this sentence. The SLC lawyer disagreed with the fact that the court released the police officer on probation on the grounds that he has a minor child, he was previously not prosecuted and positively characterized at work. In addition, the court found no causal link between the unlawful detention of Mr Sh. and his injuries.

The court of appeal partly granted the complaint made by the SLC lawyer.

In December 2018 the SLC lawyer submitted an appeal to the Supreme Court.

In May 2019 the Supreme Court of Ukraine cancelled the verdict and returned the case to trial court to the Kharkiv court of appeal.

Consideration of the case is appointed on September 2019.

## U-kov case

On 27 June 2008 several police officers came to apartment of spouse Mr, and Mrs. U., and took the latter to Frunzenskyy District Police Station in Kharkiv for being questioned concerning to the murder of Mr L. whose dead body had been found in a courtyard nearby the U’s apartment.

In the station Mr. U. was tortured by difficult ways, namely was being cruelty beaten, suffocated with a gas mask with a smoke inside, twisted with his handcuffed arms behind his back etc., and he confessed in the murder of Mr. L that he allegedly had not committed. At the same time, the police have compelled Mrs. U. to give statement incriminating his husband in the crime, using physical abuse and threatening with exercising more physical abuse. Both Mr. and. Mrs. U. have not been provided with a lawyer at that time.

On 1 July 2008 Mr. U. was escorted to the Frunzenskyy District Prosecutor’s Office for questioning by the prosecutor in course of consideration of the investigator’s request to the court on Mr. U.’s pre-trial detention. The prosecutor has seen Mr. U.’s multiple injuries and he refused to approve the investigator’s request and released Mr. U.

Four angry police officers broke into the Prosecutor’s Office, take out the spouse from the office of the Deputy District Prosecutor who questioned the spouse and brought them to the police station located nearby. On the way, one of the officers kicked Mr. U.

After the District Prosecutor having come to the station, the police officers pulled Mr. U. out from the station through the window. In course of the search of the station, Mrs. U. has been found I one of its rooms.

In course of criminal proceedings against Mr. U., the SLC lawyer many times challenged the unlawfulness of the police actions but the prosecutor’s offices and domestic courts did not pay much attention to that.

The Kharkiv Court of Appeal twice tried Mr. U.’s case and on 4 July 2012 found him guilty and sentenced him for 14 years imprisonment.

At the end of 2012 SLC lawyer lodged the complaint to the ECtHR on the violation of Article 3 of the Convention.

On 22 January 2013 the Higher Specialized Court of Ukraine upheld the judgment. After that the SLC lawyer appended the application before the ECtHR with the complaint under Article 6 of the Convention in the aspect of use by the national courts Mr. U.’s testimonies obtained by means of ill-treatment.

On June 18, 2015 the European court of human rights holds that there has been a violation of Article 3 of the Convention under its substantive land procedural limbs in respect of both Mr. and Mrs. U. and a violation of Article 6 §§ 1 and 3 (c) of the Convention in respect of the Mr. U.

In October 2015 the CSL lawyer submitted a motion to the Supreme court of Ukraine to retrial the case because of declared violation of Article 6 of the Convention

On 22 December 2015 the Supreme court of Ukraine cancelled all previous decisions and sent the case to the trial court. At the same time the Supreme court of Ukraine has not considered a question of the preliminary measure, accordingly Mr. Us. has not been released from custody He was transferred to the Kharkiv detention centre although there was no court decision of his detention, and the complaint of the lawyer on Mr.U.’s detention was unsuccessful/

On 18 February 2016 Frunzenskyy district court of Kharkiv started a new trial and changed Mr.U.’s pre-trial detention to obligation to appear to court, upon the request of the defence.

In August 2016, the SLC lawyer lodged the application to the European court of human rights under Article 5 of the Convention on the matter of his holding in custody without the authorizing judicial decision after revocation the judgements by the Supreme Court and until changing of the measure of restraint.

In 2016, there were several court hearings in a case in which the accused Mr U. and several prosecution witnesses were questioned. In November 2016, due to a long illness of one judge of the judicial panel he was replaced by another one, and the trial was started from the beginning.

In 2017, more than 10 hearings of the case were appointed, but in fact there were only four. In October 2017, the next change happened in the judicial panel, and the case began to hear for the third time first. After this, before the year of the year, no hearing was actually held.

In 2018, the hearings were scheduled around 20 times but really there were only three ones. Several court hearings are scheduled to the beginning of 2019.

The prosecutor submitted the appeal against the aforementioned decision, and on 5 June 2019, the Dnipro Court of Appeal, after repeated adjournment of the case, reversed the decision of the trial court and passed the new decision, which refused Mr M. to release, given the severity of te crimes committed by him, and the fact that he has disciplinary penalty while serving his sentence.

After exhausting national remedies, the SLC lawyer contemplates the possibility of applying to the European Court of Human Rights.

## V.O. and V.V. case

On 08 July 2017 Kropyvnytskiy police office opened a criminal proceeding in fact on improper performance of professional duties by healthcare worker. Mrs V. O., who was born in 1988 and Mrs V.V., who was born in 1971 are victims in this criminal proceeding. This criminal proceeding was opened in fact of death of Mrs V.O. new-born children: boy named XTAA and girl, named XCAA. Another child, who was born that day, was alive. Victims were interrogated by the policeman.

The SLC lawyer sent a motion on demanding all medical documentation related with death of children and Mrs V.O. health.

Moreover, the SLC lawyer as a client’s representative, sent to the ombudsman an application where describe a situation and asked to renovate Mrs V.O. and Mrs V.V. rights.

In addition the SLC lawyer sent a motion on the appointment of a comprehensive forensic medical examination. The policemen took a resolution of the appointment of a comprehensive forensic medical examination and sent the case file to forensic examination centre.

For the time bieng, the expert’s conclusion wasn’t submitted to the investigatior.

# 15 cases ended in success

## A-ra case

Mr. A-ra is a Ukrainian national currently lives in Kharkiv.

On 2 February 2017 Mr. A visited a narcologist who prescribed a special medical treatment for him. According to the medical note from 13 February 2017 made by the Regional drug abuse clinic Mr. A stayed at hospital and was released upon completion of the rehabilitation program in satisfactory condition.

On 13 March 2017 Mr. A was noted on suspicion of Article 309 of the Criminal code of Ukraine as a person who produced or distribute drugs without the aim to sale.

On 6 April 2017 Mr. A asked the SLC lawyer to provide him with legal assistance.

The preliminary court meeting had been appointed on 7 April 2017 but was postponed due to a judge’s business. The next court meeting was appointed on 19 May 2015.

On 19 May 2017 the court conducted the preliminary court meeting during which the SLC lawyer submitted a request to release Mr. A from criminal responsibility under Part. 4 Article 309 of Criminal code of Ukraine as a person who voluntary asked of rehabilitation program. The prosecutor did not object in general but the court dismissed the motion on the lack of evidence. The court pointed out that there was no evidence of willingness of medical treatment. The next court meeting was appointed on 2 June 2017.

The SLC lawyer made several request to the narcologist and special medical rehabilitation centre on willingness of Mr. A’s participation in medical program. The SLC lawyer received all replies on his requests. He prepared a repetitive motion on release Mr. A from criminal responsibility on the same grounds.

On 2 June 2017 the court meeting was postponed due to the judge’s business.

On 16 June 2017 Mr. A was invited to the probation department in Moskovskiy district, where he took part in preparing pre-trial report.

On 5 July 2017 the court meeting was postponed due to the prosecutor’s business.

On 21 August 2017 the SLC lawyer again submitted a motion to release Mr. A from criminal responsibility as a person who voluntary asked of rehabilitation program. The Court refused to satisfy the SLC lawyer`s motion and sentenced Mr. A to pay fine in the amount of 50 non-taxable minimum incomes of citizens for drug dealing.

On 13 September 2017 the SLC lawyer lodged an appeal. On 7 December 2017 the Appeal Court of Kharkiv region cancelled the verdict. The case was sent to the district court for retrial.

On 16 January 2018 during the pre-trial court meeting a court’s consideration was appointed on 7 February 2018

On 7 February 2018 the prosecutor announced an indictment, the court issued an order of evidences’ consideration and interrogated the accused. After that, the court meeting was postponed on 14 March 2018 because the prosecutor was not able to present evidence at the criminal proceeding.

On 14 March 2018 the court examined evidences. The SLC lawyer filed a motion on release A. from criminal responsibility under Article 309, part 4 of the CC of Ukraine (due to his successful medical treatment from his addiction). On the same day A. was released from criminal responsibility.

The prosecutor appealed.

On 3.07.2018, the court hearing was postponed due to the leave of a member of the panel.

On 9.10.2018, the court hearing was postponed due to illness of a member of the panel.

On 10.01.2019 the Kharkiv appeal court uphold the previous decision of the Leniniskyy district court from 14 March 2018 and refused the prosecutor on his appeal. Therefore Mr. A was released from criminal responsibility.

## Der-y case

The applicant, Mr Alexandr Vasylyevich Deriy, is a Ukrainian national, who was born in 1953, and is currently detained in Pervomayskiy, Kharkiv region, Ukraine.

On 27 December 2010 Chief of the "Zmiiv's regional hospital" Mr. Lysak M.P. actually eliminated stationary of the Byrky's district hospital by order № 408.

On 10 March 2011 the residents actually learned about the closure of the Byrky's district hospital when came to the building and saw that the entrance to the hospital was closed on the lock. No public hearings on the matter have been conducted.

On 25 June 2011 the Applicants filed a complaint to the Kharkiv District Administrative Court, which asked for a violation of their right to timely medical care and to open the hospital.

On 13 December 2011 Kharkiv district administrative court rejected the claim.

On 17 April 2012 Administrative Court of Appeal of Kharkiv region ordered the closure of the court of appeal proceedings in the case concerning the head doctor communal health "Zmiiv's regional hospital" on the grounds that the Head Doctor is not a person of public law. In another part of the proceedings was closed (relative inactivity of the Department of Health of the Kharkiv region). The Administrative Court of Appeal of Kharkiv region upheld the decision.

On 12 May 2012 the Applicants filed the cassation to the Supreme Administrative Court of Ukraine.

On 16 July 2013, Supreme Administrative Court of Ukraine made a decision of partial satisfaction of the requirements of the applicant and sent the case back to the matter of fact in Kharkiv District Administrative Court.

In October 2013 Kharkiv district administrative court delivers a judgment on the benefit of the plaintiffs. The court declared the actions of the Chief of the "Zmiiv's regional hospital" Mr. Lysak M.P. aimed at closing the Byrky's district hospital as an illegal. The court also declared inaction of the Department of Health of the Kharkiv region as an illegal.

In January 2014 The Administrative Court of Appeal of Kharkiv region upheld the decision.

In March, 2014 administrative proceedings started in the Executive Office of Ukraine. Lawyer of SLC sent a several statements to executive office, but received no response.

In 2016, the applicant filed a complaint about failure to comply with a court decision.

In 2019 the applicant signed an amicable agreement with the Zmiiv Regional council on providing subventions to the Merefa Regional council for providing for members of Byrky and Pervomayskiy setllement’s communes a possibility to have a proper treatment in Merefa hospital.

## Dr-dov case (criminal proceeding on Article 307)

On 26 October 2017 according to the decision of the investigating judge it was provided a search in the flat of Mr D. Policemen seizured three polymer bundles with fasteners in the middle with a white substance were removed, cash in the amount of 1641 UAH, electronic scales with layers of blue matter, a hat. On the same day Mr D. was informed of the suspicion of committing a criminal offense under Part 2 of Art. 307 of the Criminal Code of Ukraine and was detained.

On 27 October 2018 an investigative judge of the Chuguivskyi city court of the Kharkiv region decided to apply to Mr D. a preventive measure in the form of a detention for a term of 60 days.

On 23 November 2017 it was provided a forensic examination of materials of substances and products of total weight of 0.933 grams.

On 22 January 2018 a pre-trial investigation was ended. An indictment act was sent to the Chuguivskyi city court of the Kharkiv region.

In June 2018 a preliminary court hearing has been held.

On 13 September 2018 the Court extended the term of the Mr. D`s pre-trial detention by one month.

On 11 October 2018 the Court extended the term of the Mr. D`s pre-trial detention by 60 days.

On 19 November 2018 the lawyer of SLC submitted a motion on a changing of the preventive measure from the pre-trial detention to a home arrest to the Court. The Court refused this motion.

07 December 2018 the Court extended the term of the Mr. D`s pre-trial detention by 60 days.

On 29 January 2019 the court has prolonged the term of detention related D to 60 days.

On 22 March 2019 the SLC lawyer submitted a motion on changing of the preliminary measure from detention to house arrest.

On 28 March 2019 the court has prolonged the term of detention in 60 days.

On 16 May 2019 the court had changed the preliminary measure from detention to house arrest.

## M.I. case

Russian citizen M.I.. resides in Ukraine since 2013. Before he left Russia in 2012 he was systematically persecuted by state authorities due to his religion, as he is Muslim (Sunni) and ethnicity (as he is Chechen).

In 2014, after Crimea annexation, M.I. had to relocate firstly to Vinnitsa, then to Zaporizhya region. Here, M.I. actively participated in Voluntary movement of Ukrainian defenders, in particularly acted as a volunteer in the International Peacekeeping Battalion named after Isa Munayev and militia organization «Asker» in 2014-2016.

In 2015 Russian law enforcement agencies started a criminal case against M.I., accusing him under Article 208 Para 21 of the Criminal Code of Russian Federation (participation in armed formations in foreign country), he was named in the search list inside Russia and as well in the Interpol search list.

On 14Jan2016 he was arrested in Zaporizhya region by Security Service of Ukraine (SSU) officers. Until 17Feb2017 M.I. was detained in Zaporizhya pre-trial detention facility (SIZO) under extradition arrest.

While been detained and being afraid for his life as well as of tortures and ill-treatment in case of his extradition to Russia, M.I. applied to State Migration Service of Ukraine (SMS) in order to be recognized as a refugee or a person in need of complimentary protection. SMS rejected him in recognition in October 2016, then this rejection was appealed to the Circuit Administrative Court of Kyiv city (CACK) by previous attorney. CACK in its decision dated 04Dec2017 fully rejected the claim of R.M. Previous attorney submitted appeal on 20Feb2018 after she received full text of the decision.

Strategic Litigation Centre (SLC) attorney was involved on the stage of appellate consideration.

The case was appointed for appellate review initially on 21Mar2018. During the meeting, which on its own initiative was visited by Member of Parliament of Ukraine (MP) R. Chubarov and journalists of several TV channels and editions, among them «Espresso» and «ATR», the Kyiv Appellate Administrative Court (KAAC) required the obligatory participation of Russian-Ukrainian despite of the fact that during consideration of M.I.'s application in the SMS and consideration of his case in the 1st instance court, the plaintiff was not provided with an interpreter because he understands Ukrainian. Because of this matter, the case was postponed until 17.04.2018.

On 17Apr2018 SLC attorney provided Russian-Ukrainian interpreter, and MP R. Chubarov and journalists of the «Espresso» and «ATR» TV channels, as well as other journalists again visited the trial. The presiding judge interrupted the SLC attorney half-word at the time of his explanations and announced a break until 24Apr2014. without any explanation.

On 24Apr2018, in a trial, where the MP and journalists were again present, the presiding judge after some dispute allowed SLC attorney to finish his explanations, grounded firstly on necessity to consider the case in view of M.I. been a refugee sur place and secondly on comparison of this case with case of R.M. mentioned in another report. As a result of the appeal, KAAC issued its own decision that quashed the ruling of the court of first instance and satisfied M.I.'s claim partially acknowledging SMS rejection as arbitrary and quashing it, obliging the SMS to reconsider his application.

Then, SMS submitted cassation appeal to Cassation Administrative Court of Supreme Court (CACSC), but it was declined on the ground that it was signed by not authorized person.

At the same time SMS Department in Dnipropetrovsk region started to reconsider the case in June 2018.

On 18June2018 SLC attorney sent an attorney request in order to clear up the stage of reconsideration procedure.

On 20 September 2018 Mr. M.I. received the decision on refusal to give him refugee status.

On 5 October 2018 this decision was appealed to the circle court. On 10 October 2018 the circle court returned the complaint because of the lack of contract between M.I. and SLC lawyer. On 25 October 2018 the SLC lawyer appealed.

On 19 November 2018 the court of appeal temporary terminated the appeal claim because of the lack of contract.

On 30 November 2018 the SLC lawyer explained to the court that it is enough to have warrant of attorney to represent a client at the court.

On 13 December 2018 the Court of Appeal left the appeal without consideration. The SLC lawyer lodged a cassation appeal to the decision of the Court of Appeal.

On 25 February 2019 the Supreme Court dismissed the decision of the Court of Appeal concerning the returning of the appeal and sent the case file to the Court of Appeal.

On 17 April 2019 the Court of Appeal set aside the decision of 10 October 2018 and remanded the case for a new trial.

On 05 June 2019 the Circuit Court left a complaint without consideration.

## Koz-v case

Mr. K, was born on 05 March 1947.

On 07 July 2018 he went by bus from city of Krasnodon, Luhansk region (the occupied territory) to city of Kharkiv.

By bus driver’s testimony the bus arrived to Kharkiv in the evening on 07 July 2018, by testimony of bus passenger – on 08 July 2018. After that Mr. K hasn’t gone in touch.

On 07 July 2018 a son of Mr. K notified Zhytomyrskyi District Police Office by phone about Mr. K disappearance.

Zhytomyrskyi District Police Office registered an application about Mr.K disappearance and entered the data to the Unified Register of Pre-Trial Investigations. The criminal proceeding was taken on preliminary qualification as a murder.

On 08 July 2018 a brother of Mr. K filed an application №13406 to Osnovianskyi Police Office in the city of Kharkiv.

On 12 July 2018 a daughter of Mr. K filed an application about Mr. K disappearance to Donetsk Police Office in Rostovska region in Russian Federation.

On 17 July 2018 she was notified by Donetsk Police Office that Mr. K entered the Russian territory but didn’t leave it. In ten days there was a notification delivered about closing a case without any explanation.

On 16 August 2018 a daughter of Mr. K Mrs. P filed a criminal complaint to Kholodnohirskyi District Police Office in the city of Kharkiv. She was notified by phone that the complaint was transferred to line division of station "Kharkiv- Pasazhyrskyi".

The SLC lawyer lodged numerous requests and according the case file of the pretrial investigation Mr K. is located on the territory of the Russian Federation in the city of Rostov-na-Dony but his exact location has not yet been established.

On 11 April 2019 the Department of Ministry of Interior of Russian Federation in Rososhanskyi district in the city of Rostov-na-Dony informed that there the corpse of a man was found. Later, it was established that it was the corpse of Mr K.

## Lesno-kiy case

On November 2017, policemen of the Chuguev Police Station beat and tortured Mr. L. to get confessions on committing a Brigandism.

On 22 November 2017, the policemen of the Chuguev Police Station detained Mr. L.

on suspicion of committing a crime under Art. 187 of the Criminal Code of Ukraine (Brigandism) and he was transferred to a police detention facility.

On 22 November 2017, Mr. L. was examined by a doctor in the police detention facility. During the examination, numerous injuries and a burn of a hit were found on Mr. L`s body. Mr. L explained that he was injured by police officers of the Chuguev Police Station.

On 20 April 2018 after, Mr. L.`s appeal to the ombudsman, an investigator of the Prosecutor Office of the Kharkiv region opened criminal proceedings on a fact of the abuse of power by police officers of the Chuguev Police Station under Art. 365 of the Criminal Code of Ukraine.

On 6 July 2018 the investigator of the Prosecutor Office denied recognizing Mr. L. as a victim of the crime.

The SLC lawyer filed a lawyer`s request to a medical center of the detention center on obtaining copies of medical documents concerning the injuries of Mr. L.

On 24 October 2018, after obtaining the medical documents SLC lawyer lodged a motion to the investigator of the Prosecutor Office on admitting as evidence these medical documents in the criminal proceedings and on a recognition of Mr. L. as a victim of the crime.

On 30 October 2018 the investigator of the Prosecutor Office denied recognizing Mr. L. as a victim of the crime.

The SLC lawyer appealed against the order of the investigator of the Prosecutor Office to the Court.

On 12 December the Chervonozavodsky Court quashed the order on a refusal to Mr. D. recognition of a victim of the crime.

On 8 January 2019 the SLC lawyer submitted a request on informing him about results of consideration of L’s request on victim status.

On 13 January 2019 the investigator has delivered a resolution on termination of the criminal proceedings. The SLC lawyer got it on 25 January 2019

On 5 February 2019 the SLC lawyer lodged a complaint to the court on such resolution.

On 12 March 2019 the court has granted the complaint and cancelled a resolution.

## Ma-mov case

Mr. Ma-mov lives in Kharkiv.

On 13 May 2015 Ma-mov was arrested on suspicion of drug-dealing. Two controlled purchases had been conducted in his case previously.

On 15 May 2015 an investigating judge chose a preventive measure in Ma-mov’s case – detention in custody.

Ma-mov applied to the SLC lawyer for legal aid.

The SLC lawyer many times filed grounded motions on changing of the preventive measure. However, they were not granted by the court.

The SLC lawyer lodged motions on questioning of the buyer in the court room. The court granted those motions; however, they were not carried out by the police. At the same time, the court refused to add the purchaser’s name in the wanted list.

The SLC lawyer lodged motion on requesting of secret documents. The court refused to grant it.

On 19 July 2016 Ma-mov was found guilty in drug-dealing.

The SLC lawyer lodged an appeal. The Court of Appeal of Kharkiv region cancelled the sentence due to absence of the purchaser’s interrogation tape. The case was passed for a new trial to the Kyiv district court.

The term of Ma-mov’s detention was prolonged for many times.

The SLC lawyer lodged a motion on changing of preventive measure. He grounded the motion with the ECtHR’s practice. However, it was not granted by the court.

On 12 January 2019 the court changed the preliminary measure for Ma-mov from detention to house arrest with electronic control.

On 16 April 2019 Kyiv district court in Kharkiv delivered a verdict and found his innocent in drug purchasing but found guilty in Illegal production, manufacture, acquisition, storage, transportation or transfer of narcotic drugs, psychotropic substances or their analogues without the purpose of sale.

The SLC lawyer appealed against the verdict in the part of finding Ma-mova guilty. Prosecution also submitted an appeal on cancellation of the verdict and sentencing of Ma-mov to seven years of imprisonment.

## M-yy case

A prisoner Mr. M-yy filed to the Circle administrative court in Kiev city a claim against the Central regional department of execution of punishment on cancellation of refusal to transfer his from another correctional colony for execution of punishment. M-yy wanted to execute punishment closer to his parents’ permanent residence.

On 19 June 2017 the Circle administrative court in Kiev dismissed the applicant to open proceedings. The court analyzed para 1,2, of Article 538 of the Criminal procedure code of Ukraine and Article 93 of the Penal code. The court noted that such claim had been related with execution of punishment and if so it should have been considered in criminal proceedings. M-yy appealed.

On 18 September 2017 the Kiev administrative court of appeal cancelled the decision of the trial court and returned the claim back.

In December 2017 the trial court started consideration but the hearing was postponed.

The court proceedings are pending.

In June 2018 the court decided to change type of proceedings on written.

On 19 October 2018 the trial court granted the applicant’s complaint and obliged the Ministry of justice of Ukraine to re-consider the applicant request.

On 19 December 2018 the Ministry of justice of Ukraine appealed to the Sixth appeal court.

On 19 February 2019 the court of appeal refused and upheld the judgement of trial.

On 25 March 2019 the Ministry of justice made a cassassion claim to the Supreme court.

The case is pending.

## Salni-va case

Mrs. S. ia resident of Amvrossiyivka in Donetsk region, has a child, who was born on 18.08.

From 2008 to 2012 she studied at the Kharkiv Humanitarian Pedagogical Academy (Kharkiv Humanitarian and Pedagogical Institute), Faculty "Preschool Education" in Kharkiv, on a full-time training course, at a budget cost. She received a bachelor's degree. During studying, she lived and was registered at the hostel. Upon admission to an educational institution, the administration of the academy concluded an agreement with her, according to which S. was obliged, after graduation to work at least three years in a specialty in the public sector of the national economy, that is, from 2012 through 2015, or to reimburse the funds for studying.

After graduation, since there were no vacancies in her hometown, S. according to the agreement was employed in the "Pre-school educational institution" of the communal property in Kharkiv. By that time and to date, she is registered in the city of Amvrosievka, Donetsk region.

From 2013 to June 30, 2014, S. studied under a contract at the Kharkiv National Pedagogical University named G.S. Skovorody, specialty "Preschool education" where she received a master's degree.

According to the order of the Antiterrorist Centre under the SSU of Ukraine of 07.10.2014, No. 33/6 / a, an anti-terrorist operation in the Donetsk region was started on 07.04.2014, that is when S. was registered in the city of Amvrosievka, Donetsk region. S. was not able to return to the residence therefore, was forced to stay in Kharkov.

In 2015, S. married and gave birth to a child.

In the maternity hospital, she was asked to provide a certificate, why does she give birth not at the place of registration. In this regard, she appealed to the Office of Labour and Social Protection of the People (UPPCU) for the certificate of registration of internally displaced persons. She was refused the issuance of the certificate on the grounds that she has lived in Kharkiv since 2008

Due to the lack of registration in the city of Kharkiv and due to the lack of a certificate of registration of an internally displaced person, with an indication of the address of the actual place of residence after the transfer, she could not normally serve in health care institutions and institutions, to hand over a minor son to a pre-school institution in Kharkiv, and so on. Therefore, in order to protect her rights and rights of her child, on 06.12.2016, S. again appealed to the UPPUU for issuing a certificate of taking on the account of the internally displaced person. Such a certificate was issued to her. Upon issuance of the certificate, the UPPCU employee informed her that she was entitled to monthly targeted assistance. Therefore, S. was applied for such assistance. During the period from January 19, 2017 to July 18, 2017, she was paid such assistance.

On July 19, 2017, the UPPUU stopped paying and cancelled the certificate of taking internally displaced persons without explanation. Only on January 2, 2018, a letter was sent from the notice of the decision to cancel the certificate and termination of payments.

On January 26, 2018, S. was brought to suspicion under Part 1 of Art. 190 of the Criminal Code of Ukraine. The preventive measures to S were not chosen.

On January 31, 2018 at the request of S. the case was joined by the lawyer of the USSR.

The criminal proceedings were directed to the Ordzhonikidzevsky District Court of Kharkiv with an indictment.

February 16, 2018, a preliminary court session was appointed. The trial was postponed due to the absence of a representative of the victim. On March 13, 2018, the court session was postponed due to the employment of a judge.

On April 13, 2018, a preparatory meeting took place.

The SLC lawyer sent motion to the places of study and work of S. Requested the Agreement on work outs, and so on. Answers received for requests.

On May 21, 2018, a representative of the victim and the accused was questioned in the court. The court session was postponed for the summoning of witnesses.

On 16.07.2018, the court hearing was postponed due to the judge’s business. The next hearing was scheduled for 06.08.2018.

On 06.08.2018, the court hearing was postponed due to the absence of the witness. The next hearing was scheduled for 27.09.2018.

On 27.09.2018, the court hearing was postponed because the judge had been in a deliberation room.

The next hearing was scheduled for 25.10.2018.

On 25.10.2018, the court hearing was postponed because the judge had been in a deliberation room.

The next hearing was scheduled for 26.11.2018.

On 26.11.2018, the court hearing was postponed due to the absence of the witness. The next hearing was scheduled for 10.12.2018.

On 10.12.2018, the court hearing was postponed due to the illness of the judge. The next hearing was scheduled for 14.01.2019.

On 14 January 2019 the witness was examined in the court hearing, the written evidence was examined. The court rejected to add the judgment of Kharkivskyi Circuit Administrative Court to the case-file because it didn’t come into force.

On 21 February 2019 the court hearing was postponed due to the illness of lawyer.

On 20 March 2019 the court consideration was postponed due to presence of the judge in a counselling room.

On 22 April 2019 the Court granted a motion and held to add the Kharkivskyi Circuit Administrative Court’s judgment and adjudication of Second Court of Appeal to the case-file. A prosecution party was given a time to familiarize with the case-file. The next court hearing was appointed on 29.05.19.

On 29 May 2019 an indictment was pronounced in which Mrs. S was found guilty in committing a fraud and was sentenced to a fine which was paid in the income of the country. The pecuniary damage was also levied.

The appeal was lodged to Kharkiv Court of Appeal concerning the judgment of Ordzhonikidzevskyi District Court from 29 May 2019.

The case is still pending.

## Sa-ka case

Mr. S is a prisoner who suffered from oncology disease in particular his diagnosis is thyrophyma.

On 20 November 2018 the SLC lawyer asked a medical facility for prisoners to immediately provide Mr.S with medical treatment.

On 9 January 2019 in civil medical facility Mr.S go a surgery.

On 28 January 2019 the SLC lawyer familiarized with the medical documents.

## Sh-n case

Mr. S. is a citizen of Russian Federation (RF). He was born in Moscow. On 29 July 2015 and on 27 October 2016 he was twice rejected by State Migration Service of Ukraine (SMS) on granting him refugee status or a status of person in need of additional protection. In the motion he referred to his Russian citizenship and impossibility of returning to the country of origin due to a fear of being a victim of discrimination and persecution because of his political opinion. He is a famous political activist and has taken part in a lot of protest campaigns. On 15 August 2014 in the social network Facebook on his own page he shared the

journalist's material and added an emotional comment to it. On 30 September 2014 a senior investigator of Kuntsevskyi District Police Station of West Administrative District of General Investigation Department in RF Kryvovyi A.M. took criminal proceedings what became the reason for leaving the territory of RF.

The SMS didn’t check the consequences of returning to RF for Mr. Sh who is one of the most famous Russian opposition bloggers and pro-Ukrainian activists.

A lawyer of the SLC independently submitted numerous documents for confirmation of non-compliance of human rights in RF, human rights violation during the pre-trial investigation, inhuman treatment of law enforcement authorities to Russian citizens and foreigners. However, neither at the first examination nor in the second the above documents weren’t taken into account.

On 30 November 2016, with the help of SLC lawyer Mr. Sh applied to the Kyiv Administrative District Court with an administrative suit in which he asked to cancel the SMS refusal on granting him refugee status or a status of person in need of additional protection and obligate SMS to grant him the above status.

31 October 2018, Kyiv Administrative District Court granted Mr. Sh-n’s claim, canceled the SMS decision to refuse on granting th refugee status and obligated SMS to grant the refugee status to Mr. Sh.

On 19 March 2019 Sixth Administrative Court of Appeal held a decision to reject the appeal of SMS.

For the time being, SMS is deciding which exact kind of protection Mr. Sh needs – the refugee status or the status of a person who needs an additional protection.

SMS didn’t lodged a cassation appeal.

## S-kin case

Mrs. S is a citizen of the Russian Federation. She moved to Ukraine with her husband Mr.B who in 2014 was passing a military service in the volunteer battalion "Sviata Maria" and defended the integrity and sovereignty of Ukraine from the Russian Federation(RF).

05 May 2016 Mrs. S filed a motion to State Migration Service of Ukraine (SMS) on granting her refugee status or a status of person in need of additional protection. She has noticed that she can’t return to the country of origin due to the probability of being subjected to physical pressure, criminal and political persecution for her husband's participation in hostilities against Russian aggression as a member of Ukrainian volunteer battalion "Sviata Maria". At the moment of filing the motion she was legally in the territory of Ukraine.

02 December 2016 SMS dismissed the motion of Mrs. S.

Earlier, on 16 September 2015 and 2 November 2015, The Desnyanskiy District Court of Chernigov and the Kiev Administrative Court of Appeal delivered decisions where established threat of further residence of Mrs. S in Russia.

On 10 January 2017, Mrs. S lodged a complaint on decision of SMS to the Court but the District Court denied the complaint. The Court argued that the documents of passaging the service by Mr. B are doubtful because of a report of SMS that stated about contraries in dates and authorities that provided these documents. However, in the court a lawyer of the SLC has provided all the documents with negated the above argumentation (new confirmation of the service and instructions from the command battalion of a technical mistake at the first certificate of service). The lawyer of the SLC prepared an appeal complaint against court decision.

20 March 2018 Kyiv Administrative Court of Appeal cancelled the decision of District Court. The Court of Appeal obligated SMS to make a decision on the granting of refugee status or additional protection to Mrs. S.

## S-n Di-lo case

Mr. S, a citizen of Guinea, was illegally present on the territory of Ukraine. Mr. S was arrested and there was a decision held to expel him out of Ukraine. The decision hadn’t been executed; thus, Mr. S was released from a centre of the maintenance of foreigners.

Then, Mr. S turned with an application concerning obtaining a certificate based on the fact that it was not expelled within the time limit set by the court. The application wasn’t granted.

On 24 February 2019 the decision of refusal in granting the application was appealed to the Circuit Court.

On 22 April 2019 the Court overturned a decision of State Migration Service of Ukraine and obliged it to provide a certificate for a temporary residence in Ukraine of Mr. S.

On 02 July 2019 the Court of Appeal refused the appeal of State Migration Service and upheld an adjudication of the trial.

## Yer-nko cse

Mr. Ye is accused of committing of intentional destruction or damage to property of citizens.

In accordance with prosecution’s version, while on 14 January 2019 Mr. Ye. was in the territory of the Kiev Pechersk Lavra he burnt the paper in a room. As a result, a fire in the Lavra occurred. Mr. Ye was detained by police near the scene of crime.

Mr. Ye is a drug user who also suffered from the epilepsy.

In accordance with Mr. Ye’s version, around 14 o-clock he drank about 200 ml. of alcohol and took several pills "Methadone"

Being drunk Mr. Ye was going around the Lavra and speaking with acquaintances. Then he saw a crowd and some fire trucks. When he came closer, he determined that in a building near the Lavra was fire.

Being drunk Mr. Ye. had a huge desire to become a part of the events. He decided to tell strangers that he burnt the Lavra. He even gave an interview, when police finally came strangers pointed on Mr. Ye and retold his commitment. Mr. Ye was detained and transported to the Pecherskyy police station.

Mr. Ye recovered consciousness in police. He was handcuffed. Mr. Ye did not understand where and for what reasons he stayed. Talking with a policeman he determined that he has already pleaded his guilt on committing a crime. Mr.Ye started to explain that he could not do that because he was religious, worked in the Lavra. When policemen understood that he refused to plead his guilt further they started to threaten him by physical violence. Then Mr. Ye. was tortured for a long period of time.

On 15 January 2019 Mr. Ye was noticed of suspicion on committing a crime and on 17 January 2019 the preliminary measure in the form of detention was applied to him.

In the first three days after Mr. Ye’s detention there were conducted more then 40 investigative actions. In particular an investigator conducted a crime-scene examination, interrogated witnesses, conducted an identification.

On 15 April 2019 Mr. Ye was released.

The SLC lawyer used weaknesses in the criminal proceedings and disrupted a court meeting. In the lack of court decision Mr. Ye was released.

Nowadays several forensic examinations were scheduled. Waiting for them Mr. Ye tries to take a course of medical treatment against drug addiction, he got psychiatric care, restored lost documents and found a job.

## Zel-ka case

Ms. Z was born on 5 September 1995 in Cherkasy city, and it is confirmed with the birth certificate. For many years, she had the permanent residence in Kharkiv and this fact is also confirmed by the certificate of the Kharkiv city children’s hospital and the secondary school certificate as well as another valid documents. Ms. Z. repeatedly applied to the State Immigration Service of Ukraine to get Ukrainian citizenship due to his territory origin in accordance with the Law of Citizenship in Ukraine. Since 1996 Ms. Z’s parents have lived in Kazakhstan.

In March 2017 Ms. Z. asked the SLC lawyer to provide her with legal aid.

On 2 March 2017 the SLC lawyer prepared an application to the regional department of the State migration service in Kharkiv city on getting the citizenship. In its response, the department sent the its letter with interpretation of national legal rules.

On 20 April 2017 the SLC lawyer lodged a request to the Kazakhstan Embassy in Ukraine whether Ms. Z. had citizenship of Kazakhstan.

On 12 January 2018 the SLC lawyer got an official letter from the Embassy of Kazakhstan in Ukraine according to which Ms. Z. had been never registered in the Kazakhstan national database of citizens.

On 16 March 2018 the SLC lawyer on behalf of Ms. Z. sent a request to the head of the State Migration Service of Ukraine.

In May 2018 the SLC lawyer received a formal reply which clarified Ms. Z right to apply to a territorial department of the State Migration Service of Ukraine.

On 20 June 2018 the SLC lawyer lodged an application to the Office of the State Migration Service in the Kharkiv region on getting Ukrainian citizenship due to her territory origin with an exhaustive list of documents according to Ukrainian legislation.

In September 2018 the Office of the State Migration Service in the Kharkiv region reversed the application with documents to the SLC lawyer without any response on the matter of the application.

In December 2018 the SLC lawyer lodged an administrative claim to Kharkivskyi Administrative District Court on recognition of the Office of State Migration Service’s in the Kharkiv region actions as unlawful and to obligate this state body to take actions on the acceptance of Ms Z.'s documents on the acquisition of Ukrainian citizenship.

On 06 May 2019 Kharkivskyi Administrative District Court granted partially the claim of the SLC lawyer. The Court found actions of the Office of State Migration Service’s in the Kharkiv region unlawful and obligated it to accept Ms. Z's application documents on the acquisition of Ukrainian citizenship.

On 20 June 2019 the Office of State Migration Service’s in the Kharkiv region lodged an appeal regarding the Court’s judgment. The appeal proceedings are pending.