

Численні порушення прав під час протестів Майдану в Україні

У сьогоднішніх рішеннях¹ Палати у справах Шморгунов та інші проти України (*Shmorgunov and Others v. Ukraine*, заяви № 15367/14 та 13 інших), Луценко та Вербицький проти України (*Lutsenko and Verbytskyi v. Ukraine*, заяви № 12482/14 та № 39800/14), Кадура та Смалій проти України (*Kadura and Smaliy v. Ukraine*, заяви № 42753/14 та № 43860/14), Дубовцев та інші проти України (*Dubovtsev and Others v. Ukraine*, заяви № 21429/14 та 9 інших) та Воронцов та інші проти України (*Vorontsov and Others v. Ukraine*, заяви № 58925/14 та 4 інших) Європейський суд з прав людини постановив, одностайно, що мали місце:

інка порушень статті 3 (заборона катування та нелюдського чи такого, що принижує гідність, поводження) Європейської конвенції з прав людини,

інка порушень статті 5 §§ 1 та 3 (право на свободу та особисту недоторканість),

інка порушень статті 11 (свобода зібрань та об'єднань),

порушення статті 2 (право на життя), та

порушення статті 8 (право на повагу до приватного і сімейного життя)

Ці справи стосуються подій, які пов'язані з протестними акціями Майдану у Києві та інших містах України і які, зокрема, включають випадки силових розгонів протестувальників, їх затримання, викрадення активістів та неналежного поводження з ними, та відповідних проваджень. Щодо всіх заявників були вчинені певні дії правоохоронцями або ж недержавними агентами (тітушками), які були під контролем правоохоронців. Заявники поскаржились, серед іншого, про неналежне поводження з боку правоохоронців, порушення їх права на протест, необґрунтоване тримання під вартою, та у одному з випадків навіть позбавлення життя.

Суд встановив, зокрема, що владні органи умисно застосовували жорстоке поводження та що держава була відповідальна за вбивство одного із протестувальників. Суд також зауважив, що багато з рішень про тримання під вартою були свавільними. Він дійшов висновку, що владні органи умисно намагались завадити початково мирним протестам, використовуючи для цього надмірне насильство та незаконні затримання.

Загалом, Суд виявив ознаки того, що встановлені порушення були частиною певної стратегії владних органів. Він також встановив, що офіційні розслідування стосовно цих подій у багатьох випадках були неефективними.

Основні факти

38 заявників у цих п'ятих справах є громадянами України та один заявник є громадянином Вірменії (додаткова інформація міститься у відповідних рішеннях). Всі вони були присутніми у місцях проведення протестних акцій Майдану або ж відігравали певну роль у цих протестах.

¹ Відповідаю до статей 43 та 44 Конвенції, ці рішення не є остаточними. Протягом трьох місяців з моменту випускних цих рішень, будь-яка із сторін може звернутись із клопотанням про передання справи на розгляд Великої Палати Суду. Якщо таке клопотання буде подано, колегія у складі п'яти суддів вирішуватиме, чи справа заслуговує на подальший розгляд. У випадку прийняття рішення про подальший розгляд, Велика Палата слухатиме справу та внесе остаточне рішення по ній. Якщо у задоволенні клопотання про передання справи на розгляд Великої Палати буде відмовлено, рішення Палати набуде статусу остаточного у той же день.

Якщо рішення став остаточним, воно передається до Комітету Міністрів Ради Європи, який здійснює нагляд за його виконанням. Подальша інформація стосовно процесу виконання рішень Суду міститься тут: www.coe.int/t/UDHR/monitoring/execution.

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