

Memorial considers Crimean participant in the Kiev Euromaidan Alexander Kostenko a political prisoner

Resident of Simferopol Alexander Kostenko, who previously served in the head office of the Ukrainian Interior Ministry in the Autonomous Republic of Crimea and participated in the Euromaidan in the Ukrainian capital Kiev, was sentenced on a charge of committing a crime envisaged under point “b” of part 2, article 115 (“Deliberately causing a slight injury to health, provoking temporary harm to health, committed for motives of ideological hatred or enmity”), and part 1, article 222 (“Illegal possession and carrying of a firearm and ammunition”) of the Russian Criminal Code, to four years and two months of imprisonment in a general-regime colony in a fabricated case. Formally in custody since February 6, 2015.

This criminal case is part of a political and informational campaign that has been conducted by the Russian authorities against Ukraine and supporters of the Euromaidan since the change of government in Kiev in February 2014. In this case it is absurd to charge someone with a crime supposedly committed by one citizen of Ukraine against another citizen of Ukraine on the territory of Ukraine.

Kostenko is accused of a minor crime envisaged under point “b” of part 2, article 115 of the Russian Criminal Code (allegedly throwing a stone and hitting a policeman in Kiev Mariinskiy park on 18/02/2014), which even if relevant, could not be aimed “against the interests of the Russian Federation or a citizen of the Russian Federation or a non-citizen residing permanently in the Russian Federation”. According to the materials of the case, the crime was started and finished on February 18, 2014, when both the accused and the “victim” were citizens of the Republic of Ukraine and were in its capital. Obviously there is no possibility that Kostenko’s criminal prosecution could be based on any kind of agreement signed by the Russian Federation.

Besides Kostenko’s evidence in the stage of the preliminary investigation, which was most likely obtained under torture, the evidence of witness “Stepa” was made secret without any basis (he said, in particular, that “Kostenko A.F. told him that in the basement of the Kiev city administration of the ‘Gestapo’ he tortured and killed people, both civilians and police”), in the absence of any substantive proof (no implements of the crime or photos/video that could incriminate Kostenko in any way, or results of forensic expertise), the guilt of the accused is confirmed only by evidence from former Berkut employees who switched to serving in the Russian police and have a clear interest in convicting Kostenko. Neither in the sentencing or in the charging documents was there any description of Kostenko, from which many months later he was successfully “identified” by a number of employees of the Crimean police; the evidence didn’t even mention what clothes the accused was wearing on

February 18, 2014. The charge under part 1, article 22 of the Russian Criminal Code was similarly fabricated, and the sawn-off shotgun was most likely planted during a search.

The case of Alexander Kostenko is part of a campaign of persecution of pro-Ukrainian activists that has been launched in Crimea since it was annexed to Russia in March 2014. The politicisation of the process highlights the fact that the charge of committing two minor crimes was supported in court personally by the prosecutor of the Republic of Crimea, Natalya Poklonskaya, and in the stage of preliminary investigation the case was taken from the examination department and transferred to the head office of the Russian Investigations Committee for the Republic of Crimea by order of the prosecutor. Both the content and style of the motive section of Kostenko’s sentence are characteristic: “In the period from November 2013 until February 18, 2014... Kostenko A.F., who was informed about events in the city of Kiev, Ukraine, the riots aimed at an illegal, violent overthrow of the constitutional order of Ukraine and the bodies of executive power of the time, was a member of a

Ukrainian radical nationalist political party – the Svoboda national organisation, with the aim of fomenting armed resistance against employees of the law-enforcement bodies, came to Independence Square in the city of Kiev, Ukraine, where barricades had been erected.”

The charge under part 1, article 222 of the Russian Criminal Code is similarly fabricated,

and the sawn-off shotgun was most likely planted during a search. During the investigation it became clear that witnesses had not seen the appearance of the weapon, and there were also other serious violations during the search.

There are serious grounds to believe that Kostenko was subjected to abduction and torture both on arrest and during his time in custody. On arrest his arm was broken and other bodily injuries were inflicted on him. Later, according to him, he was subjected to systematic physical and moral pressure from prisoners, associated with the administration of detention centre 1 in the city of Simferopol - they tried to force him to admit his guilt and make him cooperate with Russian security services.

The Memorial human rights centre considers it essential to immediately release Alexander Kostenko from custody, to re-examine the sentence and to bring the persons responsible for this fabricated case to justice.

Recognising a person as a political prisoner does not mean that the Memorial Human Rights Centre agrees with the views and statements of the persons recognised as political prisoners, and neither does it mean approval of their statements or actions.

[More detail on the case of Alexander Kostenko](#)