



European Court of Human Rights found a violation of the European Convention of Human rights regarding the complaints of the demonstrators and journalists injured

on 20, 2019

On May 7, 2024, the European Court of Human Rights recognized the state as a violator of the European Convention of Human Rights regarding the complaints of citizens (the case of 26 persons) injured during the anti-occupation demonstration on June 20-21, 2019.

GYLA alongside with its partner organization – European Human Rights Advocacy Centre (EHRAC) applied to the European Court of Human Rights on April 7, 2021 on behalf of 22 persons. Among them, there are 10 persons enjoying the rights of peaceful assembly, 11 media representatives and one person, accidentally found in the epicenter of the events.

In the submitted complaints, the applicants claimed the breach of the following articles of the European Convention: Article 3 (prohibition of torture), Article 10 (freedom of expression – solely in the case of media representatives), Article 11 (freedom of assembly and association – only in the case of demonstrators), and Article 13 (Right to an effective remedy).

GYLA thoroughly studied the events of June 20-21, 2019, obtained evidence and stated before the European Court of Human rights that the following violations had occurred:

- the disproportionate and illegal use of special means;
- ill-treatment during the detention and subsequent period;
- interference in journalistic activities;
- the ineffectiveness of the investigation – which in turn includes:
 1. refusal to grant the procedural status of a victim and ineffective involvement of the victims in the investigation;
 2. drawing out of obtaining the conclusions of the medical examination;
 3. failure to conduct necessary investigative procedures;

4. incorrect qualification of committed crimes;
5. impunity of criminals.

In addition to the above-mentioned violations, in the cases of June 20-21, 2019 the problems related to the legislative regulations of active special means were also highlighted: namely, the legislative framework regarding the use of active special means (including rubber bullets), for the addressees to this provision, does not establish with strict precision in which cases, when and to what extent it is possible to use force.

The European Court of Human Rights shared GYLA's arguments and found a violation of Article 3 of the European Convention on Human Rights (prohibition of torture) in the case, accordingly the court ordered the state to pay a total of 153,600 euros in favor of the applicants.

The court noted that the state did not conduct an effective investigation, which is why it ordered the government to conduct an investigation, and in relation to the other articles, it was stated that violations based on the principle of subsidiarity will be assessed after conducting the investigation.

The court noted the following:

- after four and a half years since the opening of investigation, it has not reached any conclusions yet (paragraph 217);
- the state did not properly assess the issue of the responsibility of the superiors, despite the fact that it was explicitly stated in the recommendations of the Public Defender (paragraph 220);
- according to the court [] decision, the state did not carried out a systematic analysis of the events (paragraph 221);
- there is no official complete report on the chronology of events and on the operation of dispersing the demonstration, which would make it possible to avoid similar violations in the future (paragraph 222);
- it is the duty of the state to ensure that during such a large-scale police operation the identification of officers suspected of ill-treatment is possible [...] law enforcement

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officers responsible for the maintenance of law and order and arrests should be required to wear some distinctive insignia, such as a warrant number (paragraph 223).

The decision of the European Court of Human Rights identifies the systematic problems that are manifested during the forcibly dispersing of demonstrations by the state. As a result, it becomes clear that the state still does not have an effective, human rights-oriented, management policy for demonstrations, which requires an immediate systemic response and correction.