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EASTERN UKRAINE

Civilians caught in the crossfire

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A pro-Russian rebel patrols in a residential area of Donetsk's Tekstilshik district, February 4, 2015.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	4	PART II	
		CATEGORIES OF CIVILIANS TARGETED	25
INTRODUCTION	7	A. Civilians targeted in LPR/DPR-controlled territories	25
		1. Pro-Ukrainian activists	25
		2. Civilians providing humanitarian aid in conflict zones	27
		3. Journalists	28
		4. Civil servants and State representatives	29
		5. Businessmen	31
		6. Local and foreign NGO representatives	32
		7. Religious authorities	32
		8. Minorities, in particular Roma	33
		B. Civilians Targeted in Ukraine-controlled territories	34
		1. Perceived pro-LPR/DPR combattants	34
		2. Civilians presumed to be wealthy or able to pay a ransom	34
PART I		PART III	
VIOLATIONS AGAINST CIVILIANS IN UKRAINE:		THE MULTIPLE FACES	
GENERAL FRAMEWORK AND PERPETRATORS.		OF HUMAN RIGHTS VIOLATIONS	35
THE PARTICULAR INSECURITY OF CIVILIANS	12	A. Arbitrary detention and captives	35
		1. Arbitrary detentions by LPR/DPR groups	35
		a) A widespread phenomenon	35
		b) Chronology of captive taking	37
		2. Arbitrary detention and captives held by the Ukrainian side	38
A. Uncertainty of the enemy profile	12	B. Torture and ill-treatment	40
1. Distinguishing between civilians and combatants: the challenge	12	1. On the LPR/DPR side	40
2. Suspicion of collaboration with the enemy	13	2. On the pro-Ukrainian side	44
3. Ideology and war propaganda also target civilians	13	C. Extrajudicial, summary and arbitrary executions	45
		1. On the LPR/DPR side	45
		2. On the pro-Ukrainian side	46
B. Civilians subjected to rules for combatants	14	D. Lack of investigation on government controlled areas	50
1. Persecution of civilians during combatant seizure of control over territory	14		
a) Violent dismissal of non-loyal authorities and business actors	14	CONCLUSION: URGENT NEED FOR THE PROTECTION OF CIVILIANS AND ACCOUNTABILITY	51
b) Settling of scores between competing groups	15		
c) Civilians persecuted for violating “administrative” rules imposed by combatants	15	RECOMMENDATIONS	54
d) Resolution of private disputes by violent means	16		
		ANNEXES	59
C. The diversity of combatants endangers civilians	16		
1. Actors on the s.c. LPR/DPR side	16		
a) Links between persons acting in Crimea and s.c. LPR/DPR	16		
b) Local armed groups	17		
c) Non-local armed groups	18		
d) Coordination and conflicts	20		
e) Cooperation of local power institutions	21		
2. Actors on the pro-Ukrainian side	21		
a) A multiplicity of actors	21		
b) Pro-Ukrainian forces abuses: no longer a taboo issue?	22		

EXECUTIVE SUMMARY

Not only are civilians in the Donbas region of Eastern Ukraine caught in the crossfire of various warring factions, but they are further being specifically targeted by combatants. Nearly a year and a half of this conflict has seen serious violations of international human rights law, including extrajudicial executions, enforced disappearances, arbitrary and secret detentions, and acts of torture and ill-treatment, committed by a plethora of armed groups.

It is crucial that these crimes do not go unpunished. Ukraine has a responsibility under its international obligations to investigate, prosecute and punish those responsible for such international crimes, and to provide reparation to victims. Several cases have already been brought before domestic jurisdiction regarding crimes perpetrated by pro-Ukrainian volunteers. However, there seem to be no domestic proceedings concerning crimes perpetrated by forces operating under the auspices of the so-called LPR/DPR to date. Moreover, it is difficult to establish whether any investigation has been made into crimes committed by the Ukrainian military.

The acceptance by the Ukrainian authorities of the competence of the International Criminal Court (ICC) for crimes committed since November 2013 – an extension to the Court's jurisdiction, which had thus far been limited to the Maidan events – is an opportunity for a new deal and brings hope that actions that could be qualified as war crimes and crimes against humanity under the international humanitarian law will be investigated.

REPORT'S FOCUS AND OBJECTIVES

This report focuses on the most serious human rights violations committed in Eastern Ukraine between May 2014 and August 2015. These are namely, arbitrary executions, enforced disappearances, kidnappings and arbitrary detention, torture and physical attacks. It is based on the findings of nine CCL monitoring missions (four in partnership with Russian human rights organization, Memorial; International Partnership for Human Rights; and Ukrainian Helsinki Human Rights Union). These missions were conducted during this period to areas regained by the Ukrainian army in both the Donetsk and Luhansk regions, as well as to IDP (Internally Displaced People) camps in Artemivsk, Soledar (Donetsk region) and Dnipropetrovsk.

FIDH conducted two missions to Ukraine in January and June 2015 to support CCL with the structuring and legal analysis of the testimonies and evidence collected.

The report provides a legal qualification of the crimes committed under international law and highlights the need for an independent and complete investigation into the crimes committed in Eastern Ukraine.

FINDINGS

In territories controlled by the so-called DPR/LPR, arbitrary detention and hostage taking is perpetrated in a widespread manner. Civilians are in constant danger of being arrested or taken captive by armed groups in control of these areas. Most arbitrary detention of civilians is motivated by political or disciplinary reasons. Hostage taking, on the other hand, is motivated by profit, and particularly targets wealthy civilians. Once arrested, these people are systematically subject to torture or ill-treatment.

Evidence collected by the CCL and its partners shows a high level of control and responsibility on the part of the Russian State in armed actions in the Donbas region. Collated cases show the direct involvement of the Russian military, which is evidenced in the testimony of prisoners who have come into contact with Russian officers, as well as the existence of Ukrainian prisoners of war who have been transferred to Russia for further questioning by the regular Russian army.

In territories controlled by Ukraine, similar crimes are perpetrated, though on a different scale. Civilians are likewise in danger of being arbitrarily detained by Ukrainian forces or volunteer battalions. Some of these battalions have been particularly responsible for grave crimes against civilians, including acts of torture and arbitrary executions.

Testimonies from victims and material evidence, such as blacklists, presented in this report, show that certain categories of civilian are specifically targeted by separatist armed groups. National and local civil servants, journalists, local and international NGO representatives, businessmen and religious authorities are particularly subjected to threats and persecution at the hands of fighters. There are also reports of some persons being persecuted by the pro-Ukrainian armed forces (both regular and irregular) for their alleged support of the enemy.

Taking into account the apparent inability of the Ukrainian authorities to investigate and prevent the serious crimes committed by the country's own armed forces or volunteers, as well as violations by actors on the so-called LPR/DPR side, the International Criminal Court (ICC) should open an investigation into such incidents.

On 8 September 2015, the Ukrainian government lodged a declaration under Article 12(3) of the ICC's Statute recognizing the Court's jurisdiction over alleged crimes committed on its territory since 20 February 2014. The ICC Prosecutor can now establish whether "there is a reasonable basis to believe" that crimes under the ICC's jurisdiction, such as war crimes and/or crimes against humanity have been committed in Ukraine since the November 2013, and whether to request the opening of an investigation into this situation.

Crimes against humanity are crimes committed as part of a widespread or systematic attack against a civilian population. In the conflict in Eastern Ukraine, the CCL and its partners have documented crimes of murder, imprisonment, torture, enforced disappearance and persecution on political grounds, all of which may constitute crimes against humanity under Article 7 for the Rome Statute. Indeed, preliminary evidence of incidents involving armed groups of the so-called DPR and LPR suggests these crimes may also form part of a policy to direct such attacks against the civilian population, consistent with the qualification of crimes against humanity.

War crimes are violations of international humanitarian law committed in an armed conflict of an international or non-international nature. Individual incidents may themselves qualify as war crimes. War crimes are of particular interest to the International Criminal Court when committed as part of a plan/ policy or a large-scale commission of such crimes.

Cases of killings, torture or inhuman treatment, the wilful commission of great suffering or serious injury to body, arbitrary arrest and detention, and the taking of captives in Eastern Ukraine may fall within the definition of war crimes under Article 8 of the Rome Statute. CCL and other observers have documented evidence consistent with these crimes from both sides. Further investigation is still required.

The ICC can investigate and prosecute any person allegedly responsible for international crimes committed in Ukraine since the start of the conflict. No status or nationality would prevent the ICC from acting against an alleged author of such crimes, irrespective of whether such persons are military personnel or volunteers, from the Ukrainian side or the so-called LPR/DPR side, or of Ukrainian or Russian nationality.

FIDH and CCL will continue to contribute to the ICC Office of the Prosecutor's preliminary examination of the situation in Ukraine and to advocate for the ratification of the ICC 's Statute by the Ukrainian authorities.

RECOMMENDATIONS

On the basis of the findings outlined in this report, FIDH and CCL have made specific recommendations urging the Ukrainian state authorities, the international community, and notably the EU, Russia and the ICC, to secure the protection of the civilian population in the conflict area and to ensure the full and impartial investigation of crimes committed in Ukraine since November 2013. A set of recommendations is provided at the end of this report.

FIDH and CCL call upon the "authorities" of the so-called LPR and DPR, and all groups fighting on their side or controlling their territories to acknowledge that all parties of an armed conflict are subject to international humanitarian and human rights law obligations. They are called upon to effect the immediate cessation of all targeted actions against civilians. This includes the termination of all acts of torture, ill-treatment, kidnapping, arbitrary detention, arbitrary execution, seizure of property and other forms of intimidation and illegal use of power, in the territories under their control. All parties are called upon to give unhindered and safe access to humanitarian aid, observers, NGOs and journalists.

INTRODUCTION

A. CIVILIANS CAUGHT IN THE CROSSFIRE

More than a year and a half since the dramatic Maidan events, the annexation of Crimea by Russia and the outbreak of war in Donbas, the human rights situation in Ukraine is worse than ever. In its report covering the period 16 May to 15 August 2015, the UN Office of the High Commissioner for Human Rights reported that at least 7,962 people have been killed and 17,811 injured, since the conflict began in eastern Ukraine in mid-April 2014.¹ The report notes that the number of civilian casualties occasioned by the conflict between May and August this year more than doubled in comparison with the previous three months² despite a ceasefire negotiated between the parties on 16 February 2015. As of the end of September 2015, fighting had largely stopped, however.³

The use of heavy weapons in densely populated zones, the damage caused to property and basic infrastructure, an acute shortage of food, medicine and other basic supplies, and uncertainty about the conflict's duration and outcome, has seen around 1.5 million civilians forced to flee the conflict zone.⁴ The roughly four million people that remain are in need of urgent assistance in terms of access to safe drinking water, food, medical supplies and other essential items.⁵ The humanitarian situation of these people has been further exacerbated by shifting control over the territory between the two sides to the conflict as this directly affects civilians' ability to access humanitarian aid. Furthermore, the work of humanitarian organisations is also affected by the multiplicity and opacity of those actors involved in violence.

The complex nature of the conflict has not only severely affected the livelihoods of people living in the conflict area, but has also aggravated their human rights situation. Serious violations of international human rights law, notably extrajudicial executions, enforced disappearances, arbitrary and secret detentions, and acts of torture and ill-treatment, are all being committed by a plethora of armed groups on both sides of the conflict.

Testimonies from victims and material evidence, such as blacklists, presented in this report show that certain categories of civilians are even specifically targeted by separatist armed groups. National and local civil servants, journalists, local and international NGO representatives, businessmen and religious authorities are particularly subjected to threats and persecution at the hands of fighters.⁶ Some cases of persons persecuted by the pro-Ukrainian armed forces (military men or militias) for their alleged support of the enemy have also been reported.

These human rights violations are perpetrated with total impunity. Just as crimes committed by pro-Ukrainian forces were formerly taboo for national authorities, no justice is likewise rendered in separatist controlled-territories.

1. UN Office of the High Commissioner for Human Rights, Report on Human Rights Situation in Ukraine, 16 May - 15 August 2015, released on September 8, 2015, available at: <http://www.ohchr.org/Documents/Countries/UA/11thOHCHRreportUkraine.pdf>.

2. During the period from 16 May to 15 August, at least 105 people were killed and 308 injured compared to 60 killed and 102 injured between 16 February and 15 May, *ibid*.

3. See: <http://www.pravda.com.ua/news/2015/09/22/7082198/>

4. *Ibid*.

5. UN Office for the Coordination of Humanitarian Affairs, Ukraine situation update No. 7 as of August 14, 2015, available at: <http://reliefweb.int/report/ukraine/ukraine-situation-update-no-7-14-august-2015>.

6. The UN also reports that the continuous persecution and intimidation of people suspected of supporting the Ukrainian armed forces or being pro-Ukrainian have remained widespread. The same report asserts that on the Ukrainian government side, efforts to preserve the country's territorial integrity continue to be accompanied by persistent allegations of arbitrary and secret detentions and enforced disappearances of people suspected of separatism or terrorism.

The acceptance by the Ukrainian authorities of the competence of the International Criminal Court for crimes committed since November 2013 – an extension to the Court’s jurisdiction, which had thus far been limited to the Maidan events – is an opportunity for a new deal and brings some hope to victims of what could amount of war crimes.

B. CONTEXT

Since the break-up of the Soviet Union, Ukraine has always been an important geopolitical actor rivaling the West and Russia. The crisis in Ukraine that started in the end of 2013 was immediately preceded by fierce competition between the EU and Russia for the future geo-economic orientation of Ukraine – a competition characterised hesitation and ambiguity on the part of Ukrainian leaders.

By the end of November 2013, massive anti-government street protests broke out in Kyiv following the refusal of President Yanoukovych to sign an association agreement with the EU and his choice to forge instead a stronger partnership with Russia. These mass protests – later called Euromaidan or Maidan – were severely repressed⁷ and were the starting point for the political crisis. This crisis was followed, amongst other things, by the annexation of Crimea by the Russian Federation and by the armed conflict in the Donetsk and Luhansk regions.

From the very beginning of Maidan, the Russian political elite and Kremlin-controlled media were hostile to protests in Kyiv.⁸ Russian mass media, especially TV, broadcast reports in which protesters were described as pro-Nazi, and hostile to Russia and to Russian speakers⁹. In Eastern Ukraine and Crimea, where Russian TV channels have a large viewership as majority of citizens are Russian-speakers (gradually these territories were cut off from Ukrainian broadcasting), such reports played an important role in creating a common misunderstanding of the agenda and claims of Maidan protesters. Fears of persecution were later reinforced by the Ukrainian parliament’s decision to abolish the law on regional languages in February 23, 2015. This law adopted in 2012 gave the Russian language the status of an official language in regions with more than a 10% Russian minority. The February 2015 decision to abolish Russian as an official language was never signed into law by the President. Nevertheless, it fueled both propaganda, and the claims of Russian and pro-Russian politicians in Ukraine, who sought to portray themselves as the protectors of the Russian-speaking population.

Shortly after President Yanukovich’s escape from Ukraine in February 2014, separatist groups consisting of local activists and Russian military groups without insignia appeared in Crimea. These groups were led by both locals, like Sergei Axionov, and Russian leaders, such as Russian army artillery veteran, Igor Girkin (Strelkov). The leading role of Russia in the so called Crimean separatist crisis is today confirmed by the Russian officials themselves.¹⁰

7. See FIDH-CCL, *The forgotten victims*, August 2014. Available at: <https://www.fidh.org/en/region/europe-central-asia/ukraine/15914-ukraine-the-forgotten-victims>. and the communication that was submitted in January 2015 to the Prosecutor of the International Criminal Court (ICC) by the coalition of 13 Ukrainian organisations and initiatives for combating impunity, with the support of FIDH and the International Partnership for Human Rights (IPHR) See: <https://www.fidh.org/en/region/europe-central-asia/ukraine/17045-report-on-crimes-committed-during-euromaidan-events-the-icc-should-open-an>

8. For instance, in January 2014, the State TV channel Russia 1 broadcast a talk show anchored by Arkadi Mamontov giving an apocalyptic description of an extremist uprising in Kyiv “Ukraine. The Chaos Democracy”, available at: http://russia.tv/video/show/brand_id/3957/episode_id/962307/video_id/964808/. Numerous examples of fake reports and misrepresentation of the events in Ukraine by Russian media have been collected by the project Stop Fake since spring 2014 and are available on its website, at: <http://www.stopfake.org>.

9. See: <http://russian.rt.com/article/23327>; <http://russian.rt.com/article/21283>. More about this issue can be found here: <http://www.theatlantic.com/international/archive/2014/03/ukraines-phantom-neo-nazi-menace/359650/>.

10. After a year of official denial, President Putin admitted in a special film “Crimea. The way home” in April 2015 that the Crimean separation from Ukraine was organized from Russia with the support of Russian armed forces, allegedly to protect Russian speakers in the peninsula. See: <https://vimeo.com/123194285>.

Following the internationally discredited referendum on “Crimea’s unification” with Russia in March 2014, April of that year saw unidentified armed men with military bearing supporting the takeover of local law enforcement and security service offices, as well as local administration buildings in Eastern Ukraine.¹¹ Local irregular armed forces were created and foreign armed groups and weaponry began to arrive. The nature of some of the weapons used during these events evidenced their belonging to the Russian arsenal (tanks, “Grad” multiple rocket launchers, missiles, new Russian “Bumblebee” flamethrowers), with the first reports attesting to the Russian nationality of many fighters emerging.¹² At the same time, attempts were similarly being made to assert control over Kharkiv, Odessa, Kherson, Zaporizhzhya, and Mariupol under the pretext of “defending the Russian and Russian speaking population”.¹³ These other attempts were not successful. In May-June 2014, conflict in the Donbas region escalated. Intense armed confrontations between the battalions of the Ukrainian National Guard and regular armed forces on one side, and insurgent armed groups on the other side continued throughout the summer of 2014.¹⁴

An Anti-terrorist Operation (ATO) conducted in the Donetsk and Luhansk regions started on 14 April 2014 after the Presidential Decree “On Decision of the National Security and Defense Council of Ukraine of 13 April 2014 ‘On urgent measures to overcome the terrorist threat and the territorial integrity of Ukraine’”.¹⁵ According to the Law on combatting terrorism,¹⁶ the main protagonists in the fight against terrorism are the Ministry of Defense, Interior Ministry and the Anti-terrorist center of the State Security Service of Ukraine (SSSU) – the special body aimed at coordinating the activities of the actors involved in the operation.

The involvement of the Russian regular army, recognized for Crimea, is still denied by Russian officials. However, testimonies from local citizens, as well as numerous press reports, point to their presence during the active military phases of the conflict. According to the testimony of a Russian Army tank driver, published in Russian newspaper Novaya Gazeta, the mission of his unit in Ukraine was to conduct intensive operations on the battlefield before the arrival of local military groups.¹⁷ Civil initiative Informnapalm recently outlined the various cases evidencing the presence of the professional Russian army in Ukraine.¹⁸ Several crucial moments marked the armed conflict throughout 2014: namely, two battles for Donetsk Airport in May and September 2014, the downing of Malaysia Airlines Flight 17 in July 2014, and the battle of Ilovaisk in August 2014. All of these incidents provoked a strong international reaction.

Ceasefire agreements between the parties to the conflict and Russia, signed in Minsk in September 2014 and February 2015, failed to stop fighting in Eastern Ukraine. The OSCE monitors the implementation of the present ceasefire agreement daily, and reports continuous hostilities that maintain an environment conducive to human rights violations in the region.

11. One of the most prominent examples is the seizure of the law enforcement office in Slovyansk, Donetsk region. See: <http://www.pravda.com.ua/rus/news/2014/04/14/7022383/>

12. See for instance the Vice news reportage at: <https://www.youtube.com/watch?v=-QP6sM5VnUQ>.

13. <https://www.youtube.com/watch?v=YXr-oLbT8Qc>

14. Offensive of Ukrainian army on the occupied territories in June-August 2014 was stopped in late August near the Ilovaisk. So called Ilovaisk pot resulted in 366 dead representatives of Ukrainian forces, according to the official information. The battle near Ilovaisk is famous because of direct involvement of Russian military units. As it stated by the report of investigation parliamentary commission, it started at 04.25 on August 21 with the attack by the Hurricane missiles was launched from the Russian territory <http://glavcom.ua/articles/23466.html>

15. <http://zakon2.rada.gov.ua/laws/show/405/2014>

16. <http://zakon4.rada.gov.ua/laws/show/638-15>, adopted in 2003

17. <http://www.novayagazeta.ru/society/67490.html>

18. <https://en.informnapalm.org/russianpresence/>

C. REPORT'S FOCUS AND METHODOLOGY

In August 2014, FIDH and its partner organisation Center for Civil Liberties (CCL)¹⁹ published a joint report describing the international humanitarian and human rights law violations committed by armed groups in Eastern Ukraine and Crimea since March 2014.²⁰

The present report focuses on civilian victims of the most serious crimes committed by both sides of the conflict in Eastern Ukraine from May 2014 until August 2015. It is limited to the Donbas region, as presented on the map.



Locations of crimes in Luhansk and Donetsk regions covered in the report. Source: CCL

The report is based on the findings of nine monitoring CCL missions (including four in partnership with other NGOs: Russian human rights organization Memorial, International Partnership for Human Rights and Ukrainian Helsinki Human Rights Union) conducted during this period to areas regained by the Ukrainian army in both the Donetsk and Luhansk regions, as well as to IDP camps in Artemivsk, Soledar (Donetsk region) and Dnipropetrovsk.

FIDH conducted two missions to Ukraine in January and June 2015 to support CCL in the structuring and legal analysis of the testimonies and evidence collected.

The report also refers to cases reported by the other human rights initiatives and open sources.

Although the testimonies presented in this report are emblematic of the types of crimes committed in Donbas, it should be noted that they represent a limited part of what is happening in this region and that certain crimes, in particular those committed against women, remain under reported.

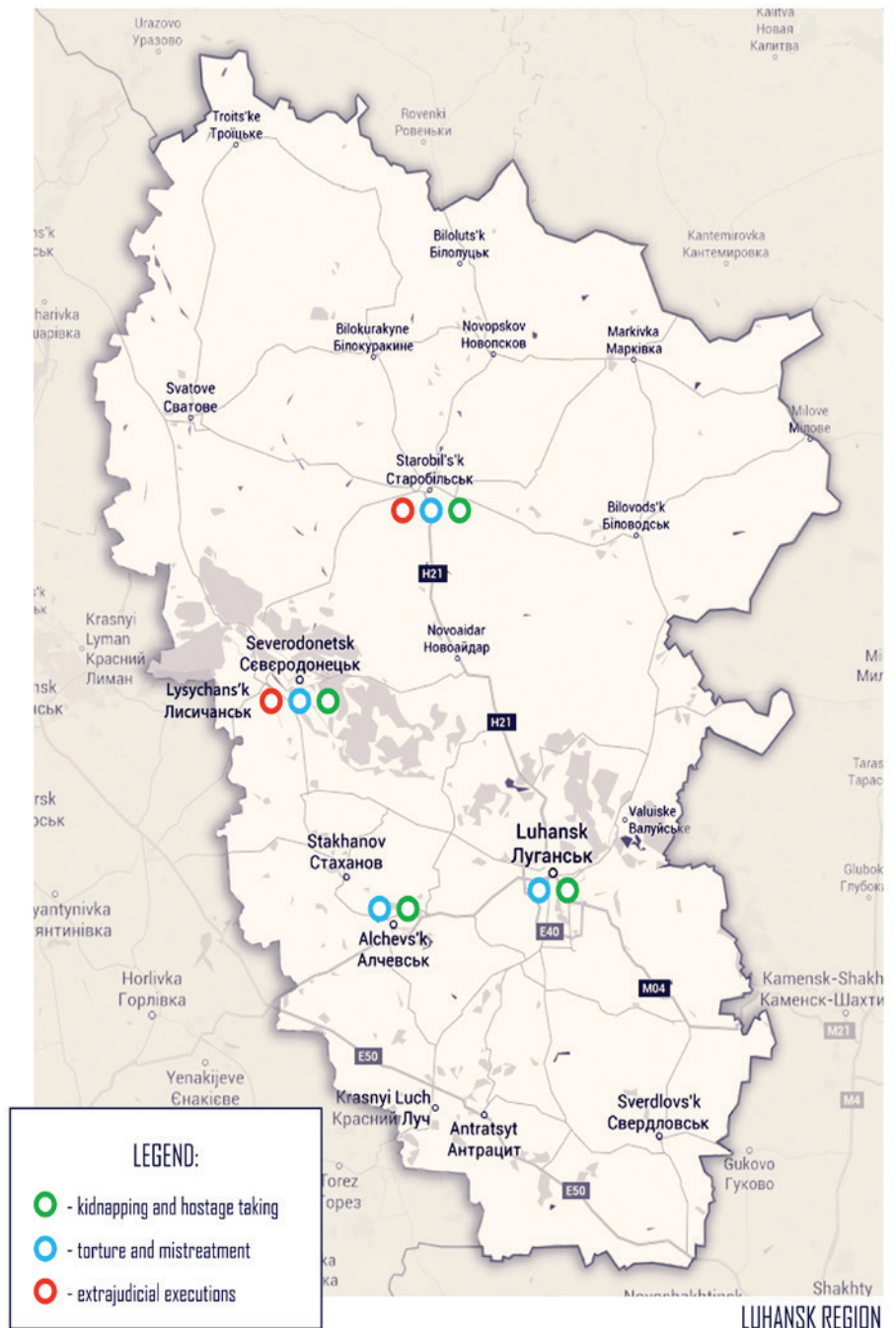
19. Center for Civil Liberties (Центр громадянських свобод) was established in 2007 to promote the values of human rights, democracy and solidarity in Ukraine and Eurasia to reinforce the principle of human dignity. The NGO is located in Kyiv, Ukraine. The objectives of the CCL are the protection of fundamental rights and freedoms; representation of the public and public control over the observance of human rights in the activities of national and local governments; work with young people to create a new generation of human rights defenders and civil society activists; advocacy and education on human rights and democracy; and the implementation of programs of international solidarity. For more information, visit: <http://ccl.org.ua/en/>.

20. FIDH-CCL, *The forgotten victims*, August 2014. Available at: <https://www.fidh.org/en/region/europe-central-asia/ukraine/15914-ukraine-the-forgotten-victims>.

The nature of the armed conflict (with official and multiple unofficial armed groups) makes it difficult for Ukrainian citizens, NGOs and foreign observers to collect data on human rights violations.

Documentation on human rights abuses in regions under the control of armed groups of the so called Luhansk and Donetsk Peoples Republics or LPR/DPR (the use of this term in no way denotes any legitimization or recognition, all uses of these titles and their acronyms should be read as “so-called”) is very limited due to ongoing repression against pro-Ukrainian, independent or critical positions, and the resulting security considerations. Informal volunteer groups operating in the region provide some information, but face serious risks. Observers also underline an atmosphere of fear in front-line regions and the unwillingness of many victims to talk, which is probably due to uncertainty about the outcome of the conflict and fear of the consequences of a testimony. Documenting human rights violations committed by the pro-Ukrainian side has been complicated from the beginning of the conflict. This is firstly because acknowledging their commission is ‘a taboo’ in Ukraine, and, secondly, because information about them has been used as a tool by pro-Russian propaganda (see Part C, section 2.b: “Pro-Ukrainian abuses: no longer a taboo issue?”).

This report aims to highlight the most serious human rights abuses committed by both sides in the Donbas region. These include: targeted killings, abductions, forced disappearances, kidnappings, tortures and physical attacks, and crimes of sexual violence. It identifies the social groups that have become specific targets of persecution and, where possible, the perpetrators of serious human rights violations. The report provides a legal qualification of the crimes committed under international law.



The report highlights the need for independent and complete investigations into the serious crimes committed under international law in Donbas – crimes into which the ICC should open an investigation.

PART I.

VIOLATIONS AGAINST CIVILIANS IN DONBAS: GENERAL FRAMEWORK AND PERPETRATORS.

THE PARTICULAR INSECURITY OF CIVILIANS

Violations and abuses against civilians in Donbas not only take different forms, but also follow different rationales and are perpetrated by different actors. These actors, even those officially belonging to the same side of the conflict, are not necessarily driven by a unique common objective.

Attacks against civilians can be understood in three different contexts: uncertainty surrounding the profile of the “enemy” in the armed conflict; the need to eliminate rival groups whilst establishing authority over a zone; and persecution and abuses perpetrated in a context of instability.

A. UNCERTAINTY OF THE ENEMY PROFILE

1. Distinguishing between civilians and combatants: the challenge

Civilians in Ukraine cannot be always clearly distinguished from combatants due to a significant permeability between the two groups, especially during the early stages of the conflict.

Before the start of April 2014, when the Ukrainian government launched its “Anti-terrorist Operation” in Eastern Ukraine, no regular armed forces were involved in the confrontation. However, even after Ukrainian armed forces started to operate in the region, the distinction did not necessarily become clearer and remains challenging.

On the so-called LPR/DPR side, the fighting force was mostly composed of more or less structured unofficial armed groups that progressively became recognizable by uniforms and insignia, but seem still permeable to local civilian members, or are at least considered to be so permeable by the Ukrainian side, which suspects civilians of cooperating with pro-Russian groups.

On the Ukrainian side, battalions partly formed by voluntarily enrolled civilians were extremely numerous in the first months of the conflict. Whilst the insignia gradually adopted by these battalions helped identify those units, numerous volunteers still present in the conflict area and supporting various battalions have a totally civilian appearance.

2. Suspicion of collaboration with the enemy

As in other conflict zones, civilian populations are often viewed by the combatants as “supporting the enemy”, and as such, are subjected to threat and other serious violations of human rights.

So-called LPR/DPR groups are suspicious of civilians as potential enemy collaborators. As a result, expressions of disagreement or alternative views are systematically subjected to repression. Minor signs of allegiance such as flags, ribbons, books or brochures, and activity on social networks can stigmatize civilians and expose them to repression.

The last pro-Ukrainian meeting in Donetsk took place on 28 April 2014. Witness to the event, a CCL representative reported that unidentified individuals, armed with metal rods, baseball bats and noise grenades, attacked the demonstration a few minutes after it started, injuring many participants. The attack also served as a means of intimidation, warning about the repression of any expression of any pro-Ukrainian sentiment. Notably, Russian media coverage of the demonstration inverted the roles of the protesters and attackers describing the event as an anti-fascist demonstration that was attacked by Ukrainian radical nationalists.²¹ The TV and printed media did not broadcast any images of the event.

Violations against civilians perceived to be supporting the enemy (arbitrary detention, violence and extortion) are also perpetrated by certain battalions or elements of the Ukrainian army (see below).

3. Ideology and war propaganda also target civilians

The conflict is often depicted by the pro-Russian side as civilizational, presenting the Russian World as opposed to its “enemies”: Western and Pro-Western countries. This vision is translated in the official political discourse in Moscow and transmitted via the media. The linguistic, religious and political characteristics of citizens become potential evidence of an anti-Russian position and thus a target for LPR/DPR groups.

Two representatives of the protestant community in Slovyansk, were interviewed by CCL in July 2014 soon after the Ukrainian army came into the city. Both of them, Gennadyi Lysenko and Olexandr Reshetnyk, were helping civilians who had fled Slovyansk during the shelling between April and July 2014 when so-called DPR armed groups left the city. Both reported having been captured on 2 June 2014 at one of the check points in Slovyansk. Gennadyi said that he was called “*hristoprodavets*” (Christ betrayer) whilst in detention. He was stabbed with a bayonet knife, beaten, and threatened with being shot in the head.²²

Reinforced by media propaganda, ideological motives became a factor aggravating violence against civilians. Below are a couple of examples of such influence, published in the Russian media.

Media interview with 50 year old Victor (Yoshkar-Ola), nom de guerre ‘Poacher’, who fought in summer 2014 near Luhansk: *“My conscience made me come to Novorossiia. I felt ashamed when I saw people being killed by fascists, while the government and ordinary citizens just watched it like some kind of a reality show. If I hadn’t come here, I would have had to defend Yoshkar-Ola from fascists. I think that was an impulse, but when I arrived*

21. Ложь ИТАР-ТАСС: про-украинские радикалы напали на антифашистский митинг в Донецке, 28 April 2014, <http://www.stopfake.org/lozh-itar-tass-pro-ukrainskie-radikaly-napali-na-antifashistskij-miting-v-donetske/>.

22. “When God Becomes a Weapon: Persecution based on Religious Beliefs in the Armed Conflict in Eastern Ukraine”, April 2015, Center for Civil Liberties, Civic Solidarity, International Partnership for Human Rights, available at: http://ccl.org.ua/wp-content/uploads/2013/07/When-God-Becomes-The-Weapon_6May2015_closed-for-editing.pdf.

*I saw that the reality here was a lot worse than shown in Russia. And I have millions of relatives and friends here, all of them are my brothers and sisters here.*²³

Victor Volkov, the Deputy of Balashov district council (Russia), when commenting on the death of Igor Yefimov, born in Balashov and killed in military actions near Luhansk in Ukraine: *“He died as a hero. We should treat him as our national hero [...]. He decided to go there because, and I’m sure of this, he realized that Russia’s future is made now in Ukraine; that real fascism is growing in strength there. He died in the fight against fascists, against those banderovtzi, who are so fiercely against Russia. We all know that they won’t stop, because they have Uncle Sam behind them”*.²⁴

From the Ukrainian side the ideological dimension is not typical for the government. The defense of the state in its legal borders is reflected in the new military doctrine of Ukraine as the main goal for Ukrainian armed forces.²⁵ Citizens remaining in the occupied territories are “hostages” says Ukrainian President Poroshenko.²⁶ However, part of Ukrainian society tends to automatically perceive all citizens from the Donetsk and Luhansk regions or from Crimea as pro-Russia supporters or else blame them for the war’s escalation. This can sometimes create problems on the level of interpersonal communication,²⁷ occasioning discrimination or even violent action.

B. CIVILIANS SUBJECTED TO RULES FOR COMBATANTS

1. Persecution of civilians during combatant seizure of control over territory

The armed conflict is accompanied by successive changes of local political power. Changes in the political leadership occur either by force or by the resignation of the previous authorities.

a) Violent dismissal of non-loyal authorities and business actors

So-called LPR/DPR authorities use repression as a way of taking control of political institutions and the local administration. Non-loyal Ukrainian public servants, elected politicians and powerful local personalities are primary targets of this kind of political repression. Specific forms of abuse target the management of local businesses.

Volodymyr Veselkin was a head of the Zaytsevo settlement near Horlivka (an area currently occupied by DPR) and openly expressed his pro-Ukrainian views.²⁸ Veselkin’s family owned a bakery. After Hirlivka was seized by DPR armed groups in April 2014 he was forced to move away from the city on 9 May 2014. Soon after, his bakery was “nationalised” by DPR, and given to so-called DPR “member of parliament”, Valerii Otchenko. A DPR media transmission later stated that Veselkin’s seized private

23. “Йошкаронец воеует в ополчении на Украине”, 16 July 2014, available at: <http://kragrad.ru/clauses/persona-grata/yoshkarolinetz-voyuet-v-opolchenii-na-ukraine/>.

24. “Убит на войне, которой нет”, 25 June 2014, available at: <http://fn-volga.ru/article/view/id/212>.

25. National Security and Defense Council of Ukraine Press release subsequent to the results of the meeting of National Security and Defense Council of Ukraine, 2 September 2015, available at: <http://www.nbo.gov.ua/news/2253.html>.

26. <http://www.rbc.ua/ukr/news/poroshenko-lyudi-okkupirovannoy-territorii-1434033141.html>

27. <http://life.pravda.com.ua/columns/2015/08/27/199146/>

28. Interviewed by CCL in September 2015 by phone

property has been named the “Horlivka Bread Factory” by Otchenko²⁹ According to information from his former neighbors, until September 2015 Veselkin’s apartment in Horlivka has been occupied by four DPR fighters who live there constantly.

b) Settling of scores between competing groups

A plurality of armed groups described below compete for control over the LPR/DPR-controlled territories. Competition and conflict between these groups lead to “internal” persecution targeting the opposite group, its supporters and property.

c) Civilians persecuted for violating “administrative” rules imposed by combatants

Disciplinary coercion directed towards combatants and civilians is present on both sides of the conflict.

Released detainees of LPR/DPR armed groups, testified that they had been detained for alleged administrative violations, such as violating curfew, drug and alcohol abuse and other minor “infractions”, like photographing impermissible objects and ‘listening to music too loudly’. The detainees describe having been detained together with locals loyal to the armed groups and even members of the armed groups. The use of preventive or punitive coercion as a means for self-proclaimed authorities to enforce their power, seems widespread since summer 2014.

Former Donetsk student, Volodymyr N., describes a week-long detention in an illegal detention centre in Donetsk in September 2014. He says he was detained with different members of illegal armed groups; two were locals, one was a Russian citizen. These detainees were kept in one small room with another 7-8 persons for “administrative rule violations”. Members of DPR armed groups were even more frequently subjected to torture than civilians. Volodymyr’s detainees did not know about his pro-Ukrainian views; rather he was arrested for violating the curfew. He therefore assumes that he was not kept in the area for “political” prisoners and was not beaten as heavily as he might have been. At this moment Volodymyr is living in Kyiv.³⁰

Larysa Bilotserkivets, born on 1954 in Makiivka town (Donetsk region), is a pensioner and a pro-Ukrainian activist. She was kidnapped on 17 August 2014 by the “Mech” battalion. They kept her in a former military commissariat in Makiivka. It was one of the biggest detention facilities in the city. When Larysa was brought there, she was placed with roughly 40 other people, including four persons kept for political reasons (supporting the unity of Ukraine). The rest of the people were kept in detention for so-called administrative violations like alcohol or drug abuse. As Larysa claims that one of the prisoners was arrested after being denounced by his own wife. Another prisoner was arrested immediately after taking a picture of a bomb. Larysa says she was also told about a Chechen who was arrested for being a “betrayers”, as he also took pictures of one of the bombs. There were many women. For instance, two women were arrested for waiting for a taxi during the curfew. Their hair was cut off and they were bald headed.³¹

29. <https://www.youtube.com/watch?t=157&v=gMSS07KleiE>

30. Interviewed by CCL on October 2014 in Kyiv, available at: https://youtu.be/yoX_7nBNcoc.

31. Interviewed by CCL on February 2015.

d) Resolution of private disputes by violent means

Many testimonies point to the use of armed violence and coercion to solve private conflicts or secure the illegal seizure of property. Denunciations made by neighbors, internal conflicts within armed groups or with opposing members of different armed groups, and illegal confiscation of property can lead to arbitrary detention, violence or even murder. Such crimes mostly remain unpunished.

C. THE DIVERSITY OF COMBATANTS ENDANGERS CIVILIANS

1. Actors on the s.c. LPR/DPR side

Ongoing conflict and a high turnover of the forces and groups involved make it difficult to give an exhaustive list of the groups involved on the LPR/DPR side. Some commanders controlling certain groups of people are self-proclaimed heads of the cities or towns controlled (sometimes with self-proclaimed military grades). Others are Russian nationals with various military experience (sometimes quite high-ranking) or Russian volunteers, or other external actors. Some are groups of armed locals. Most commanders act under pseudonyms and some even sign “death penalty verdicts” that result in extrajudicial executions, under the following names: Baloo, Nose, Grey one, Lawyer (see Annexes).

A useful attempt to identify groups involved on the LPR/LDR side and individuals responsible for international crimes was made in a recent report by the International Partnership for Human rights, called *Fighting impunity in Eastern Ukraine*.³²

a) Links between persons acting in Crimea and the so-called LPR/DPR

The structure of armed groups in the insurgent regions is complex, combining a set of local battalions and non-local armed groups cooperating with local police structures and volunteers.

Substantial evidence points to links between events taking place in Crimea and those occurring in Donbas as regards the actors involved. Russian human rights organization Memorial suggests that Igor Girkin (Strelkov) participated in the Chechen war as a representative of the Russian federal forces and might be responsible for the enforced disappearance of Chechenians.³³ Igor Girkin (Strelkov) was again seen on a video from Crimea in March 2014.³⁴ Later, Girkin himself confirmed his presence in Crimea starting from 21 February 2014. He did so in a video-interview in which he further stated that groups headed by himself were forcing members of the local Crimean parliament to vote for the separation of the peninsular from Ukraine.³⁵ After leaving Donbas for Moscow, Girkin further confessed that the occupation of parts of Donetsk and Luhansk would not have been possible without his group, stating “No one wanted to fight”.³⁶

32. IPHR, *Fighting impunity in Eastern Ukraine*, October 2015, p. 156-167, available at: <http://iphronline.us2.list-manage.com/track/click?u=e45983a2e74cbf5621416e8b3&id=64f94dad31&e=27b23894f4>

33. <http://echo.msk.ru/blog/shalommani/1324504-echo/>

34. <https://www.youtube.com/watch?v=kYIsWFBwf5A>, 12.08.2014

35. <https://www.youtube.com/watch?v=hPSUUNngoQk>, 25.01.2015

36. <http://zavtra.ru/content/view/kto-tyi-strelkov/>, 20.11.2014

Another personality linking events in Crimea with those in Donbas is a man who fought under the name of “Samvel” and was identified by some as Armen Martoyan. According to victim testimonies, “Samvel” was involved in the beating and kidnapping of activists and journalists in Crimea. One of the kidnapping victims in Crimea, pro-Ukrainian activist, Mykhailo Vdovchenko,³⁷ said he communicated with “Samvel” during his detention. “Samvel” later fought with one of the DPR armed groups in Horlivka.

Whereas in Crimea two main forces (the so-called “Crimean self-defense” force and the Russian military without insignia) were engaged in the take-over of the peninsula, in LPR/DPR-controlled areas different groups share the territory and cooperate, but also compete or even fight against each other.

b) Local armed groups

Both LPR and DPR armed forces consist of several groups. These appear to act in a relatively disorganized way, though DPR fighters seem at least more hierarchically structured than LPR.

Many groups were already acting in the LPR from the very beginning of the armed conflict and were competing for influence. The murders of commanders are examples of this bloody competition. For instance, Alexei Mozgovoy (commander of Prizrak (Ghost) battalion) was killed on 23 May 2015,³⁸ Alexei “Batman” Bednov (chief of staff of the 4th Brigade of the so-called LPR) was killed on 2 January 2015³⁹ reportedly by the “people’s militia” of so called LPR.⁴⁰ Evgueni “Maloletka” Ishchenko (Russian paramilitary Cossack group leader in Pervomaisk) was killed on 23 January 2015.⁴¹ All of these deceased persons acted within the LPR’s area. Despite these killings, rivalry remains ongoing, a matter particularly confirmed by foreign observers.⁴² The latest example of this is the “takeover” that took place in the so-called DPR on 5 September 2015,⁴³ which resulted in the dismissal and arrest of Andrei Purgin, the “parliamentary speaker” of the so-called DPR.

Nevertheless, competing groups do seem able to coordinate for specific missions, such as seizing control of local electoral commissions during the Presidential election in May 2014.

On 22 May 2014, three days before the presidential elections (25 May 2014), a CCL representative witnessed an attempt to kidnap the head of electoral commission No. 43 in Donetsk from electoral commission property. Men in camouflage ran into the building, seizing office equipment and bringing out the head of the electoral commission, Ruslan Kudriavtsev, outside. Whilst no initial attempt was made to kidnap him during this incident, these assailants returned later in the day in an attempt to take him hostage. They appear to have been driven to do so by his alleged support for one of the candidates representing the pro-Ukrainian nationalist movement, Pravyi Sektor. CCL later learnt that Kudriavtsev had been detained for five days and was forced to leave the city after his release.⁴⁴

37. Vdovchenko was interviewed by CCL in July 2015 in Kyiv, see <http://www.radiosvoboda.org/content/article/27118502.html>.

38. <http://www.unian.net/war/1081348-glavar-boevikov-prizraka-mozgovoy-ubit-smi.html>

39. <https://www.youtube.com/watch?v=KHohBmLvSNE>

40. <https://www.youtube.com/watch?v=KHohBmLvSNE>

41. <http://www.unian.net/war/1035567-ubit-glavar-kazakov-pervomayska-boevik-po-klichke-malyish-smi.html>

42. Press conference of Pierre Sautreuil, journalist at Le Nouvel Observateur, 20 August 2015, available at: <https://www.youtube.com/watch?v=ScXhjvUYgoY>. This might be compared to the latest information on the situation in the so-called DPR by Paul Gogo, “Liberation” journalist, available at: <https://www.youtube.com/watch?v=gMiU7Avqk6Q>

43. http://vlada.io/vlada_news/na-miting-v-podderzhku-purgina-vyishla-sotnya-donchan-vlasti-dnr-prignali-na-aktsiyu-titushek/, 5 September 2015

44. The CCL obtained this information during a phone call with Kudriavtsev, though he refused to give an interview.

Such instances have occurred in both the Donetsk and Luhansk regions in local and regional electoral commissions. One CCL representative herself was not able to fulfill her mission as an electoral observer in the city of Artemivsk because on voting day (26 May 2014) the polling station had been rendered inaccessible by DPR fighters placing a mine-thrasher near the entrance of the building of the electoral station to intimidate would-be voters. As a result, the presidential elections were not held in Artemivsk at all. The fact that such disruption of the elections was not an accident but an organized campaign is evidenced by the fact that the policy of electoral disruption was spread all over the Luhansk and Donetsk regions and executed using the same methods: kidnappings of electoral committee representatives, stealing electoral documentation and seals, stealing office equipment from polling stations, and armed attacks on polling stations.⁴⁵

According to testimonies collected by CCL, local combatants seem to be lower ranking than commanders originally from Russia. This is confirmed by a number of interviews with released DPR/LPR captives who claim in particular that it is Russian commanders who take decisions on whether to release prisoners.

Information about Russian citizens taking leading roles in armed groups is also confirmed by the testimonies of armed group representatives captured by Ukrainian forces. A captured "Russian volunteer", who was in fact is an officer in the Russian army, described the hierarchy as follows: every local commander has a Russian military deputy controlling the decision making process but who is not officially involved. Every single battalion and division has three officers. The officer providing this information was sent to Donbas in March 2014 and was interviewed on 29 July 2015. He claimed that the corps commander of the so-called DPR was a Russian general, but that his name was not known by the officers. The captured men knew only the name of one of the deputies of the commander – Russian lieutenant colonel Ryzhkovich.⁴⁶

c) Non-local armed groups

Armed groups arriving from the Russian Federation have been involved in the Donbas conflict since the very beginning.

For instance, car mechanic from Rubizhne (Luhansk region), Volodymyr Kozyuberda, captured by an armed group of the so-called LPR in late June 2014 and taken to their headquarters in a glass factory in Lysychansk, reported the involvement of "Russian soldiers" there. In response to a CCL question on how he could identify them as Russian, Volodymyr replied: *"They were 95% Russians, and they were not even hiding this fact. They said, that they were Russians and that they had come to defend b*tches like me who just sit and don't do anything to protect Donbas from "banderovtsy" and "pravosyeki". They showed me their passports with Rostov and Belgorod registrations. The Russians were holding modern weaponry, with the latest optical rifles. They made raids every night and went out as quietly as they came – trying to be invisible and unnoticed. Those military men wore Russian chevrons. As they drove us to clean toilets, corridors etc., we saw that"*.⁴⁷

Some of the groups coming from Russia were so-called "Cossacks", paramilitary troops using pre-Soviet symbols of the Cossack movement and often strongly adhering to the Orthodox religion. These battalions consist mostly of voluntarily engaged Russian citizens and are often referred to in testimonies as combatants involved in the Donbas armed conflict.

45. General information on attempts to disrupt the elections is provided by the Opora electoral observing initiative and is available at: <http://opora.org.ua/en/vybory/vybory-prezydenta-2014/article/5802-pidsumkovyj-zvit-za-rezultatamy-gromadskogo-sposterezhenja-opory-pid-chas-pozachergovyh-vyboriv-prezydenta-ukrajiny-2014-roku>.

46. Questioning filmed by the Security service of Ukraine, 29.07. 2015 <https://www.youtube.com/watch?v=ZvBBBhhB5Jw>

47. Interviewed by CCL on December 2014 in Rubizhne (Luhansk region)

Nikolai Kozitsin, commander of one of the most active Cossack units, is a Russian citizen originally from Rostov. He is officially heading the International Union of Public Associations, The Great Army of Don. His unit has been actively engaged in the armed conflict from the very beginning. Last summer their headquarters were located in the House of Culture of the city of Perevalsk (Luhansk region). This building was used as a place of illegal detention for kidnapped people. Three such captives were interviewed by CCL in the winter of 2014 in Kyiv. One, Sergii Zaharov, activist, was a volunteer who rendered assistance to Ukrainian army units. The second captive was chaplain Otets Valentyn, whilst the third was a journalist from Lviv Jurii Leliavsky. These men had been travelling in the same car and accidentally trapped at a check point controlled by the Cossacks. They were detained on 24 July 2014. All confirm having been subjected to torture by the Cossacks. They spent more than two months in captivity and were released in October 2014.

Kozitsin is the main competitor of Igor Plotnitskiy, head of the “Council of Ministers” of the so-called LPR. Kozitsin and his unit claim that the LPR “is a gang”, “robbing the region”, “stealing humanitarian aid”, and “killing field commanders”.⁴⁸ Later in an interview with Ukrainian media, Jurii Lelyavskij said that the “leaders of LPR don’t know what to do with Kozitsin. He has become a kind of “people’s avenger”. Formally his unit belongs to the so-called LPR, but they act according to their own rules”.⁴⁹ Cossack units consist of Russian and Ukrainian citizens. One Russian citizen involved in the Cossack units was filmed by the Security service of Ukraine and published online.⁵⁰

Other significant armed groups are originally from North Caucasus and are described as “Chechen battalions” by locals, even if they are not exclusively composed of Chechen fighters. In summer 2014, the Russian NGO Memorial published a report partly dedicated to “the Chechens in Donbas”. The report pointed to numerous proof of the involvement of North Caucasian armed groups in the Ukrainian conflict.⁵¹ According to some information, their presence is much less important in 2015. In July 2015, the head of the Chechen Republic, Ramzan Kadyrov, announced that Chechen fighters had returned back home.⁵²

A CCL activist personally witnessed the arrival of one of these groups in the city of Donetsk on 25 May 2014 – the day of the Presidential Election in Ukraine. The motivation of these fighters, as the abovementioned Memorial Report underlines, is mixed between loyalty to their openly anti-Ukrainian government and their pursuit of gain, evaluated as being up to 350 USD a day.⁵³ Other foreign or “international” battalions, composed of volunteers from other European countries are periodically reported in the press⁵⁴ but are difficult to evaluate in terms of their numbers or periods of presence.

Testimonies collected by CCL describe regular Russian army soldiers as more respectful of prisoners and less violent. This is in contrast to “Cossack” units whose actions are described as the most cruel and ruthless.

Mykola Golikov was with the Aidar battalion, a Ukrainian volunteer battalion created in May 2014 which became part of the Ministry of Defense from August 2014. He was interviewed by the CCL in June 2015 about his captivity in August 2014. Golikov was captured in Khriashchuvate near Luhansk on 26 August 2014 by the Russian military, presumably by Pskov paratroopers. He claimed that the name of the commander who took him into captivity was the call sign Leshyi (presumably his name is Alexandr

48. <https://www.youtube.com/watch?v=spk9ylp0Y8E>, 26.01.2015

49. <http://www.telekritika.ua/profesija/2014-10-27/99737>

50. <https://www.youtube.com/watch?v=su3vSXuhPHM>, 9.08.2015

51. <http://www.memo.ru/d/211293.html>

52. <http://ria.ru/society/20150731/1155970257.html>

53. <http://www.memo.ru/d/211293.html>

54. <http://www.novayagazeta.ru/society/67041.html>

Serov). Golikov said his captives were wearing paratrooper tokens and had paratrooper tattoos. First, Golikov was transferred to Krasnodon (Luhansk region). The next day he was transferred in a KAMAZ car to the territory of the Russian Federation. Golikov was certain that he had seen how the column illegally crossed the border somewhere near Izvaryno (Luhansk region). He was brought first to a military camp in the field. There, he was questioned by paratrooper officers with Russian chevrons (though they didn't introduce themselves) about the positions of the Ukrainian side. Then he was taken away by his captors and taken to another military camp. On the journey there, Golikov said he saw a sign saying "156 kilometers". There was a military technician without insignia and a tank. Golikov attributes the respectful attitude shown towards him during this initial period of his captivity to the mistaken belief on the part of his Russian captors that he was a conscript and not a volunteer. Later, after it was discovered through social media that he was an Aidar fighter, he was tortured and beaten. In particular, he was tortured by "Major Igor" (his rank identified by Golikov via his shoulder straps/ epaulettes) using an electric current. He was also beaten by people who arrived later and who called themselves "Luhansk Berkut". "Berkut" is a former Ukrainian riot police division which was the main perpetrator of human rights violations during the Maidan events. After Maidan finished, this division was officially disbanded. Golikov was kept in a field camp on the territory of the Russian Federation for three days. After that he was taken back to Ukrainian territory in Krasnodon city in the trunk of an armored NIVA car at night. Next day, after his transfer to Krasnodon, "drunk Russian soldiers" beat Golikov on his head causing him to suffer traumatic brain injury. Golikov spent a few more days there. On 2 September, Golikov was transferred to the Krasnodon bullpen where he was registered by law enforcement representatives. There, together with other prisoners of war (reportedly soldiers of the 80th brigade of Ukrainian Army), Golikov was forced to give an interview for the Russian LifeNews channel. He was kept there for one more month, and in the beginning of October 2014 was taken to Donetskoe (Donetsk region) and exchanged by one of the civil volunteer groups.

Many of the combatants and leaders coming from abroad have already been involved in other post-Soviet conflicts in places such as the Crimea, Chechnya, Abkhazia and South Ossetia,⁵⁵ and Transnistria.

One striking case is that of Vladimir Antufeev (Shevtsov), a former enforcement officer from Latvia. In the early 1990s, Antufeev joined the de facto Republic of Transnistria. Over a number of years, he headed the Security services of this "republic". Now, Antufeev has reappeared in the so-called DPR as one of its "Ministers".⁵⁶

d) Coordination and conflicts

Numerous conflicts are reported between different military units controlling LPR/DPR areas; some of them go as far as armed confrontation.

The Ukrainian blogger and writer Olena Stepova, inhabitant of Sverdlovsk in LPR-controlled region, has described violent fights occurring in the city between different battalions, though the Ukrainian armed forces did not seem to be involved. She described the events of summer 2014: the successive arrival of and fights between concurrent armed groups, with different flags representing different pro-separatist groups flown in the city in successive order – an anarchist flag with skull and crossbones, the green Russian Monarchist flag, Cossack flags, etc.⁵⁷

55. One of the arrested fighters in the ATO zone appeared to be the Deputy Minister of Defence of South Ossetia, see: <https://www.youtube.com/watch?v=hnKGGcJ3c> <http://echo.msk.ru/blog/shalommani/1324504-echo/>.

56. Interview with Russian human rights organization Memorial representative, Alexandr Cherkasov, on 6 August 2014, available at: <http://www.day.kiev.ua/ru/article/podrobnosti/offshor-dlya-terroristov>.

57. Interview for the documentary "Rejection. Fight for Ukraine" produced by CCL, availability online forthcoming.

The assistant to the former governor of the Luhansk region, Svyatoslav Halas, reported in an interview with CCL in Severodonetsk (Luhansk region) in March 2015, that one internal conflict between different pro-Russian armed groups resulted in a failure to evacuate several hundred local civilians from the town of Chornukhine during the heavy fighting for nearby Debaltsevo on 10 February 2015. Debaltsevo is on the border between DPR and LPR zones. On the DPR side alone, says Halas, DPR military units, Russian regular army units and Cossack armed groups acted simultaneously, with Chornukhine itself occupied by one “Cossack” group. At the beginning of February, in order to evacuate civilians from Chornuhyna the opening of a “corridor” was negotiated with armed groups, with Russian officers from the Joint Center for Cease-fire Control and Coordination also entering into the talks. Logistics and transport were provided by Luhansk Regional State Administration and 10 February had been appointed as the date for evacuation. However, on the day, the evacuation was blocked by an armored vehicle and pro-Russian fighters and the highway was constantly shelled with “Grad” from the LPR side.

This example testifies that the rivalry between separatist groups aggravates human rights violations.

e) Cooperation of local power institutions

In the conflict area, police officers had differing attitudes towards separatist armed groups. Some police officers seemed to actively cooperate with the DPR/LPR authorities, whilst others tried not to get involved by taking holidays or medical leave. Some were repressed for their pro-Ukrainian loyalty. The majority of police representatives seem to have adopted a waiting position, not interfering in so-called LPR/DPR activities.

The Ukrainian head of Slovyansk city police department testifies that only 36 policemen were present in the city when Ukrainian forces regained it. Around 60 policemen have permanently moved to other regions, or to Crimea or Russia. There is a serious suspicion of collaboration with the so-called DPR authorities regarding at least five policemen, who have probably joined the illegal armed forces.⁵⁸

2. Actors on the pro-Ukrainian side

a) A multiplicity of actors

The first armed pro-Ukrainian groups taking part in the conflict were the self-created volunteer battalions, which partly emerged from Maidan self-defence voluntary units. More than 30 battalions, composed of between several dozen to several hundred people each, were involved in the conflict in Donbas. Until May 2015, these armed units were self-managed and self-equipped, with sizable popular support but little real control from Headquarters. Lack of military experience, indiscipline, poor recruitment selection, and lack of military training and information about the laws of war mean that these battalions have contributed to various human rights violations. Since May 2014, the Ukrainian government has tried to regain control of these military units and to put them under the control of the Interior and Defence Ministries.⁵⁹

In the first year of the armed conflict, Ukrainian forces in Donbas were diverse and not necessarily well coordinated or well controlled by the central military command.

58. Interview for the Ukrainian-Russian human rights mission in July 2014 in Slovyansk <http://www.pravda.com.ua/articles/2014/07/21/7032574/>

59. On the volunteer battalions, see Rosaria Puglisi, “Heroes or Villains? Volunteer Battalions in Post-Maidan Ukraine”, Istituto Affari Internazionali, IAI Working Papers, March 2015, URL: <http://www.iai.it/en/publicazioni/heroes-or-villains>; Agnieszka Góralaska, “Volunteer battalions. Origin, operation, controversies”, Open Dialogue Foundation, URL: <http://en.odfoundation.eu/a/6448,report-volunteer-battalions-origin-operation-controversies>

In the beginning of the armed insurgency in Donbas, the Ukrainian Army under the control of the Ministry of Defense appeared unable to face such a conflict. Waves of military mobilization, however, saw the Ukrainian regular army gradually become the main military actor on the central Ukrainian government's side. The Ukrainian regular army has conducted major military operations while several dozen volunteer battalions under the Ukrainian Armed Forces and Interior Ministry, and some battalions under the Volunteer Ukrainian Corps or Special Purpose National Guard battalions, were in the process of being organised in 2014-2015. These groups were mostly supposed to control frontline areas and perform a supporting role.⁶⁰

b) Pro-Ukrainian forces abuses: no longer a taboo issue?

Human rights abuses perpetrated on the pro-Ukrainian side have been a neglected issue in Ukraine since the beginning of the armed conflict. The main reason for this neglect was political. Ukrainian society and the central authorities considered their armed forces to be heroes fighting pro-Russian separatists in Donbas. It was difficult to recognize that crimes could have been committed by those who risk their lives for their country and thus criticisms and investigations into allegations were impeded. Moreover, NGO, international observer and government focus was primarily on the massive abuses perpetrated by the pro-Russian side. Pro-Ukrainian human rights violations eventually became a powerful propaganda tool.

For instance, in September 2014, Russian media reported the discovery of mass graves in territories in the Donetsk region that had previously been controlled by Ukrainian forces. The Russian Foreign Minister Lavrov claimed that these graves could contain as many as 400 bodies. However, Amnesty International, who visited the site a few days later discovered the bodies of 4 men buried in 2 graves. Whilst these graves pointed to extra-judicial killings by either regular Ukrainian armed forces or volunteer battalions, Amnesty denounced the disinformation spread not only by the Russian media but also by highest levels of authority in Russia concerning these graves.⁶¹

Another example is a story about a "crucified boy" in Slovyansk, which was broadcast by the main Russian state channel Perviy Kanal.⁶² Russian media themselves discovered that the story was fake.⁶³ After the scandal of the falsification broke out, Perviy Kanal had to acknowledge that information on the crucifixion was not based on any evidence.⁶⁴

In September 2014, Amnesty International Ukraine broke the taboo surrounding Ukrainian side violations by presenting a report on abuses by the Aidar battalion: "Members of the Aidar territorial defense battalion, operating in the north Luhansk region, have been involved in widespread abuses, including abductions, unlawful detention, ill-treatment, theft, extortion, and possible executions".⁶⁵ In the following months, a limited number of cases involving Aidar fighters were revealed by the media and investigated by police forces (see below).

60. Know your volunteer battalions (INFOGRAPHIC), in Kyiv Post, September 9, 2014, at <http://www.kyivpost.com/content/ukraine/know-your-volunteer-battalions-infographic-363944.html>

61. "Eastern Ukraine Conflict: Summary Killings: Misrecorded and Misreported", Amnesty International, October 2014, <https://www.amnesty.org/en/latest/news/2014/10/eastern-ukraine-conflict-summary-killings-misrecorded-and-misreported/>.

62. <http://www.1tv.ru/news/world/262978>

63. <https://www.youtube.com/watch?v=W9BjogewWXk>

64. <http://www.1tv.ru/news/about/274369>

65. "Ukraine: Abuses and war crimes by the Aidar Volunteer Battalion in the north Luhansk region", URL: <https://www.amnesty.org/fr/documents/document/?indexNumber=EUR50%2F040%2F2014&language=en>

For example, on 8 June 2015, a list of 65 crimes allegedly committed by members of the voluntary battalion Aidar was made public by the governor of the Luhansk region, Gennadi Moskal. The allegations were based on complaints submitted to the Ukrainian security services. Abduction, murder, physical violence and extortion are the most frequently cited cases. According to Moskal,⁶⁶ the document presents only the most serious crimes, representing 25% of total complaints targeting the Aidar Battalion. Criminal investigations are open against the perpetrators.

According to the information received by the CCL from ICRC representatives, Ukrainian Armed Forces members receive basic training on International Humanitarian Law, whereas the combatants engaged in volunteer battalions lack such awareness.

A former fighter of Tornado battalion (under the Interior Ministry of Ukraine. Established on September 2014 and dissolved on June 2015) gave an anonymous interview to CCL in June 2015. He described illegal arrest, physical violence perpetrated on prisoners and the use of prisoners as slaves as an integral part of the warfare. "Working with prisoners" or "making them understand that they are not right" were the terms he used in describing these practices. He seemed completely unaware of any special rules regulating the use of violence in war. "Why wouldn't we do that?" he asked in response to concerns about the use of prisoners as slaves.

The uncertain status of the armed conflict deepens misunderstanding of the rules and legislation applicable:

The former Deputy Commander of Tornado battalion, Mykola Tsukur, pointed out this uncertainty: *"What is sure for us is that everybody talks about anti-terrorist operations, but what is actually going on is a war. You know that in a state of war, different laws apply. Detention and other things, all is different. I understand that there is the status of war prisoner; but a war prisoner is no more a detainee."*⁶⁷

It was not clear during the interview whether the Deputy Commander was referring to specific legislation in choosing how to treat the prisoners. Regardless, his comments highlight that the unclear legal status of the conflict sees combatants seek to escape their obligations under international humanitarian law.

Tornado battalion, which proved not to be selective in its recruitment, was publicly accused by Ukraine's Chief military Prosecutor, Anatilii Matios, of being infiltrated by organized criminal groups and common criminals. As such, it was subsequently dissolved. In June 2015, Matios declared that 43 out of the 170 Tornado fighters present at that time in Luhansk district, had previously been charged and brought to justice for criminal offenses.⁶⁸ The former Tornado fighter interviewed by the CCL in June 2015 and who requested anonymity, corroborated this claim.

By contrast, the lawyer defending the Sich and Tornado battalions alleges that these criminal cases can be seen as the imposition of political pressure on armed groups that have become too disruptive for the power institutions. He claims that such cases are poorly investigated.⁶⁹

66. See Censor.net.ua, http://censor.net.ua/news/339178/moskal_peredal_v_gpu_i_mvd_perechen_prestupleniyi_sovershen_nyh_tak_nazyvaemyi_dobrovoltzami_ayidara.

67. Mykola Tsukur was interviewed by the CCL at the Tornado battalion base in Pryvillia city (Luhansk region).

68. <http://www.business.ua/articles/ukraine/Matios-batalonu-Tornado-dali-vremya-sdatsya-bez-shturma-102123/>

69. Vitalii Pogosyan, "Volunteer battalions, patriots or villains?" (in Ukrainian), available at: <http://www.khpg.org/index.php?id=1435048785>.

The Ukrainian Ombudsman for human rights, Valeria Lutkovskaia, has reported cases of violence by police officers against the Tornado fighters arrested by them.⁷⁰

Currently, several cases of violations committed by volunteer battalions are being investigated: one against the "Aidar" battalion (about 400 cases of abuse) and its former commander Serhii Melnychuk, who is accused of operating an organizing gang.⁷¹ Another case is against the "Tornado" battalion (8 persons have been detained) and in particular its commander Ruslan Onyshchenko, who is currently in prison and faces similar charges to those levelled at Serhii Melnychuk.⁷² One of the volunteer battalions – Shakhtersk – was disbanded by the Interior Minister, Arsen Avakov, after cases of looting were reported.⁷³ According to Dnipropetrovsk lawyer, Oxana Tomchuk, as of July 2015, there were at least a hundred members of Ukrainian battalions in detention facilities in the eastern Ukrainian city of Mariupol alone.⁷⁴

70. <http://www.ombudsman.gov.ua/ua/all-news/pr/zdijsneno-monitoring-dotrimannya-prav-zatrimanix-pratsivnikiv-roti-tornado/>

71. http://espresso.tv/article/2015/05/13/quotnedokombatquot_za_scho_mozhut_daty_dovichne_melnichuku

72. <http://tsn.ua/video/video-novini/vismoh-osib-batalyonu-specialnogo-priznachennya-tornado-zaareshtovano.html?type=1551>

73. http://www.ukrinform.ua/ukr/news/spetsbatalyon_shahtarsk_rozformovano_za_maroderstvo___avakov_1982056

74. This information was given by O.Tomchuk to the CCL in September 2015

PART II.

CATEGORIES OF CIVILIANS TARGETED

A. CIVILIANS TARGETED IN LPR/DPR-CONTROLLED TERRITORIES

According to testimonies collected by the CCL, the persecution of civilians by DPR/LPR factions show signs of a widespread and systematic policy. Kidnappings, detention and torture of particular groups (listed below) are well organized and large scale. Such conduct is engaged in by all armed groups in all illegal places of detention FIDH is aware of throughout the Donetsk and Luhansk regions (see the maps above). Moreover, special force units have been created in the so-called DPR and the so-called LPR. These are called the MGB and the SMERSH division of the KGB in the DPR and the LPR, respectively. These titles have been derived from the names of repressive units under the USSR – “Ministry of state security” for MGB in the DPR,⁷⁵ and counterintelligence unit of the Second World War times “death to spies!” (abbreviation SMERSH) in the LPR.⁷⁶ The main task of these groups is the detection and liquidation of civilians who support or allegedly support Ukrainian state sovereignty.

For instance, an announcement reproduced below and signed by the “Headquarters of rebels in Horlovka” says that the Head of the Zaytseve settlement near Horlivka, Volodymyr Veselkin, is a “dangerous criminal” and offers 130 000 hryvnia for those who catch him alive. Veselkin himself has been forced to flee the city, which has become too dangerous for he and his family.

These groups are also composing so-called liquidation lists. Such policy is fulfilled openly and consciously with the aim of gaining control over the region.

Some segments of the population are being particularly targeted:

1. Pro-Ukrainian activists

Visible and well-known activists and Maidan participants were the primary targets of persecution during the first stages of the conflict. A pro-Ukrainian comment on social networks, the display of pro-Ukrainian symbols in public, or denunciation by anyone as being pro-Ukrainian is sufficient to attract arbitrary detention. According to the CCL database,⁷⁷ such cases run into the hundreds.

Larisa Belotserkivets, 60 years old, living in Makiyivka (Donetsk region), was known for her active pro-Ukrainian position. She took part in pro-Maidan demonstrations in Donetsk and Kyiv and was mentioned several times in media reports on these demonstrations. Armed men, later identified as members of the Makiyivka-based illegal



Announcement reads “WANTED: Dangerous criminal Veselkin Volodymyr Yurevich, b. 1978 (until 9 May 2014 held the position of the Head of Zaytseve village). Person(s) who deliver Veselkin V.Y. alive will receive a bounty of 130 000 hryvnia. Headquarters of rebels in Horlovka.” Picture taken in August 2014. Source: gorlovka.ua.

75. <http://dnr-sovet.su/zakon-dnr-o-mgb/>

76. <http://rian.com.ua/society/20140618/353511979.html>

77. Presently only available for consultation upon request. For more information, contact CCL.

armed group “Mech”, detained her on 17 September 2014 at home. Belotserkivets was kept for 20 days in the local Military Commissariat and questioned only once. She suffered from cold, was forced to clean and cook for the group keeping her. She managed to escape from detention.⁷⁸

Nataliia Honcharova from Lysychansk (Luhansk region) and her husband Dmytro Skomorokh were known for their pro-Ukrainian position and had expressed their views on social networks since spring 2014. Nataliia works at the Lysychansk Executive Committee in the Office of Children’s Services. After the separatists took control of Lysychansk, in retaliation for her pro-Ukrainian stance, she received threats: her colleagues passed her “greetings” from unknown people and advised her to remain silent. In the end, persuaded by the colleagues who supported her yet also feared of their safety (“they will come to take you, and then me”), she removed all pro-Ukrainian content from her social network page. In late April 2014, unidentified armed people in camouflage uniforms approached Nataliia and her husband’s residence in a grey vehicle and threatened them, saying that *“they knew that a man from western Ukraine lives here”*. *“We called our neighbours and asked them to confirm that we were locals and that none of us came from western Ukraine”*, Nataliia testified. *“Finally, they went away, and we decided to express our opinions less publicly.”* Yet on 4 July 2014, Dmytro was abducted by camouflaged men who came on a UAZ of the “Prizrak” battalion.⁷⁹ He was released heavily injured five days later.⁸⁰

The period between spring and autumn 2014 can be considered a peak of repression on an ideological basis. After this, most people supporting pro-Ukrainian views chose either to leave the region or not to express their opinion.

Apart from Maidan participants, several political groups and actors are subject to persecution and kidnappings. These persons and groups are composed of all those seen as pro-Ukrainian or pro-European. For example, “Svoboda” party members (nationalist and pro-Ukrainian) have been prime targets, leading to the closure of the party’s activities in Donbas.

In the city of Kostiantynivka, Donetsk region, two members of the party were detained for their political opinion: Yaroslav Malanchuk was arrested on 29 April 2014 and remained in prison for more than two months. Artem Popik was kidnapped the following day, questioned, beaten and detained until 30 May 2014.⁸¹

In Makyivka, local Svoboda party activist Aleksei Demko was arrested at home on 8 May 2014. He was later found badly injured in the street the following day, but immediately kidnapped again from hospital. He was released on 10 June 2014, after negotiations so-called DPR authorities.⁸²

“Batkyvshina” pro-European party is also targeted for its pro-Ukrainian position. At least two local MPs (Volodymyr Rybak and Ivan Reznynchenko) have been killed and many party members were reportedly forced to leave the region to avoid persecution. Anything that can lead to information about a person’s belonging to this political group makes him or her vulnerable to abuse.

78. Interviewed by the CCL in February 2015 in Kyiv.

79. UAZ is a Russian automobile company based in the city of Ulyanovsk. Its name is Ulyanovskii Avtomobilnyi Zavod, meaning Ulyanovskii Automobile Factory. UAZ specializes in manufacturing all-terrain SUVs, light trucks and vans.

80. Interviewed by the CCL in December 2014 in Lysychansk.

81. Interviewed by CCL in December 2014.

82. Interviewed by CCL in August 2014.

In Severodonetsk, Luhansk region, a businessman was arrested because a congratulation letter (for business achievements) signed by Yulia Tymoshenko, (Batkivshina chairperson) was found in his office together with a small Ukrainian flag. The man spent 23 days in captivity.⁸³

Another political group subject to persecution and given a quasi-mythical status in DPR/LDR controlled areas is “Pravyi Sektor” (Right Sector), an extreme-right pro-Ukrainian group. This group is an openly nationalistic political force that emerged from Maidan under the leadership of Dmytro Yarosh. It immediately became a symbol of the anti-Russian movement in the Russian media. Fear of the Pravyi Sektor, presented as the main enemy, was nurtured by Russian media and is consequently widespread among the conflict zone population. People without a link to the organization are often targeted simply because of a suspicion that they belong to or support it.

2. Civilians providing humanitarian aid in conflict zones

In regions under the control of the so-called LPR and DPR, civilians providing assistance to Ukrainian armed forces are primary targets, but volunteers delivering humanitarian assistance are also threatened. Some are kidnapped and even disappear. Most often they are being detained on suspicion of spying for the Ukrainian side, although humanitarian aid coming from Ukrainian controlled territory remains a crucial means of survival. According to a French journalistic investigation,⁸⁴ humanitarian aid coming from the Russian side has become a significant source of corruption for DPR/LPR leaders, with approximately 50% of such humanitarian aid being stolen and subsequently sold on a black market.

A volunteer from Kyiv, whose name cannot be made public, was working for an association distributing humanitarian aid in conflict affected areas. She was kidnapped on 12 June 2015 whilst staying at her mother’s home in Donetsk working for a humanitarian mission. She is seriously ill and was pregnant at the time of the event. She was kidnapped by the DPR’s MGB (Ministry of State Security) and accused of being a sniper belonging to the Pravyi Sektor (Extreme right pro-Ukrainian group). She was beaten and tortured even after MGB found that she is pregnant. She spent approximately 2 months in captivity and was released in August 2015.⁸⁵

Vasil Kovalenko, director of the holiday club “Birusa” in Donetsk region was kidnapped by armed men in a DPR-marked vehicle on 29 September 2014.⁸⁶ In the months preceding the kidnapping, Kovalenko had offered shelter to refugees from the conflict areas at his holiday center. More than 250 people were simultaneously hosted in the shelter free of charge. This was not the first time that DPR armed groups apprehended Kovalenko, according to his daughter.⁸⁷ He was asked to follow his captors in his own car. Two days later, the same car without a registration plate was seen being used by an armed group. Kovalenko has reportedly not been released or found to date.

Four volunteers from Poltava, a middle-aged group of three men (Victor Kalashnikov, Volodymyr Matlash, Borys Misurenko) and one woman (Iryna Boyko), disappeared in the Luhansk region near Rovenki on 21 June 2014. Ms Boyko, released in September the same year,⁸⁸ confirmed that they were abducted. Borys Misurenko was shot dead.

83. Interviewed by CCL in December 2014.

84. <https://www.youtube.com/watch?v=ScXhvjUYgoY>

85. Interviewed by the CCL in September 2015 in Dnipropetrovsk.

86. The CCL got this information from colleagues from the Donbas SOS initiative, who were cooperating with Vasil Kovalenko and staying in contact with his family members.

87. “Под Мариуполем в безымянном похищен человек”, 7 October 2014, available at: <http://www.0629.com.ua/news/636139>.

88. “Спасение волонтера Бойко: путешествие туда и обратно”, 9 October 2014, available at: <http://maidan.org.ua/2014/10/spaseniye-volontyora-bojko-puteshestviye-tuda-y-obratno/>.

No information about the fate of the two other men – Ralashnikov and Matlash – could be found.

On 5 January 2015 in Donetsk city center, armed men abducted four volunteers working for the “Responsible Citizens” initiative, which collects and dispatches humanitarian help in the conflict zone. News of the kidnapping was immediately disseminated through media and social networks by the initiative coordinators. The armed group released the four volunteers the next day, on January 6.⁸⁹

3. Journalists

The abduction of journalists by so-called LPR/DPR authorities is frequent. Reporters without Borders included Donbas in its top 5 most dangerous areas for journalists in 2014, especially for locals. It stressed that journalists are “regarded with suspicion and pressured to support the enemy’s cause” being “subject to constant intimidation”. In 2014, RSF reported 47 cases of arrests of journalists in Ukraine.⁹⁰

Ukrainian TV journalist for Espresso TV channel, Egor Vorobiev, was detained on 30 August 2014, whilst covering the Ilovaisk battle. He was taken together with his cameraman, Taras Chka, and civic activist, Roman Shaposhnikov, and later transferred to a DPR armed group. Egor Vorobiev and Ruslan Shaposhnikov provided evidence that they were first detained by the Russian military.⁹¹ Shaposhnikov and Chkan were released a few days later, but Vorobiev remained in detention until 7 October 2014, when he was released during the exchange between Ukrainian and DPR side prisoners in Enakyivo. The Vorobiev case was under the control of the Ukrainian president,⁹² negotiations concerning his release were held by different people including MPs and journalists. According to Egor, before his release he was questioned by one of the best known DPR commanders, Igor Bezler (Bes). Vorobiev was accused of collaborating with pro-Ukrainian forces and regularly beaten; his arm and hand were broken.⁹³

Journalists are sometimes being used as hostages by various armed groups for propaganda purposes, being forced to work for their kidnappers as reporters and to record propaganda videos.

Pro-Ukrainian activist and journalist Dmytro Potekhin was offered the ability to work for LifeNews channel whilst being detained in the former art-center of Izolyatsia, which was then a prison. He was captured on 13 August 2014 and released on 27 September 2014. The proposal that he work for the LifeNews channel came from “MGB”, claimed Potekhin. He was offered pay for that work, but refused.⁹⁴

The risk of being taken captive as an enemy supporter makes it dangerous for Ukrainian journalists, especially non-residents of the Donbas region, to cover the conflict in the region. Russian and foreign journalists are normally allowed to work in LPR/DPR-held territories, but are also subject to abuse.

89. <http://zn.ua/UKRAINE/volontery-organizacii-otvetstvennye-grazhdane-pohischeny-v-donecke-aktivistka-163441.html>.

90. “Round-up of abuses against journalists 2014”, Reporters Without Borders, available at: <http://en.rsf.org/files/bilan-2014-EN.pdf#page=5>

91. https://www.youtube.com/watch?v=9t_VqJqk0w, 3.09.2015

92. http://espreso.tv/news/2014/09/25/poroshenko_poobicyav_vzyaty_na_osobystyy_kontrol_zvilnennya_zhurnalista_espresotv_yehora_vorobyova

93. Interviewed by CCL in January 2015 in Kyiv.

94. Interviewed by CCL in January 2015 in Kyiv.

Pavel Kanygin, a journalist from the Russian independent Newspaper “Novaya Gazeta”, was arrested in DPR on 16 June 2015 for a missing accreditation, aggressively questioned over 5 hours and beaten by men in camouflage clothing. He was later expelled to Russia.⁹⁵

One of the emblematic cases mentioned in the report *Missing persons during the conflict in Ukraine* of the Parliamentary Assembly of the Council of Europe (PACE) is the following story of Lera Kulish’s family from Luhansk:

“At 4 in the morning on 8 August 2014, 8 armed persons forced their way into the house of my parents in the town of Peremozhne of the Luhansk region. I was away, but my parents and my grandfather were at home. The terrorists were searching for weapons, but did not find any. So they took my mother, Elena Kulish and my stepfather, Vladimir Alekhin as well as two of our cars parked in the courtyard. My mother had created a web blog giving news from the town to the relatives living outside the occupied territory. I presume that because of this activity my parents were abducted. In December, I was called by the s.c. LNR [LPR] authorities to identify the bodies, but it was impossible to do so, as the bodies were in a very poor condition. The authorities are not handling the bodies and will not take DNA samples. They promise to send them to Rostov oblast in Russia for the metric expertise, nevertheless nothing happens.”⁹⁶

Luhansk journalist Mariia Varfolomeeva has been kept in detention since January 9 2015 to date. She is accused by the so-called LPR security services of being a Pravy Sektor spy.⁹⁷

4. Civil servants and State representatives

Abuses committed against civil servants have to be distinguished from the general persecution of those with dissenting positions and views. Pre-conflict officials in areas under LPR/DPR-control have been subjected to pressure since the very beginning of the conflict. This pressure is aimed at forcing them to support the new de facto authorities under threat of violence.

The presidential election in May 2014 appeared to be a specific moment of repression targeting civil servants, who were subjected to threats, kidnapping, violence and other pressure. Regardless of political opinion, the very fact of taking part in the organization of the electoral process within the framework of Ukrainian legislation was interpreted as manifesting a pro-Ukrainian position.

In Donetsk, in spring 2014, armed intrusions into the electoral commission offices and the confiscation of election equipment and documents were frequent in the pre-electoral weeks. The election could not take place in 24 out of 34 electoral commissions of the region.

One reported case concerned Antonida Melnikova, an under 60 year-old head of the territorial election commission n°110 in Lysychansk, North Luhansk region. Before the presidential elections in May 2014, the Prizrak (Ghost) battalion, which was fighting on the so-called LPR side and was located in Lysychansk between April and June 2014, took Ms Melnykova captive. Melnykova was badly treated in detention, being beaten and

95. “ Спецкор Новой газеты” Павел КАНЬГИН: “Он направил на меня пистолет и спросил, я за них или за “укропов”. Когда я сказал — за мир, мgbшник сразу дал мне кулаком в глаз”, 16 June 2015, available at: <http://www.novayagazeta.ru/news/1694538.html>.

96. “Missing persons during the conflict in Ukraine”, 8 June 2015, Parliamentary Assembly of the Council of Europe, Committee on Migration, Refugees and Displaced Persons, <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=21795&lang=en>

97. <https://www.youtube.com/watch?v=245PdpOoZxY>, more on Maria’s fate <http://informer.lg.ua/?tag=мария-варфоломеева>

having her arms twisted. She was held in captivity until she agreed to hand over the seal of the territorial election commission⁹⁸.

Policemen and employees of the ministries of Interior and Defence who refused to cooperate with the so-called LPR/DPR authorities were systematically blacklisted. The "black lists", accompanied by pictures, were made public and disseminated. This black list was kept by a policeman from Luhansk who refused to fulfill the orders of the LPR authorities and managed to flee together with his family in spring 2014 to territory controlled by the Ukrainian government. In an interview with the CCL in December 2014 in Rubizhne (Luhansk region), he said that he lost all of his property in the region, but managed to keep the black list in which he was included and which was published in a LPR newspaper (see below).

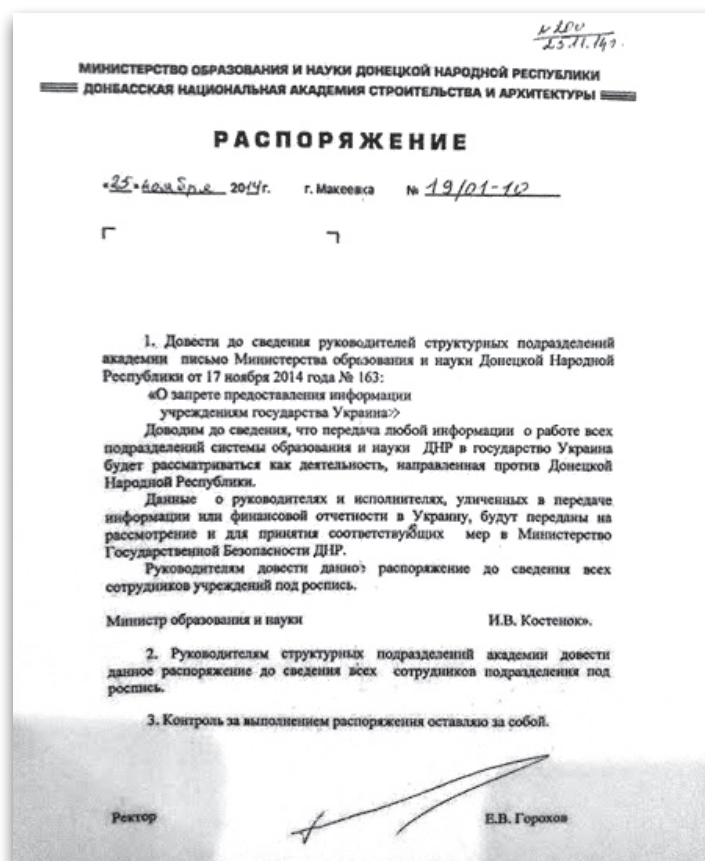


Police officers and officers of the Ministries of Interior and Defense blacklisted by the *de facto* Ministry of Interior of the so-called LPR. Picture of the newspaper taken in December 2014 in Rubizhne (Luhansk region). Source: CCL. For English translation of the document, see Annex 1.

Another law enforcement representative interviewed by the CCL in Lysychansk in December 2014 showed members of the mission messages with the threats in his address which he still gets via social media. Moving together with his family away from his home city of Luhansk he has also lost all of his property.

So-called DPR representatives also tend to perceive other state representatives, such as teachers, as spies, threatening them if they transmit any information, even just information on the education system in DPR-held territory.

98. Interviewed by the CCL in December 2014.



Decree by the de facto Ministry of Education and Science of the so-called DPR (25 November 2014). Source: CCL; document obtained in December 2014 during a monitoring mission to Rubizhne (Luhansk region). For English translation of the document, see Annex 2.

5. Businessmen

The persecution of businessmen should be understood in the general context of the economic functioning of territories under the control of LPR and DPR groups.

Whilst it is difficult to evaluate the amount of financial support received by the so-called LPR/DPR from abroad, the region's economy nevertheless relies to a certain extent on taxes paid by local businesses. These "official" taxes require the re-registration of businesses within the LPR/DPR administrative system, as they are otherwise still paid in Kyiv. Business managers who don't accept such re-registration or refuse "unofficial" payments are subjected to threats, detention, violence and murder.

During a journalistic investigation published by the Russian economic media Rbc.ru, the author witnessed a meeting between the Head of the so-called DPR, Zakharchenko, and directors of regional coal mines. The director of the Trudovskaia mine was missing – his colleague explained that he had been arrested the previous day and "taken to a basement" to be charged with illegal possession of weapons and forging documents. Zakharchenko is then reported to have "suspected an error" and to give the instruction to call the responsible warlord and order the release of the manager⁹⁹.

Business is also subject to extortion by armed groups on the DPR/LPR side. The military bases of irregular armed groups are often located in industrial buildings occupied by the force. These sites also become detention places. However, whether these sites are given up voluntarily or under threat is unclear in most cases.

Stripping businessmen and top managers of their property – cars, computers, and valuable items – has reportedly become routine in the DPR/LPR.

99. <http://daily.rbc.ru/investigation/politics/15/06/2015/5579b4b99a7947b063442010>

6. Local and foreign NGO representatives

NGO representatives, mostly acting as observers, or representatives of official international observation groups also face threats.

On 26 May 2014, a group of four OSCE observers of Swiss, Danish, Estonian and Turkish citizenship were captured in Donetsk region. According to one local DPR representative, Andriy Purgin, the observers were detained in Severodonetsk as human shields to prevent any Ukrainian attacks on the city. The prisoners were released on 29 June 2015.¹⁰⁰

On 8 August 2015, four OSCE armoured vehicles belonging to the OSCE's Special monitoring mission to Ukraine (SMM) were destroyed overnight in apparent arson attack at the SMM Donetsk residence. The SMM denounced such actions¹⁰¹ The head of the SMM, Ambassador Ertugrul Apakan, later stated that over the previous few months the *"security of the Mission itself was under threat on an unprecedented level... It looks like a direct attack on the Mission to inhibit its activity"*¹⁰².

7. Religious Authorities

A specific report on persecution based on religious beliefs was published by the CCL/IPHR in April 2015.¹⁰³ Whilst religion is not the basis for the conflict, it has been invoked within the rhetoric of persecution employed by irregular combatant groups, targeting religious representatives who don't belong to the Russian Orthodox Church of Moscow Patriarchate. Some pro-Russian armed groups operating in LPR/DPR-controlled areas act under religious banners, namely the Russian Cossack movement "The Great Legion of Don", or the "Russian Orthodox Army".

Religious affiliation other than with the Moscow Patriarchate is sometimes interpreted by armed groups as a sign of being anti-Russian. Representatives of the Ukrainian Orthodox Church of the Kyiv Patriarchate, Ukrainian Greek Catholic Church, Ukrainian Roman Catholic Church, Protestant Church and the Evangelical Church, were reportedly victims of the prohibition on religious practice, abduction, illegal detention, torture and sometimes murder.

In March 2014, in Donetsk, about 60 local religious groups present in the city, except the Moscow Patriarchate Orthodox Church, united for a daily collective prayer in one of the city squares, called the "Prayer Marathon". The participants prayed for peace, end of violence, but also for the unity of the country, which made the event pro-Ukrainian in spirit. The organizers experienced numerous threats and attempts to destroy the prayer tent, but managed to come to an agreement with local armed group until the arrival of Igor Girkin (-Strelkov), who was at the time the DPR defense minister. Later, the situation deteriorated and some 14 religious representatives among the organizers were abducted and some physically abused.¹⁰⁴

The Catholic priest Father Tykhon (Serhiy) Kulbaka, one of organizers of the above mentioned Prayer Marathon in Donetsk, was abducted by pro-Russian combatants at gunpoint on 4 July 2014. He was blindfolded during the ten days he spent in

100. <http://www.reuters.com/article/2014/06/27/us-ukraine-crisis-hostages-idUSKBN0F200T20140627>

101. <https://www.facebook.com/oscesmmu?fref=nf>

102. <https://www.facebook.com/oscesmmu/photos/a.316304135187965.1073741828.316016908550021/529529757198734/?type=1&theater>

103. More details in this regard you can see in the report prepared by CCL together with IPHR – "When God Becomes The Weapon" http://ccl.org.ua/wp-content/uploads/2013/07/When-God-Becomes-The-Weapon_6May2015_closed-for-editing.pdf

104. More details in this regard you can see in the report "When God Becomes The Weapon" http://ccl.org.ua/wp-content/uploads/2013/07/When-God-Becomes-The-Weapon_6May2015_closed-for-editing.pdf

captivity, denied medical care vital to treat his diabetes, and was not given enough water or food, despite his kidnappers knowledge that he had a chronic disease. As with several other priests, the fighters staged a mock execution by firing squad, which Father Tykhon recalls they considered entertainment. One of the jailers he talked with confirmed the religious nature of the persecution he was facing, calling him a heretic and stating that *“the enemy must be killed: all the uniates, schismatics and heretics”*¹⁰⁵.

8. Minorities, in particular Roma

In all conflicts minorities become an easy target of the hostilities. In its recent April 2015 report,¹⁰⁶ Russian FIDH member-organisation, ADC Memorial, illustrated how the sizable Roma population of this area has likewise fallen victim to the military conflict. Many Roma have become targeted victims of attacks, property seizure, violence or even organised pogroms, like in Slovyansk. When they have tried to leave the conflict zone either to Ukraine or Russia, in addition to the hardships they experience as refugees, they also face xenophobia and prejudice, which plagues society in both Russia and Ukraine. The governments of these countries are not taking sufficient measures to deal with the problems that refugees and internal migrants face. There are virtually no public initiatives in Russia aimed at migrants, and Ukraine does not have sufficient resources to deal with this issue. ADC Memorial experts travelled to all districts of Donetsk and Luhansk oblasts that were accessible in late 2014, as well as Kharkiv, Kyiv, and a number of settlements in South and Central Russia, where many former inhabitants of Romani settlements in Eastern Ukraine have moved.

The most known organised pogrom of Roma settlements happened in Slovyansk, Donetsk Oblast in April 2014. Representatives of the so-called “self-defense forces,” made up of armed formations under the command of Vyacheslav Ponomarev, “the people’s mayor” of Slovyansk and Igor Girkin, the commander of pro-Russian fighters in Slovyansk, were reportedly involved in the anti-Roma hysteria. Vyacheslav Ponomarev stated in an interview that “attacks against Roma in Slovyansk as such did not occur. We’re cleaning the city of drugs.”¹⁰⁷ The report quotes the testimony of P. from Slovyansk: “Roma were led out of their homes. Their gold, money, all their valuables, were taken from them and then they were locked in their basements. That’s what happened with almost all the Roma, not just the ones near the railway station. The separatists drove by my home several times, but they didn’t touch me because I don’t really look like a Rom and they can’t tell which homes are Romani and which aren’t. ... I was told that doctors would not receive people who had been beaten at hospitals because they did not want any problems with the separatists. This went on for about a month-and-a-half until the separatists left [the town].”¹⁰⁸

Impunity, aggravated by xenophobic sentiment, is even greater concerning abuses against this community. The report recalls the story of a Romani woman whose husband was abducted in Dzerzhynsk in July 2014. He apparently died in a fire in the Oblast Executive Committee, where he was reportedly being kept, during the storm of the city. As she was trying to find his whereabouts, his wife was told by the supervisor in the police station: “Do you know how many Russians have disappeared here? Why are you bothering us about your gypsy?”¹⁰⁹

105. *Ibid.*

106. ADC Memorial, Roma and War in Eastern Ukraine – refugees, displaced persons, victims of violence, April 2015, <http://adcmemorial.org/wp-content/uploads/RomaENGwww.pdf>

107. http://news.liga.net/news/politics/1445861-separatisty_po_svoemu_obyasnyayut_zachistku_Slovyanska_ot_tsygan.htm

108. ADC Memorial, Roma and War in Eastern Ukraine – refugees, displaced persons, victims of violence, April 2015, pp. 23-24 <http://adcmemorial.org/wp-content/uploads/RomaENGwww.pdf>

109. ADC Memorial, Roma and War in Eastern Ukraine – refugees, displaced persons, victims of violence, April 2015, p. 22 <http://adcmemorial.org/wp-content/uploads/RomaENGwww.pdf>

The report shows that when refugees return home, life in the Luhansk and Donetsk oblasts remains fraught with danger and violence, and is unsettled and difficult in material terms. Roma suffer from biased treatment and the perpetual suspicion of betrayal. For example, those who have returned to Slovyansk from Russia after Ukrainian control of the city was restored, are accused of being pro-Russian, whilst those opposed the Ukrainian government suspect these persons of supporting anti-Russian forces.

B. CIVILIANS TARGETED IN UKRAINE-CONTROLLED TERRITORIES

1. Perceived pro-LPR/DPR combatants

In Ukrainian-controlled areas, certain supporters or perceived supporters of LPR/DPR combatants are subject to illegal detention, physical abuse and threat.

However, abuses against civilians represented as LPR/DPR combatants reportedly almost always take place under the pretext of the fight against the terrorist groups and special ATO regulations.

2. Civilians presumed to be wealthy or able to pay a ransom

Self-seeking motives frequently characterize cases of illegal detention and violence. In the list of violations allegedly committed by combatants of the Aidar battalion in the second half of 2014, made public by Guennadi Moskal, 21 out of 65 cases include extortion and theft. Among those, most consist of illegal appropriation of cars, money and valuable personal belongings, combined with abduction. One case of kidnapping for ransom is presented in the list.¹¹⁰

According to the data from Severodonetsk city police authorities, referred to as the "Moskal list", Ms Zhenesku, who works as a judge in Luhansk, and her father, lead Architect of Luhansk city, were arrested at a check point in August 2014 by the Aidar battalion. Both father and daughter appear to be wealthy people who were actually accused of corruption. Ms Zhenesku was later released, but reported having received an SMS claiming a 20 000 USD ransom for her father a few days later. Mr. Zhenesku is reported to have been officially arrested for cooperation with "terrorists from Luhansk"¹¹¹.

110. <http://korrespondent.net/ukraine/politics/3524646-moskal-obnarodoval-spysok-yz-65-prestuplenyi-aidara>.

111. <http://rian.com.ua/video/20140817/356094902.html>

PART III.

THE MULTIPLE FACES OF HUMAN RIGHTS ABUSE

A. ARBITRARY DETENTION AND CAPTIVES

Arbitrary detention and captive taking are a relatively recent phenomena in Ukraine. They were marginally used in post-soviet Ukraine, as for instance, in the case of Ukrainian Journalist, Gueorgi Gongadze, kidnapped and murdered in 2000. The phenomenon started with the Euromaidan protest and the annexation of Crimea, becoming massive in the context of the Donbas conflict. Euromaidan SOS documented cases of disappearance and kidnapping in Crimea in March 2014.¹¹² Some of the disappeared activists remain missing.

The Minsk Protocol, signed on 5 September 2014, requires an “immediate release of all hostages and illegally detained persons”, offering an official recognition of the hostage problem. This commitment however was not fulfilled.

1. Arbitrary detentions by LPR/DPR groups

a) A widespread phenomenon

An estimation of the extent of the phenomenon of arbitrary detention in LPR/LPR-controlled territories is difficult due to extremely restricted access to these areas for Ukrainian or international observers. Most data is collected through the fact-finding missions conducted in the territories with restored control by Ukrainian forces, reports by some NGOs present in the East and from open sources and social media. Even in territories regained by the Ukrainian military, the scale of kidnappings is still a controversial issue, since no proper official investigation has been conducted.

A monitoring mission to Slovyansk (under the control of DPR forces from 12 April to 5 July 2014) by the Joint Ukrainian and Russian Human Rights NGOs Working Group, on 15 and 17 July 2014 found that captive taking was the most “closed to possible investigation” to conduct.¹¹³ The local police forces registered about 40 disappearance complaints, while a local journalist working on the issue mentioned about 100-150 people illegally detained every day.¹¹⁴

By spring 2015, the Donbas hostage/arbitrarily detained persons database of the CCL, mostly compiled by volunteers,¹¹⁵ listed approximately 1,200 mostly civilian names. These names represented those whose relatives had turned to CCL or other NGOs for help and those mentioned in open sources such as media or social networks. Most of

112. One example is outlined above – interview with Mykhailo Vdovchenko. Also see the interview of Vladislav Polishchuk, who spent around two weeks in captivity in Crimea in March 2014. He was interviewed by CCL on March 2014 in Kyiv – available at: <https://www.youtube.com/watch?v=NeZsP-u0DkA..> Another interview online is a talk with pro-Ukrainian activist in Crimea, Ihor Kiriushchenko, who was forced to flee from Crimea after threats from an organization called “Russian block”. He was interviewed by CCL on March 11 2014 in Kyiv. Interview available at: <https://www.youtube.com/watch?v=q2QFVzIHJzA>,

113. <http://ccl.org.ua/wp-content/uploads/2013/07/Slovyansk-10.11-1-11.pdf>

114. <http://ccl.org.ua/wp-content/uploads/2013/07/Slovyansk-10.11-1-11.pdf>

115. At the moment, the database is not publicly available but consultable upon request.

the detained have already been released, some others appear to still be missing. These figures are incomplete due to collection restrictions mentioned above.

According to Iryna Herashchenko,¹¹⁶ Ukrainian representative in the Trilateral contact group on the peaceful settlement of the situation in the Donbas, the number of detainees kept by both the DPR/LPR and the Russian Federation reaches 300 military and civilians, including those kept in official places of detention located in the Russian Federation. At least 11 Ukrainians are being kept in Russian detention facilities according to official figures.¹¹⁷ They stand accused of different crimes. Some of them have already been sentenced by the Russian court; in particular, Oleg Sentsov (20 years of detention), Olexandr Kolchenko (10 years of detention), Gennadii Afanasiev (7 years of detention), and Olexii Chirniy (7 years of detention).¹¹⁸

The problem of illegal detention and captive-taking is tightly interlinked with the issue of missing persons. Besides fighters who vanish during fights, there are a number of missing civilians in DPR/LPR controlled areas, and territories under government control. The phenomena is further complicated because various groups are in charge of exchange negotiations. Some of these initiatives are informal groups working in the negotiation process, with their own connections with representatives of the DPR/LPR. One of the most active groups is headed by former military officer, Volodymyr Ruban.¹¹⁹ Another group seeking the release of captives is called "Patriot", and is headed by Oleg Kotenko.¹²⁰ Some agreements are reached privately. At state level, the release of captives is an issue coordinated by the Interdepartmental Centre for Assistance in the Release of Captives and Hostages and the Search for Missing Persons, which was set up under the auspices of the State Security service of Ukraine (SSSU).¹²¹

There is no comprehensive list of missing persons. Such lists are scattered between those state bodies and volunteer groups researching the missing.¹²² As reported by the Donetsk region police in their newsletter dated August 2015, at the beginning of the ATO on the territory of Donetsk, 1,381 persons were alleged to be missing. Whilst 455 have since been found, the location of 926 people remains unknown. Of these, 362 were kidnapped – 24 by DPR actors. The circumstances surrounding the kidnaping of 158 persons remains under investigation by the Interior Ministry. According to the SSSU in their official reply to a CCL enquiry, during the period from 1 April 2014 to 12 May 2015, 1,330 persons were registered as missing. Out of this figure, 3 were journalists, 43 Internal Affairs staff, 481 military servicemen, 8 border guards, 14 fighters from volunteer regiments, 36 staff of the National Guard, 16 volunteers, 621 civilians and 108 unidentified persons.

Although the Centre for Assistance in the Release of Captives and Hostages and the Search for Missing Persons was set up under the auspices of the SSSU, many of those who have vanished are not on the Center's list. The Center operates on the basis of applications from the families of missing persons, but many people do not turn to official bodies for help, preferring social media for instance,¹²³ especially in territories outwith Ukrainian control. By 12 May 2015, the Centre had received 1,172 e-mail appeals, 1,390 hot-line calls and 1,033 personal visits.¹²⁴

116. <http://www.pravda.com.ua/news/2015/06/8/7070534/>

117. Ukrainians Illegally Detained in Russia, <http://mfa.gov.ua/en/page/open/id/4177>

118. <https://www.fidh.org/International-Federation-for-Human-Rights/eastern-europe-central-asia/russia/sentsov-and-kolchenko-trial-outrageous-sentence-torture-and-rights>

119. <https://www.facebook.com/volodymyr.ruban?fref=ts>

120. <https://www.facebook.com/oleg.kotenko.94?fref=ts>

121. http://www.ssu.gov.ua/sbu/control/uk/publish/category?cat_id=130978

122. One example is the group called Peceful Sky which publishes announcements on missing persons. See: <http://vk.com/wall-85877364?own=1>.

123. <http://vk.com/public85877364>

124. *Missing persons during the conflict in Ukraine*, PACE Committee on Migration, Refugees and Displaced Persons, Rapporteur: Mr Jim SHERIDAN, June 2015.

b) Chronology of captive taking

Different phases of captive-taking have been observable in Donbas, distinguished by their intensity and the group targeted.

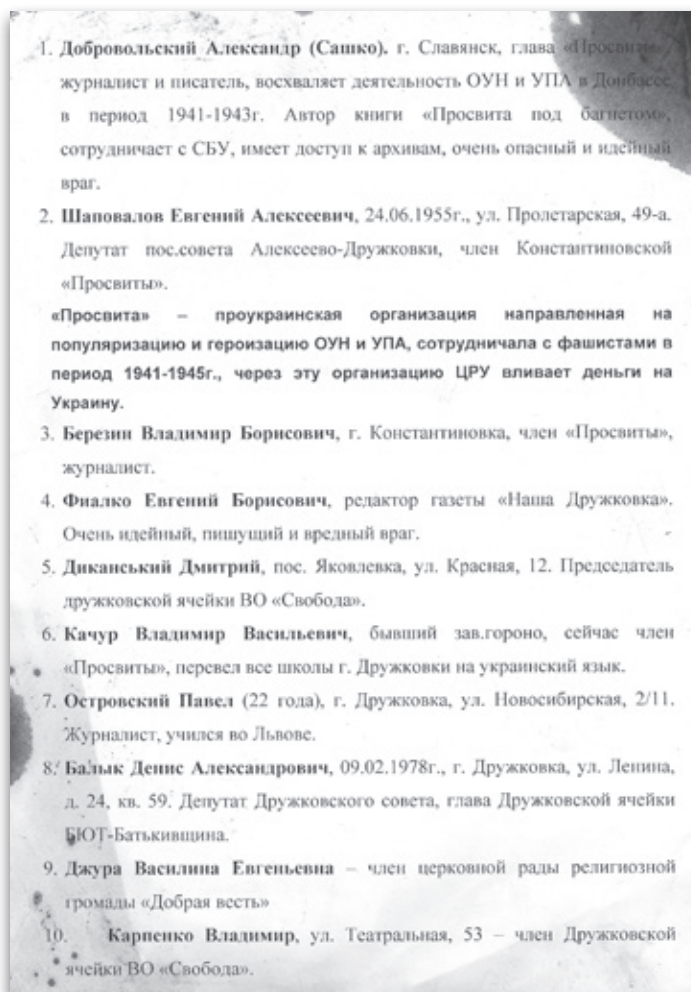
The first phase was observable at the beginning of the conflict in March, prior to the unrecognized referendums in Donetsk and Luhansk (11 May 2014) and the armed escalation. Capture of civilians was then occasional, targeting mostly pro-Maidan and pro-Ukrainian activists who were forced to flee their home cities after their release, having being warned to move to another part of the country and never come back. Kidnappings were not limited to the Donbas region and also occurred in Crimea, which is not considered in this report.

The second phase of civilian detentions is linked to the armed takeover of local administration buildings. Slovyansk, a city located within the perimeter of DPR-controlled territories (from 12 April 2014 until 5 July 2014), seems to be the most well-known (but not the only) locality to see the widespread capture of civilians armed actors seized local administration buildings. Repression targeted numerous categories of persons: local MPs, public employees, journalists, businessmen, pro-Ukrainian activists, random citizens. All were detained for their supposed or real opposition to the new self-proclaimed authorities, or for profit or ransom.

The Kyiv stage director, Pavlo Yurov, and art-manager, Denis Hryshuk, were kidnapped in Slovyansk on 25 April 2014 and detained for more than two month until the city was regained by the Ukrainian army on July 4. In an interview with Censor.net.ua website,¹²⁵ Yurov explained that they were arrested after claiming in a local café that Russian forces were occupiers. Both were regularly beaten; no trial or charges were brought against them.

These cases of illegal captive taking accompanied the extension of control by LPR/DPR armed groups elsewhere in Donbas. Soon after the start of such activities in Slovyansk, the widespread disappearance of pro-Ukrainian activists started in Donetsk and other cities in Donetsk region (early April 2014) and in Luhansk and the Luhansk region (beginning of May 2014). Some of those people were later released, some killed, and some are still on the list of the missing.

The document obtained in July 2014 in Slovyansk, in headquarters of the Russian Orthodox Army's run by Girkin-Strelkov. The document is presumably a black list of targeted pro-Ukrainian activists. Source: CCL. For English translation of the document, see Annex 3.



125. http://censor.net.ua/resonance/302054/silno_nas_bili_vsego_dva_raza_a_potom_odindva_udara_v_den_nanosili_profilakticheski_rejisser_pavel_yurov

A peak in kidnappings was reached in Donetsk around the time of the presidential elections in Ukraine in May 2015. These election could not be properly organized in this city and was immediately followed by armed clashes. As testimonies presented in this report show, the heads and members of electoral commissions, as well as representatives of candidates, were reportedly frequently illegally arrested and detained in the Donetsk region.

The third phase in captive taking, ongoing since early Summer 2014, corresponds to the installation of LPR/DPR groups as *de facto* enforcement authorities in the region. A whole range of persons have been subject to kidnapping and arbitrary detention sine this time.

Repressive DPR/LPR policies against civilians pursue different objectives:

1. The neutralization of potential “enemies of the republics”: pro-Ukrainian citizens, activists, civil servants, journalists, foreign and local NGOs representatives, and more recently, volunteers delivering humanitarian assistance.
2. Disciplinary detention: loyal local people accused of transgressing rules, pro-Russian armed men detained for disciplinary purposes. This category seems now to be the most important in quantitative terms.
3. Extortion and private conflict resolution: targeting businessmen, wealthy people and those arrested following a denunciation or a private conflict with a DPR/LPR representative.

2. Arbitrary detention and captives held by the pro-Ukrainian side

Testimonies on arbitrary detention perpetrated by volunteer battalions and regular Ukrainian forces vary, though cases have been reported in respect of both.

CCL data consists of testimonies regarding Aidar bataillon abuses in the North Luhansk region. According to the testimonies of local activists collected during CCL monitoring missions from December 2014 to July 2015, part of the Aidar battalion currently located in Lysychansk (previously in Rubizhne, also in the Luhansk region) has a link with the criminal world and local financial elites in Northern Luhansk. Being situated in a region with a complex network of powerful groups, the Aidar battalion has become an instrument in the hands of criminalized elites.

Valerii Beshenko, a Ukrainian activist, volunteer and former mayor of Pryvillya city, was abducted from his office in Lysychansk by armed men wearing balaclavas on 28 August 2014. Beshenko was about to present a sensitive report to the city council and the general city assembly about the separatist armed force takeover of the city and local elite involvement in aiding this takeover. Notably, the report addressed the role of a local elite representative and current member of the Ukrainian parliament, Sergij Dunaiev. The armed kidnappers, whom Valerii later identified as being Aidar battalion members, initially claimed that they were trying to protect him from harm. However, when he refused to go with them, he was forced into a balaclava and forcibly taken. He was released later the same day, after the end of the general city assembly. Local police later confirmed to him that his kidnappers were members of the Aidar battalion. According to Beshenko, the aim of his short kidnapping was to take him away from the city that day. Beshenko states: *“It’s a gang operating under the name of Aidar, linked to the political power”*. The activist underlines that the members of the battalions were not necessarily aware that they were being used: one of the abductors later revealed that he disagreed with his commanders on the use of such kidnappings.¹²⁶

126. Interviewed by CCL in late June 2015 in Pryvillia city (Luhansk region).

According to the testimony of Vitalij Shvedov (previously a pro-Ukrainian activist in Lysychansk, currently head of the civil-military administration of Troitske village near the frontline in Luhansk region), local Aidar fighters participated in the seizure of the local TV-channel "Accent" after the city was liberated by the Ukrainian army.¹²⁷ He confirmed that information in an interview for a local journalist and claimed that this section of Aidar is coordinated by Bairamov, an assistant of MP Sergui Dunaiev¹²⁸.

The boundaries between illegal detention and legal arrest have not always been clear to combatants on the Ukrainian side. The law "On the fight against terrorism" adopted in 2003 provides a legal basis for arrest and detention in the context of anti-terrorist operations (ATOs) (see above). According to the law, participants in ATOs are allowed to detain and deliver to police authorities people suspected of impeding the implementation of an anti-terrorist operation. In August 2014, the prerogatives of the armed forces implementing anti-terrorist operations were extended and reframed under a law adopted by the Ukrainian parliament.¹²⁹ The new article 15 states that preventive detention of persons involved in terrorist activity can last for over 72 hours and up to 30 days if there is reasonable suspicion that the person was committing terrorist activities. Preventive detention can be carried out on the grounds of a decision by the Security services and a criminal investigation has to be immediately started. Neither before nor after August 2014, when the above mentioned law was amended, were the detention practices of the Ukrainian military in conformity with this legal framework. Arbitrary detention, detention without the involvement of police authorities, detention over the permitted timeframe, an absence of criminal investigations or charges, use of violence, and indecent conditions of imprisonment are all referred to in several testimonies.

In the city of Dzerzhynsk, Donetsk region, a man, who testified on the condition of anonymity, was arrested at home on 21 February 2015 by people wearing balaclavas and no insignia. He was given an opportunity to call and warn his family only 5 days later. After returning home, he confirmed that the Sich battalion (under the Interior Ministry of Ukraine and established in June 2014) was the military unit that arrested him to verify his links with the LPR/DPR. Reportedly, he was not beaten but blindfolded.¹³⁰

The Donbas NGO "Vostok SOS" has registered some 40 cases of arbitrary detention of civilians by the Ukrainian armed forces. The NGO *Blakitny Ptakh* reports 57 cases of disappearance (though this does not necessarily mean illegal detention) of civilians in areas controlled by Ukraine. As mentioned above, much information on the ongoing and unpredictable conflict in this area is out of reach.

One of the unofficial goals of abduction by the Ukrainian side is the possibility to later exchange these prisoners for prisoners on the LPR/DPR side. These exchanges are not always officially framed by the Ukrainian security services and are sometimes organized locally.

127. Interviewed by CCL in January 2015 in Lysychansk (Luhansk region)

128. <https://www.youtube.com/watch?v=0336aVsbwhs>, 13.10.2014

129. <http://zakon4.rada.gov.ua/laws/show/1630-18>

130. Interviewed by CCL by phone on July 2015.

B. TORTURE AND ILL-TREATMENT

The indiscriminate use of violence towards prisoners, targeted civilians, and random members of the population is a widespread characteristic of armed conflict in Ukraine. Here, the unclear status of the conflict and the operating armed forces, as well as a lack of understanding on the part of belligerents about their obligations under specific legislation, are once again complicating factors affecting this phenomenon. On both sides, combatants seem to refer to local rules introduced by their commanders more than to national legislation or international humanitarian law. The degree of violence used is thus heavily dependent on the personality and legal awareness of those commanders.

1. On the LPR/DPR side

In almost every case of arrest reported to the CCL, victims describe the use of physical or psychological violence by their captors.

Alexander Chernov, born 1976, anesthesiologist and blogger from Yenakievo, was kidnapped on the 26 June 2014. He insists that his kidnapping was due to his work as a journalist for "Ostrov", a local pro-Ukrainian Russian language website. First his captors took him to a depot where they beat him for an hour before threatening him with murder and transfer to Slovyansk, which was at that time a hub for the illegal detention of DPR captives. Alexander recalls: "*Igor Girkin personally hit me a few times and announced the verdict: "to dig the trenches". I was immediately taken to Cherevkovka near Slovyansk, where I spent about 4 days.*" At first, he was placed in a hole in the ground with his hands tied behind his back. Later, Chernov together with about a hundred of other captives were forced to dig trenches and perform other work at the frontline. Chernov spent 10 days in captivity before he managed to escape when DPR fighters were leaving Slovyansk to Donetsk in the beginning of July 2014.¹³¹

In a report released in September 2015, a coalition of human rights NGOs refers to a map published by the State Security Service of Ukraine in October 2014. This map included markings of seven localities in the Donetsk and Luhansk regions where 26 places of confinement for military and civilian captives are located. Analysis of research data suggests that the number of places of detention in territories under DPR and LPR control is significantly higher than this. In fact, there is still a very extensive network of unofficial places of detention of a variety of types and controlled by a variety of actors in the territory outside the control of the Ukrainian government in Donbas.¹³²

Conditions of detention are usually very poor. All but one respondent – a journalist whose professional skills were used by his captors and who was detained in comparatively mild conditions – reported having been kept mostly in the basements of administrative buildings with no light, no fresh air, and insufficient space. Medication was not provided to people with chronic diseases and medical care was denied.

However, violence is not limited to ill-treatment and beating during interrogation. Many witnesses were victims or various of acts of torture.

131. Alexander Chernov was interviewed by the CCL in September 2014.

132. *Surviving hell: testimonies of victims on places of illegal detention in Donbas*, Justice for Peace in Donbas, a Coalition of Human Rights Organizations, September 2015, and Helsinki Foundation for Human Rights, available at: <http://www.osce.org/odihr/185431?download=true>.



One of the places of illegal detention in the city of Kostiantynivka (Donbas region), in the basement of the City Executive Council seized by the so-called DPR armed fighters on 28 April 2014. Picture taken in December 2014. Source: CCL.

Volodymyr Semystiaga, 65 years old, a history professor, publisher and civic activist was detained in Luhansk on 23 of June 2014 for 55 days. Throughout his detention, Semystiaga was threatened with murder. He was subject to several mock executions and had to watch his jailers torturing other prisoners. During the first weeks of his detention he was repeatedly beaten during interrogation, tortured with an electric current, had cigarettes extinguished on his neck, and forced to wear a gas mask with blocked air vents. The ways in which the beatings and torture were executed, the victim reports, appeared “quasi-professional”.¹³³

This and other testimonies collected by the CCL and its partners indicate that torture in detention is systematic and planned, and is not a spontaneous and improvised occurrence.

The most frequent types of torture are listed below.

Mock execution to exert psychological pressure

This practice is widespread in different places of detention. Such testimonies are reported from various places, for example, Donetsk, Makiivka and Slovyansk (before control by Ukrainian forces was restored in July 2014). Sometimes a death sentence was even read to a blindfolded victim before firing shots above their head. This was reported by one detained woman, Olga, who was captured for her participation in the electoral process for the presidential elections in Ukraine (May 2014).¹³⁴

Mock shooting was also used during the detention of Gennadii Lysenko, a man involved in the evacuation of civilians from war-torn Slovyansk. He was kidnapped together with his friend who was also assisting to evacuations organised by the local protestant community.¹³⁵

Use of knives and cutting instruments

Captors are reported to be inflicting knife injuries on detainees, especially during interrogations.

B., 24 years old, was abducted in May 2014 from his office in Donetsk. B. was not exactly an activist, but regularly attended pro-Ukrainian meetings. During his interrogation, his captor asked nurses present in the room to pass him a scalpel. He used this scalpel to cut a swastika into B's back, whom he then accused of being “fascist” and belonging to “Pravyi Sektor” movement. B also had his fingernails pulled out.¹³⁶

Fedir and Hanna, a couple whose case was detailed in last year's Amnesty International report,¹³⁷ were interviewed by the CCL shortly after their release from captivity. Hanna reports having been cut with a knife all over her body during her interrogation, including on her arms, hand, legs and breast. Fedir had a very deep wound on his forearm.¹³⁸

133. Volodymyr Semystiaga was interviewed by CCL

134. Olga was interviewed by CCL in June 2014 in Kyiv, more information on this case here: <http://www.kasparov.ru/material.php?id=53A3E25100278>

135. Both were interviewed by CCL in June 2014 in Slovyansk during the common mission of CCL with representatives of Russian human rights organization Memorial

136. Interviewed by CCL in September 2014 in Kyiv

137. “Abductions and Torture in Eastern Ukraine”, 2014, https://www.amnesty.nl/sites/default/files/public/ukraine_briefing_formatted_-_final.pdf

138. Interviewed by CCL in June 2014 in Kyiv, more information on this case you can read here <http://www.kasparov.ru/material.php?id=53A3E25100278>

Use of electric current

Victims in different detention places frequently reported this practice to the CCL and other observers.¹³⁹

Serhiy Shapoval, a Ukrainian journalist, was detained from 29 April to 19 May 2014 in Donetsk. Shapoval tried to “infiltrate” a DPR battalion, but the “recruiters” found his press card and his “status” changed from recruit to prisoner. He reports that among other torture to which he was subject during questioning, his captors used to put wet fabric on his shoulder and to apply an electroshock device. His arm has still not recovered from the consequences of this torture.¹⁴⁰

Oleksandr, a 19-old student from Luhansk was detained on 12 June 2014 in Luhansk near his own apartment. He reported being subjected to an electric current several times until his relatives managed to pay his ransom the next day.¹⁴¹

Other types of torture and ill-treatment

One of the most well known cases, widely reported in the media is that of Iryna Dovhan, a 52 year old woman from Yasinovata who was arrested in September 2014 for her pro-Ukrainian views, which were discovered by DPR fighters on her Facebook account. Iryna was beaten and then tied to an electric pole and wrapped in a Ukrainian flag with a sign stating: *“She kills our children. Agent of the executioners”* fixed to her chest.¹⁴²

The aforementioned Olga, a middle-aged woman working in a Ukrainian electoral commission, was arrested on 22 May 2014 and spent five days in detention, blindfolded with scotch tape. She recalls the psychological torture to which she was subjected, which included not only mock executions, but also hearing tortured people around her: *“The most scary thing was to hear how they beat the others. And this sound of unwinding tape. Unwinding, unwinding, unwinding.”* She also remembers that, *“There was a man who was initially in the car with us [...] They beat him until he confessed to being member of “Pravyi Sektor”. Then I was taken outside again. They pointed a gun to his head and they asked me to give them my Golden bankcard.”*¹⁴³

Hanna, referred to previously, also reported having been forced to write “I love Donbas” with her own blood.¹⁴⁴

Physical and psychological torture are usually used during the interrogation phase, after which jailers keep their prisoners in the basement for some time (from a few days up to a few months) until they are exchanged or liberated after payment of ransom. However, former prisoners report that sometimes their captors lost control and subjected captives to beating and torture without any questioning.

139. “Survivors of hell: Testimonies of victims to illegal places of detention in Donbas”, 2015, report prepared by the human rights coalition “Justice for Peace in Donbas” and the Helsinki Foundation for Human Rights. <http://khpg.org/files/docs/1444128406.pdf>

140. Interviewed by CCL in June 2014 in Kyiv, for more detailed information check <http://www.kasparov.ru/material.php?id=53A3E25100278>

141. Interviewed by CCL in March 2015 in Kyiv

142. http://www.nytimes.com/2014/08/26/world/europe/russia-ukraine.html?_r=1

143. Olga was interviewed by the CCL in June 2014 in Kyiv. For more, see: <http://www.kasparov.ru/material.php?id=53A3E25100278>

144. Interviewed by the CCL in June 2014 in Kyiv.

2. On the pro-Ukrainian Side

Accusations of torture and ill treatment have been articulated mainly against voluntary battalions, notably the Aidar (under the Ministry of Defense) and Tornado (under the Interior Ministry) battalions.

In an article published in the Ukrainian online journal, TheInsider.ua, a fighter from the Aidar battalion reported that beating prisoners was ordinary practice.¹⁴⁵

A former Tornado battalion fighter interviewed by the CCL, and who asked to remain anonymous, confirms that the use of violence in interrogation is a considered a normal practice: *"Yes, we detain people. This is our work. It's illegal, but all our battalions are illegal. If we suspected someone of something, we could apply pressure."*¹⁴⁶

The same interviewee draws a parallel between their violent interrogation practices and the ones frequently used by Ukrainian police forces: *"These torture methods are the ones of an ordinary police station"*.¹⁴⁷

In general it is difficult to get information and verified data on these acts, though open sources frequently make reference to them, as well as to violations perpetrated by some other battalions, such as Azov or Pravyi Sektor group members.

The NGO "Vostok-SOS" has reported that on 1 July 2014, Igor, a 17 year-old boy, originally from Krasnoarmijsk (Donetsk region), was traveling by bus from Dnipropetrovsk region to Donetsk region. Stopped at a Ukrainian checkpoint, he was arrested on the bus and detained at the Azov battalion military base in Donetsk region (exact place unknown) for over 5 months until the beginning of December 2014. According to his mother, interviewed by the CCL,¹⁴⁸ the Azov battalion imprisoned her son, though did not formally charge him with any crime. Igor's mother did not know anything about her son despite appealing to all possible institutions in Ukraine and to actors of the DPR and LPR. It was only discovered after his release that Igor had been held in a hole in the ground, before being used as a slave for digging trenches. The boy was beaten on his head, ribs and legs. His captors made two tattoos on his forearms, one saying "It's better to die than to live in fear", the other "Made in USSR".¹⁴⁹ In December 2014, Igor was exchanged as an LPR fighter (under the fictitious surname of a dead fighter) and brought first to Luhansk and then to Donetsk. Here, there was an attempt to illegally detain him again, this time by DPR agents. Luckily, at the Donetsk "commandant's office" Igor met someone who knew his father. For this reason, he was released relatively quickly and was not detained and accused of being a spy, according to Igor's mother. Igor has suffered significant psychological trauma, which has resulted in a constant headache and bouts of aggression. In September 2015, Igor had been unable to continue his studies and has had to engage in psychological counselling. Igor and his family have refused to go to the police, saying that they *"do not believe in the justice system and are afraid of being persecuted for doing so"*.

During her interview, Igor's mother informed the CCL of three other cases of persons presumably kidnapped by Ukrainian forces. According to her, Evhen Kolesov (17 years old), Evhen Kosoukhov (about 26 years old), and Gres (name unknown, about 20 years old) are considered to have disappeared. All of them used to live in Krasnoarmijsk (Donetsk region) which is in territory controlled by the Ukrainian government.

145. <http://www.theinsider.ua/politics/54a9af9fa9f76/>

146. Interviewed by the CCL in July 2015 by phone.

147. *Ibid.*

148. Interviewed by the CCL on September 2015 by phone.

149. Vostok-SOS NGO representative was interviewed by CCL in June 2015 in Kyiv.

C. EXTRAJUDICIAL, SUMMARY AND ARBITRARY EXECUTIONS

The extent of executions conducted outside proper legal procedures and without allowing victims to exercise their right to defend themselves is extremely difficult to evaluate in the context of an ongoing conflict. The available data relies on testimonies of people who have witnessed an execution without knowing the identity of the victim or on the cases where victims have been found dead and identified, though no proper investigation could be conducted in most cases. No estimated figures can therefore be given so far.

1. On the LPR/DPR side

Cases of missing civilians whose bodies are later found with signs of violent death have been frequent in LPR/DPR-controlled territories since the beginning of the armed conflict. Executions appear to be mostly perpetrated on prisoners or arbitrarily detained persons. Those executed appear mainly to belong to a specifically targeted category: a religious minority, pro-Ukrainian volunteers or activists.

Volodymyr Rybak, member of Horlivka city council, was kidnapped by unidentified people on 17 April 2014, after his attempt to recover the national flag on top of the district council building in Horlivka, Donetsk region. His body, together with that of Yuri Poprawko, a 19 year-old student whose body showed signs of torture, were found in a tributary to the Siverskyi Donets river, near Slavyansk city. The Security Services of Ukraine have revealed a phone call recording that appears to evidence that “Strelkov’s” group, which acts in Donetsk region, and Russian Federation citizen, Igor Bezler (call sign “Bes”), a Main Intelligence Directorate colonel, were involved in Rybak’s murder. According to this phone call from 17 April 2014, Bezler gave an order to the self-proclaimed militia chief of Horlivka to neutralize Rybak. At the same time, Bezler ordered a member of his group, a Russian serviceman, to kidnap Volodymyr Rybak, put him in a car, deliver him to a designated area, and use physical violence against him.¹⁵⁰

On 8 June 2014, after the festive Trinity Sunday service at the Transfiguration Church in Slovyansk, pro-Russian gunmen detained four members of the church: the pastor’s two adult sons, Reuben Pavenko and Albert Pavenko, and two of the church’s deacons, Viktor Bradarsky and Vladimir Velichko. The men were taken to the former offices of the Security Service of Ukraine in Slovyansk, brutally beaten and killed. Their bodies were found in a mass grave near a local hospital for children after the Ukrainian armed forces took over the city.¹⁵¹

On 22 June 2014, Ivan Reznichenko, local MP in the city of Soledar in Luhansk region and head of the local professional miner’s union, disappeared. Seven months later, his body was found inside an old abandoned mine. An investigation conducted by his friend and colleague Roman Mahnyk (who found the body) seems to indicate that the MP was kidnapped and killed by a DPR armed group representative after claiming at a city council session that he had a list of local separatists, which was reportedly not true. The family of Reznichenko is unsatisfied with the investigation conducted by local police forces, claiming they are trying to cover up the identities of the killers.¹⁵²

150. Interview of Olena Rybak, the wife of Volodymyr Rybak to CCL in November 2014 in Kyiv.

151. Common CCL-IPHR report on religious persecutions

152. Case documented by CCL during March-May 2015 in Soledar Donetsk region, more details can be found here <http://www.radiosvoboda.org/content/article/26881639.html>, <http://www.radiosvoboda.org/content/article/27010463.html>

In Slovyansk (still under LPR control in 2014), insurgent authorities created quasi-courts to stage trials that could constitute a basis for executions. The verdict documents of these mock trials, which end in real death sentences, were found in Slovyansk during a monitoring mission and made public.¹⁵³ The procedural formalities of these trials are insufficient to consider their outcome a valid judgment.

According to an investigation conducted by journalist, Christopher Miller, a 31 year-old inhabitant of Slovyansk was sentenced to death by firing squad after stealing a pair of pants and two shirts from his neighbors' home. The death sentence was signed by the Russian commander Igor Girkin (Strelkov), amongst others, and refers to the Decree of the Presidium of the Supreme Soviet of the USSR 'on martial law' from June 22nd, 1941, as its legal basis.¹⁵⁴

2. On the pro-Ukrainian side

The first cases of civilian executions by pro-Ukrainian forces were made public in November 2014 and involved combatants of the Aidar battalion.

On 7 November 2014, Luhansk law enforcement officers reported the discovery of three male civilian bodies with signs of violent death in the basement of a house in Ukraine-controlled Starobilsk. Criminal investigation has shown that all of three were kidnapped in the city of Severodonetsk on 3 November 2014, then transferred to Starobilsk and killed. Aidar battalion combatants operating in the area have been charged with these murders. As of September 2015, press-officer of the Interior Ministry in Luhansk region, Tetyana Pohukai, reported that the investigation into these deaths has been finished and the case transmitted to the court.

The CCL has received information on a particular Aidar bataillon implicated in killings from Ukrainian lawyer, Evgenia Zakrevska. Zakrevska is handelling a case of the abduction and killing of a married couple in February 2015 in Shchastya (Luhansk region). Their bodies were found in July 2015. The relatives of the murdered couple suspect this crime to have been perpetrated by particular Aidar fighters, who also conducted an armed attack on the family home earlier in August 2014. On that occasion, they broke into the family home, shot at the woman and stole money, mobile phones and cars. They did not wear any insignia but the relatives are sure that they were Aidar fighters "*since no one else among the battalions was present in Shchastya*". Notably, after this first attack, police representatives were afraid to register a report about the crime. By September 2015, one fighter from the Aidar battalion had been officially accused. The other participants in the attacks have not yet been identified.

The CCL has also received information about the suspicious death of an Aidar fighter, which was not directly related to the armed hostilities and happened on the Aidar military base in Lysychansk (Luhansk region).

On 26 March 2015, at the Aidar military base in Lysychansk, Aidar fighter, Dmytro Shabratsii (born 1987), was killed. According to copies of documents received by the CCL, the local police investigator officially claimed that this death was occasioned by suicide. However, copies of documents received by the CCL from the Shabratskii family, state that the medical expert found: "*a penetrating gunshot wound to the head with multiple fractures of the cranial and face*". Dmytro was killed by a gunshot from a Kalashnikov and grenade exposure. According to investigators, he perpetrated these

153. <http://blogs.pravda.com.ua/authors/zakrevsckaya/543addc566bb5/>; <http://mashable.com/2014/07/10/evidence-of-execution-trial-discovered-in-the-rubble-of-rebel-headquarters-in-ukraine/>

154. <http://mashable.com/2014/07/10/evidence-of-execution-trial-discovered-in-the-rubble-of-rebel-headquarters-in-ukraine/>

ПРИГОВОР
ИМЕНИЕМ ДНР

22 июня 2014 года г.Славянск

Военно-полевой трибунал Донецкой народной республики в составе:

Председательствующего: Нос,
членов трибунала: Балу,
Седого,
с участием обвинителя: Трифона,
защитника: Адвоката
при секретаре: Зубре,

рассмотрев в закрытом судебном заседании в помещении Славянского ГО ДНР дело по обвинению г.р., г. прож.: ; студента 1-го курса института ; не судимого;

УСТАНОВИЛ:

обвиняется в совершении преступлений, предусмотренных ст.ст.115, ч.1, 121 ч.1 УК Украины при следующих обстоятельствах. 02.06.2014 года , являясь членом , с целью проведения диверсионной операции, в 18.00 прибыл в г.Краматорск Донецкой области. Оттуда, получив задание на проведение диверсионной операции от старшего группы , выдвинулся с на машине последнего в район блокпоста НОД ДНР, находящегося на выезде из Краматорска в сторону г.Дружковки. Он должен был вести учет лиц, машин, бронетехники, проходящих через пост, а также совершить нападение на гражданских лиц в районе блокпоста. Примерно в 23.00 увидел в районе указанного поста двух мужчин, личность которых до настоящего времени не установлена, т.к. документы у них отсутствовали. Подсудимый принял решение напасть на них с целью причинения неизвестным телесных повреждений. В процессе нападения умышленно, сознавая преступный характер своего деяния, обладая навыками ведения ножевого боя, с целью умышленного убийства одного лица и причинения тяжелых телесных повреждений другому, нанес при помощи ножа неустановленным лицам телесные повреждения, в виде множественных ножевых ранений. В результате причинил смерть одному из мужчин и тяжелые телесные повреждения другому.

Подсудимый свою вину в предъявленном ему обвинении признал и показал, что 27.01.2014 года записался в Хотел бороться против русских и чеченских террористов на территории Донецкой области, отдать долг Родине. В середине мая 2014 в получил приказ от старшего группы выехать в г.Краматорск. Задача – вести учет людей, машин, бронетехники проходящих через блокпосты ополчения. В его группе 7 человек. Позывные: мой позывной – , остальных – . Каждому ставилась индивидуальная задача. Его действия курировал старший группы – , передвигаясь на ВАЗ 2109 светло-зеленого цвета. Салон заводской. Задняя панель чистая. Ножевым боем занимался самостоятельно. Командир

сотни об этом знал. «Работать» должен был ножом. Занятия по подготовке проводил инструктор – украинец в лагере в лесу в течение месяца. Учили ориентироваться на местности, оставаться незамеченным. Тренировалось до 20 человек. Русик высадил его в районе поста и поехал назад. Он фиксировал машины и людей в уме и по телефону должен был передавать Ночью около 23.00 его «переклинило» - он напал на двух мужчин, гражданских лиц, и причинил им ножевые ранения.

На вопрос Балу, шел ли убивать жителей Донбасса и прошел ли для этого диверсионную подготовку, утвердительно кивнул головой.

Анализируя собранные по делу доказательства в их совокупности, трибунал приходит к убеждению, что вина подсудимого в инкриминируемых ему преступлениях доказана полностью.

На основании изложенного, руководствуясь ст.369-371, 373,374 УПК Украины,-

ПОСТАНОВИЛ:

Признать виновным в совершении преступлений, предусмотренных ст.ст.115, ч.1, 121 ч.1 УК Украины и приговорить его к исключительной мере наказания - смертной казни через расстрел.

Председательствующий: [подпись]
Судья: [подписи]

экз.1

ШТАБ
ополчения ДНР в г.Славянске

ПРИКАЗ

Настоящим объявляю, что приговором военно-полевого трибунала ополчения ДНР от 22.06.2014 года за умышленное убийство и причинение тяжелых телесных повреждений на основании Указа Президента Верховного Совета СССР «О военном положении» от 22 июня 1941 года приговорен к исключительной мере наказания - смертной казни через расстрел житель г. член «

Приговор приведен в исполнение.

Предупреждаю всех бойцов и командиров ополчения ДНР, а также жителей г.Славянска и Славянского района о том, что любые тяжкие преступления, совершенные в зоне военных действий и далее будут караться решительно и беспощадно.

Командовавшим ополчением ДНР и в дальнейшем будут пресекаться любые попытки нарушения уголовного законодательства на территории г.Славянска и Славянского района. Наказания за преступления будут неотвратимы, независимо от статуса и заслуг преступника.

Командующий ополчением ДНР
Полковник [подпись]
22.06.2014 года



Sentence issued by the military court of the so-called DPR on 22 June 2014 in a closed trial condemning a student to death for alleged subversive activity and alleged murder. Credit: Evgenya Zakrevska. Document obtained during a fact-finding mission co-organized by CCL in summer 2014. For English translation of the document, see Annex 4.

**МІНІСТЕРСТВО
ВНУТРІШНІХ СПРАВ
УКРАЇНИ
ГОЛОВНЕ СЛІДЧЕ
УПРАВЛІННЯ**

вул. Богомольця, 10, м. Київ, 01024,
тел. 256-0333, www.centrmia.gov.ua

25 серпня 2015 року № 13М-213зі

На № 266 від 14.08.2015

Голові правління ГО
«Центр Громадських Свобод»
Матвійчуку О.

вул. Басейна, 9-Г, оф. 25,
м. Київ,
01004

У Головному слідчому управлінні Міністерства у межах компетенції розглянуто Ваш інформаційний запит про надання інформації щодо наявності або відсутності у слідчих підрозділах органів внутрішніх справ кримінального провадження, яке відкрито за фактом захоплення представниками незаконних збройних формувань території Лисичанського скляного заводу, у зв'язку з чим. повідомляємо.

02.07.2014 СВ Лисичанського міського відділу ГУМВС України в Луганській області відкрито кримінальне провадження за фактом пошкодження невідомими особами майна ПАТ «Лисичанський скляний завод «Пролетарій» під час проведення АТО на території м. Лисичанська за ознаками кримінального правопорушення, передбаченого ч. 2 ст. 194 (Умисне знищення та пошкодження майна) КК України.

В подальшому, вказане кримінальне правопорушення перекваліфіковано з ч. 2 ст. 194 КК України на ч. 2 ст. 258 (Терористичний акт) КК України.

Крім того, 21.08.2014 СВ Лисичанського МВ відкрито кримінальне провадження за фактом учинення на території ПАТ «Лисичанський скляний завод «Пролетарій» бойових дій, а саме: пошкодження майна зазначеного заводу в результаті артобстрілу за ч. 2 ст. 258 КК України.

23.09.2014 вказані кримінальні провадження об'єднані в одне, яке відповідно до ст. 216 (Підслідність) КПК України направлено до слідчого відділу Управління Служби безпеки України в Луганській області за підслідністю.

Разом з тим, повідомляємо, що заяв і повідомлень про можливе захоплення ПАТ «Лисичанський скляний завод «Пролетарій» до слідчих підрозділів ГУМВС України в Луганській області не надходило та перевірок за даним фактом не здійснювалося.

Заступник начальника

І.В. Цюприк

Олег Власов
с.п. о. Цюприк

Official reply from the Ministry of Interior of Ukraine to CCL's request sent on 14 August 2015.
For English translation of the document, see Annex 5.

injuries on himself. At the same time, Shabratskii's parents claim that the de-facto commander of the Lysychansk Aidar battalion, Ihor Radchenko, was involved in their son's death.¹⁵⁵ This sentiment is echoed by Shabratskii's girlfriend who says she witnessed conflicts between Dmytro and his commander regarding some of the Aidar battalion's actions, which Shabratskii considered to be a misuse of the battalion.¹⁵⁶ The CCL tried to contact the former Aidar battalion colleagues of Shabratskii, but encountered difficulties. Most have been threatened, and don't want to meet to discuss the details of Shabratskii's death.¹⁵⁷ However, they did confirm that this Aidar unit is violating the rights of the civilian population, citing these violations as one reason that they decided to move to another battalion. At the moment, the Shabratskii case is being investigated by local Lysychansk police, though it should have been taken by the military prosecutor's office given that local police representatives are very easy to influence. All letters from Shabratskii's parents on the need to transmit the case from the local level to the top have been ignored. Indeed, the aversion of Lysychansk's local police to pursuing law enforcement is evident in that they appear to be attempting to conceal the fact that during the occupation of Lysychansk, its glass factory (which journalistic reporting indicates is 65% owned by incumbent Ukrainian member of parliament, S. Dunaiev) was turned into a base for one of the biggest gangs of Alexei Mozgovoi. Here, much military equipment was stored and captives were brought for beatings and torture.¹⁵⁸ In an official response to CCL enquiries, the Ministry of Interior has stated that it has received no information on such a seizure of the Lysychansk glass factory. This is despite the fact that this building was at that time the biggest military base in the city and the largest place of detention for civilian captives.

Human rights lawyer, Evgenia Zakrevska, also informed the CCL of a case relating to the Kyiv-2 battalion.

Volodymyr Nazdrychkin (born on 26 March 1965) was arrested by Kyiv-2 battalion fighters at a check point in Volnovakha (Donetsk region) in November 2013. He was allegedly robbed, tortured and killed right at the check point by the following identified persons: Yaroslav Kovalenko, Bogdan Voitsehivsky (commander of the battalion), and Vyacheslav Kryazh. The victim's car was detonated to hide traces of the crime.

As stated¹⁵⁹ by Dmytro Tzvetkov, former volunteer fighter for Kyiv-2, the fighters of this battalion were involved in at least three crimes of this kind. Among these are presumed to be the killing of two soldiers of the 72nd brigade (Viktor Petrenko, born on 1 January 1974, kidnapped on 22 November 2014; and Sergii Kostakov, born on 12 May 1972, dead body found in July 2015) and kidnapping in November 2014 of two civil volunteers, Galyna Obruch (born on 7 July 1952) and Anatolii Obruch (born on 11 September 1950).

155. Interviewed by the CCL in June 2015 in Pryvillia (Luhansk region)

156. Interviewed by the CCL in August 2015 in Kyiv.

157. Interviewed by the CCL in August 2015 by phone.

158. For more details see the CCL report, The "Chemical Triangle" of the Region of Luhansk during the occupation: hostages, tortures and extrajudicial executions, available at: http://ccl.org.ua/wp-content/uploads/2013/07/7_zvit-final-all-engl.pdf.

159. <https://www.youtube.com/watch?v=x4kClZYN850>

D. LACK OF INVESTIGATION ON GOVERNMENT CONTROLLED AREAS

Investigations into human rights violations in Donbas in territories under Ukrainian control are far from transparent in all cases: whether allegedly committed by Ukrainian or pro-Russian actors. Even in Slovyansk, which is the most famous (though not the only) place of illegal detentions, cases are meaning they are not concentrated in the hands of one investigative group,¹⁶⁰ which impedes effective investigation.

Lysychansk provides a further example: there are reasons to believe that the poor outcome of investigations into the activities of local LPR armed groups is related to the influence of these groups in the region. For instance, Ministry of Interior and State Security Service of Ukraine responses to CCL enquires concerning investigations into the use of Lysychansk glass factory as a place of illegal detention, shows that law enforcement officials have not even inspected the locality in question. This has been explained by these officials by reference to a lack of lawsuits from abduction victims. However, Antonida Melnykova (cited in part II.A.4 of this report), contradicts this claim, stating that local police recorded her testimony only a year and a half after her release from captivity following public pressure exerted on enforcement agencies to look into such cases.

¹⁶⁰. <https://www.youtube.com/watch?v=AJ9ykBicqJs>

CONCLUSION: URGENT NEED FOR PROTECTION OF CIVILIANS AND ACCOUNTABILITY

Civilians in the Donbas region are caught in a crossfire, whilst further being specifically targeted by combatants. The war has created a humanitarian crisis in Eastern Ukraine, where civilians suffer gross violations of their human rights and the rules of international humanitarian law on the part of all sides to the conflict.

In DPR/LPR-controlled territories, arbitrary detention and hostage taking is perpetrated in a widespread manner. Civilians are in constant danger of being arrested or taken captive by armed groups in control of these areas. Most arbitrary detention of civilians is motivated by political or disciplinary reasons. Hostage taking on the other hand, is motivated by profit and particularly targets wealthy civilians. Once arrested, these people are systematically subject to torture or ill-treatment. Testimonies and documentary evidence show the terrible methods of torture used by armed groups, including the use of knives, electric shocks, beatings, psychological torture through mock execution, sexual violence and so on. While some civilians are released from arbitrary detention and able to testify to what they suffered, many others remain among the missing. Dead bodies are also found in these territories, proving that some of those persons who are arbitrarily detained, are subsequently executed.

Beyond the apparent chaos and multiplicity of actors involved, our data identifies that armed groups are nevertheless engaged in the systematic targeting of specific categories of persons: namely, pro-Ukrainian citizens, volunteers and journalists, minorities, religious communities, and civil servants. The systematic persecution of these civilians has been implemented since the beginning of the conflict. Torture in detention is systematic, organised and planned.

Evidence collected by the CCL and its partners shows a high level of control and responsibility on the part of the Russian State in armed actions in the Donbas region. Collated cases show the direct involvement of the Russian military, which is evidenced in the testimony of prisoners who have come into contact with Russian officers. The existence of Ukrainian prisoners of war who have been transferred to Russia for further questioning by the regular Russian army further supports this contention.

In territories controlled by Ukraine, similar crimes are perpetrated, though on a different scale. Civilians are likewise in danger of being arbitrarily detained by Ukrainian forces or volunteer battalions. Some of these battalions in particular are responsible for grave crimes against civilians, including acts of torture and arbitrary executions.

The apparent inability of Ukrainian powers to investigate and prevent the serious crimes committed by the country's own armed forces or volunteers acting on its side must be highlighted with alarm. Likewise, for the State's inability to properly investigate violations by actors on the LPR/DPR side in government controlled areas. Such overall impunity encourages this behaviour.

All crimes documented in this report constitute serious violations of human rights law and grave violations of international humanitarian law. One must recall that Ukraine, as well as Russia, have obligations under international law.¹⁶¹

¹⁶¹. In addition to obligations emanating from treaties Ukraine and Russia have ratified, the armed conflict in Eastern Ukraine, be it international or non-international, is also regulated by customary international humanitarian law.

The Ukraine is a State Party to the Geneva Conventions of 1949¹⁶² and to both 1977 Additional Protocols,¹⁶³ as well as to the 2005 Additional Protocol III.¹⁶⁴ Russia is also a State Party to the Geneva Conventions of 1949 and the 1977 Additional Protocols. These conventions and protocols constitute the core of the protections afforded victims of armed conflict in international humanitarian law. They aim to ensure that persons not taking part in hostilities are protected from being targeted, killed, detained, or mistreated, etc.

Ukraine and Russia are also both State parties to several treaties related to the use of weapons during armed conflict, in particular the Convention prohibiting certain conventional weapons¹⁶⁵ and its five protocols,¹⁶⁶ as well as the Convention prohibiting chemical weapons.¹⁶⁷

In addition, Ukraine has a responsibility to ensure the protection of human rights on its territory. In that regard, Ukraine has ratified a number of conventions,¹⁶⁸ including the Convention against Torture and the International Covenant on Civil and Political Rights.

These violations of Ukraine's and Russia's obligations under international humanitarian and human rights law can be qualified as "international crimes", and in particular war crimes and/or crimes against humanity, as defined by the Rome Statute¹⁶⁹.

Crimes against humanity are crimes committed as part of a widespread or systematic attack directed against a civilian population. In the conflict in Eastern Ukraine, the CCL and its partners have documented crimes of murder, imprisonment, torture, enforced disappearance and persecution on political grounds, all of which may constitute the crime base of crimes against humanity under Rome Statute Article 7. Particularly, preliminary evidence of incidents involving the armed groups of the so-called DPR and LPR suggests these crimes may also adhere to a plan or policy to direct such attacks against the civilian population, consistent with the qualification of crimes against humanity.

War crimes are violations of humanitarian law committed in an armed conflict of an international or non-international nature. Individual incidents may themselves qualify as a war crimes, though war crimes are particularly of interest to the International Criminal Court when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

Cases of killings, torture or inhuman treatment, the willful commission of great suffering or serious injury to body, arbitrary arrest and detention and the taking of captives in

162. Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field ; Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Convention (III) relative to the Treatment of Prisoners of War ; Convention (IV) relative to the Protection of Civilian Persons in Time of War ; all adopted in Geneva on 12 August 1949.

163. Protocol Additional to the Geneva Convention of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) ; both adopted in Geneva on 8 June 1977.

164. Protocol Additional to the Geneva Convention of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), adopted in Geneva on 8 December 2005.

165. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively injurious or to have indiscriminate effects, 10 October 1980.

166. Protocol on Non-Detectable Fragments (Protocol I), 10 October 1980; Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II), 10 October 1980 ; Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), 10 October 1980; Protocol on Blinding Laser Weapons (Protocol IV), 13 October 1995 ; Protocol on Explosive Remnants of War (Protocol V), 28 November 2003.

167. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 13 January 1993.

168. Ukraine has ratified the International Covenant on Civil and Political Rights of 1966, the International Convention on the Elimination of All forms of Racial discrimination of 1969, the International Covenant on Economic, Social and Cultural Rights of 1976, the Convention on the Elimination of All Forms of Discrimination against Women of 1981, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1987, the Convention on the Rights of the Child of 1990 and the Convention on the Rights of Persons with Disabilities of 2008. All these conventions were already in force in Ukraine from the start of the conflict in late 2013. One must note that Ukraine also acceded to the International Convention for the Protection of All persons from Enforced Disappearance on 14 August 2015.

169. Crimes against humanity are defined under Article 7 of Rome Statute and war crimes are defined under Article 8 of the Rome Statute, establishing the International Criminal Court.

Eastern Ukraine may fall within the definition of war crimes under Article 8 of the Rome Statute. CCL and other observers have documented evidence consistent with these crimes from both sides. Further investigation is still needed.

It is crucial to ensure that these crimes do not go unpunished. Ukraine has a responsibility under its international obligations to investigate, prosecute and punish those responsible for such international crimes, and to provide reparation to victims. Several cases have already been brought before domestic jurisdictions with regard to crimes perpetrated by pro-Ukrainian volunteers. However, to date, there seem to be no domestic proceedings in respect of crimes perpetrated by forces operating under the auspices of the so-called LPR/DPR, and it is difficult to establish whether any investigation has been made into crimes committed by the Ukrainian military.

At the international level, the International Criminal Court (ICC) should also investigate and prosecute those most responsible for these crimes, as it now has jurisdiction over Ukrainian territory from the beginning of the conflict.

On 8 September 2015, the Ukrainian government lodged a declaration under article 12(3) of the ICC's Statute recognizing the ICC's jurisdiction over alleged crimes committed on its territory since 20 February 2014.¹⁷⁰

This was the second declaration under article 12(3) to be submitted by Ukraine. On 17 April 2014, Ukraine accepted the ICC's jurisdiction over alleged crimes committed on its territory between November 2013 and February 2014. Following this declaration, the Coalition of Public Organizations and Initiatives for Combating Impunity for Crimes against Humanity, a group of 13 member organizations and initiatives, including the CCL and supported by FIDH, submitted a communication to the ICC Office of the Prosecutor (OTP) on 2 January 2015.¹⁷¹

Over several missions to Ukraine, the CCL and FIDH called for an extension of ICC's jurisdiction, highlighting the very serious crimes committed in the East after the Maidan events, which had been left out with the scope of the ICC's preliminary examination. This second 12(3) declaration widens the scope of the ICC's jurisdiction to all crimes committed after 20 February 2014 on the entirety of Ukraine's territory.¹⁷²

The ICC Prosecutor can now establish whether "there is a reasonable basis to believe" that crimes under the ICC 's jurisdiction, such as war crimes and / or crimes against humanity have been committed in Ukraine since November 2013, and whether to request the opening of an investigation into this situation.

The ICC can investigate and prosecute any person allegedly responsible for international crimes committed in Ukraine since the start of the conflict. No status or nationality would prevent the ICC from acting against an alleged author of such crimes, irrespective of whether such persons are military personnel or volunteers, from the Ukrainian side or the LPR/DPR side, or of Ukrainian or Russian nationality.

FIDH and CCL will continue to contribute to the ICC OTP preliminary examination of the situation in Ukraine and to advocate for the ratification of the ICC 's Statute by the Ukrainian authorities.

170. "FIDH and the CCL welcome Ukrain's extension of ICC jurisdiction", 9 September 2015, available at: <https://www.fidh.org/International-Federation-for-Human-Rights/eastern-europe-central-asia/ukraine/fidh-and-ccl-welcome-ukrainian-extension-of-icc-jurisdiction>

171. "Ukraine: Human rights group calls on the ICC to open an investigation on Euromaidan Case", 6 January 2015, available at: <https://www.fidh.org/International-Federation-for-Human-Rights/eastern-europe-central-asia/ukraine/16736-ukraine-human-rights-groups-calls-on-the-icc-to-open-an-investigation-on>

172. See the declaration here: http://www.icc-cpi.int/en_menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/comm%20and%20ref/pe-ongoing/ukraine/Pages/ukraine.aspx

RECOMMENDATIONS

The Ukrainian State Authorities should:

- Provide the conditions for a fair, transparent and complete investigation of all crimes committed in Eastern Ukraine by both sides. Ukraine should transmit all cases of human rights abuse and humanitarian law violations in Eastern Ukraine to the newly created body of the General Prosecutor's Office, the Board of Investigation into Crimes against Peace, Security of Humanity and International Rule of Law. This board should cooperate closely with the State Security Service of Ukraine (SSSU), the Ministry of Interior and the Ministry of Defense – a collaboration that should be legally enshrined and involve international experts wherever possible. Ukraine should also create a special temporary parliamentary commission to take official charge of ensuring progress in the investigation of grave human rights violations, crimes against humanity and war crimes.
- Fully cooperate with the International Criminal Court's preliminary examination underway pursuant to the jurisdiction granted by Ukraine's declaration under Article 12(3) of the Rome Statute. Ukraine should ratify the Rome Statute, and pass legislation to fully implement its provisions into national law for the investigation and prosecution of international crimes domestically.
- Fully incorporate volunteers in armed groups into the Ukrainian army and ensure their knowledge and respect of the international and national law via special training and other programs;
- Provide all Ukrainian combatants with accurate and mandatory training on the legal framework for the conduct of hostilities during armed conflict, and combatant rights and obligations, particularly towards prisoners and civilians.
- Pay special attention to the whereabouts and fate of disappeared persons. In particular, encourage the use of DNA tests for relatives of disappeared persons to improve the process of corpse identification. To improve investigations into missing persons, the government should create a joint center for the investigation such cases, including a hot line and regional infrastructure in government controlled areas. This activity should be coordinated with various volunteer and human rights organisations who have their own data on missing persons.
- Invite UN special procedure mandate-holders to monitor the situation in the Eastern Ukraine, including in areas outside effective Ukrainian state control.
- In particular, accept a visit by the UN special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, in line with the standing invitation to all special procedures issued on 23 June 2006.
- Respond promptly and substantively, to the fullest of its investigation and documentation ability to individual communications from UN special procedures on human rights violations in the Donbas region, including urgent appeals and letters of allegation, taking into account the urgency of communications.
- Implement recommendations formulated by the UN High Commissioner and his Office, which maintains a presence in Ukraine and regularly reports to the UN Human Rights Council, on addressing outstanding human rights violations and abuses committed by all parties to the conflict.

- Commit to preparing and submitting in due time its initial report to the Committee on Enforced Disappearances and respect deadlines for the submission of periodic reports to other UN treaty monitoring bodies.
- Provide information on the steps taken to implement recommendations contained in the concluding observations of the Committee Against Torture in the follow-up report to those observations, due on 28 November 2015.
- Provide victims of human rights violations with different kinds of assistance (legal, psychological, financial etc.), in particular persons released from the captivity and those whose relatives are listed among the missing.

The “Authorities” of the so-called LPR and DPR, and all groups fighting on their side or controlling their territories should:

- Acknowledge that all parties of an armed conflict are subject to international humanitarian and human rights obligations.
- Immediately stop all targeted actions against civilians.
- Immediately stop all acts of torture, ill-treatment, kidnapping, arbitrary detention and arbitrary executions, as well as seizure of property and other forms of intimidation and illegal use of power in the territories under their control.
- Give unhindered and safe access to humanitarian aid, observers, NGOs and journalists.

The international community should:

- Firmly condemn the use of violence against civilians on both sides. Use all the diplomatic and political measures available to ensure that the Minsk agreements concerning the situation in Eastern Ukraine are given the fullest effect and to put an end to the occupation of Crimea by the Russian Federation.
- Use all possible diplomatic and economic methods of influence the Russian Federation to stop both the “undeclared war” in the Donbas and Russian ideological, political and military support for LPR/DPR organized armed groups.
- Publicly condemn the criminal practices of hostage taking, abduction and arbitrary detention of civilians, and torture, cruel and inhuman treatment of detainees and war prisoners, and firmly demand an “all for all” exchange.
- Call for a full and impartial investigation and prosecution of all violations of human rights on both sides. Express support for the mandate of the International Criminal Court (ICC) and call on all actors, in particular Ukraine and Russia, to fully cooperate with the ICC’s preliminary examination.
- Support the delegation of UN special Rapporteurs (with different themes and regional mandates) to monitor ill treatment, torture, kidnapping, killing, and the use of slavery in the Donetsk and Luhansk regions, including areas out of Ukrainian control.
- Support the idea of deploying a delegation of the European Committee for the Prevention of Torture of the Council of Europe to the Donetsk and Luhansk region of Ukraine, including to areas outside Ukrainian control.
- While communicating with the Ukrainian government, insist on the transmission of all cases potentially linked with military officials (in particular, the Shabratskii, Nazdrychkin, Petrenko, Kostakov cases) from local law enforcement officers to the

central Military prosecutor's office or military police. These actors should conduct a transparent and comprehensive investigation of these cases.

- Monitor particularly sensitive cases involving Ukrainian military suspects.
- Request from the Russian Federation a comprehensive and transparent investigation into the Russian citizens involved in the most violent actions in Donbas, namely Igor Strelkov (Girkin), Igor Bezler, Yevgenii Zhilin, Andrei Purgin and others, who according to present information, are living in Russia and are within the grasp of the Russian justice system.
- The UN Human Rights Council should request the Office of the UN High Commissioner for Human Rights in Ukraine to continue to regularly report to the Council on the human rights situation in the country and, on the basis of its findings, formulate recommendations on improving the situation, providing remedies to victims, and ensuring accountability for violations and abuses committed by all parties to the conflict.

In particular, the European Union should:

- Support judicial reform in Ukraine to ensure that the country assumes its responsibility under international law to investigate, prosecute and punish those responsible for international crimes, and provide reparation to victims.
- Within the context of support to the justice sector, use programme indicators on numbers of cases brought before the national Ukrainian jurisdiction and prosecuted concerning crimes committed both by pro-Ukrainian volunteers and LPR/DPR forces.
- Within the context of support to the justice sector, offer aid to the victims and NGOs to assist them to access remedies through the Ukrainian judicial system.
- Ensure that the future law on the general prosecutors' office, which the EU aims to support, includes full jurisdiction over the whole Ukrainian territory and guarantees adequate resources handle the cases of victims of the LPR and DPR.
- Back up this technical and financial assistance with strong political messages on the key role of Ukrainian jurisdictions in ensuring accountability for crimes committed in the East.
- Ensure that EU Member States playing a role in diplomatic negotiations concerning the settlement of the conflict prioritise the issue of fight against impunity (including through investigations by national jurisdictions and cooperation with the ICC) and firmly oppose the inclusion or implementation of amnesties for serious violations of human rights and humanitarian law.
- Ensure that the EU Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) effectively reinforces the capacities of law-enforcement agencies in the area of international human rights and humanitarian law and ensures that channels for effective contact with civil society and victims are put in place.
- Publicly condemn threats and attacks against civil society representatives, human rights defenders and journalists, as well as all violations of human rights and international humanitarian law.
- Support civil society in Eastern Ukraine in its activities monitoring of human rights violations.

The Russian State Authorities should:

- Immediately stop providing financial, political, technical, and military aid to so-called LPR/DPR armed groups and withdraw its regular troops and military equipment from Ukraine.
- Stop the brutal violation and illegal crossing of the Ukrainian state border by vehicles, equipment, and persons.
- Conduct effective investigations into Russian citizens accused of abductions, disappearances, beatings, torture, killing, and targeting peaceful pro-Ukrainian civilians, community activists, journalists, etc.
- Cooperate with the International Criminal Court Office of the Prosecutor 's preliminary examination on the situation in Ukraine, and ratify the ICC Statute
- Contribute to the immediate release by LPR/DPR forces of all civilian hostages detained in Donbas.
- Publicly condemn the organized system of mass kidnappings and torture of civilians carried out by the armed groups of the so-called LPR/DPR to establish control over the region, as well as torture and inhumane treatment to prisoners of war
- Stop the incitement to ethnic hatred between Russian and Ukrainian peoples, as well as the use of hate speech against Ukrainian people in official statements of the authorities of the Russian Federation. Also stop the use of the Russian media to aggravate the conflict
- Immediately release all Ukrainian citizens kidnapped from Ukrainian territory and transmitted to the Russian Federation (or illegally arrested in Russian Federation) for political motives in 2014, including combatants and civilians, namely Nadejda Savchenko, Oleg Sentsov, Olexandr Kolchenko, Gennadiy Afanasiev, Olexii Chirni, Mykola Karpiuk, Stanislav Klikh, Sergii Lytvynov, Jurii Soloshenko, Valentyn Vygivskii and Haiser Dzhemilev.
- Extend a standing invitation to all UN special procedure mandate-holders.
- Where applicable, respond promptly and substantively to requests for information, as a third party that may be in possession of relevant information, by special procedure mandate-holders investigating and reporting on human rights violations in the Donbas region.

The Office of the Prosecutor of the International Criminal Court should:

- Efficiently conduct a preliminary examination into crimes falling within the jurisdiction of the Court committed by all actors in the Ukrainian conflict, and open an investigation.
- In particular, conduct a preliminary examination into the following crimes committed on Ukrainian territory (non-exhaustive list):

Crimes against humanity constituted by:

- murder
- imprisonment
- torture
- persecution of an identifiable group or collectivity on political, national or religious grounds
- enforced disappearance of persons

- other crimes not documented in this report, in particular rape or any other form of sexual violence

As well as war crimes, including:

- willful killing
 - torture or inhuman treatment
 - willfully causing s great suffering or serious injury to body or health
 - willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial
 - taking of hostages
 - attacks directed against individual civilians not taking direct part in hostilities
 - other crimes not documented in this report, in particular rape or any other form of sexual violence, and use of weapons prohibited by international law
- Strengthen its efforts of “positive complementarity” towards the Ukrainian judicial authorities to ensure that individuals implicated in serious crimes committed in violation of international law are investigated and prosecuted according to international fair trial standards.

ANNEX 1

Non-official English translation of a black list (p. 30) of police officers and officers of the Ministries of Interior and Defense of Ukraine targeted by the de-facto Ministry of Interior of the LPR. Source: CCL.

In spite of the officially announced ceasefire, the Ukrainian junta continues to take hostile actions against residents of the Luhansk People's Republic. Armed provocations, the shelling of the positions held by the United Armed Forces of Novorossiia, the torture of soldiers, and the capture of peaceful citizens - these are the ways in which the Ukrainian government is attempting to intimidate the residents of Luhansk region. Diversionary groups of Ukrainian fighters, who are generally recruited from local residents, are also continuing with their activities. Unfortunately, many of these fighters are former police officers, who once took an oath to protect people from crime and have now gone against this vow and taken a path of lawlessness in betrayal of their people.

The following especially dangerous criminals who are former police officers are wanted by the Ministry of Internal Affairs of the Luhansk People's Republic.



KASHUTA, Dmitry Georgiyevich, b. 01.12.1973, former lieutenant colonel in the police force, head of the Juvenile Criminal Police of the Regional Office of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast



VOYNOVA, Svetlana Yegorovna, b. 01.10.1967, former police major, worked for the personnel unit of a detached battalion of the Patrol Guard Service of the Police of Luhansk City Administration of Ukrainian Ministry of Internal Affairs in Luhansk Oblast



SMIRSKY, Vitaly Alekseyevich, b. 08.08.1976, former police major, head of the Public Security Division of the Artemovksy District Office of Luhansk City Administration of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast



BELONOZHENKO, Andrey Anatolyevich, b. 25.03.1974, former police major, head of the Human Trafficking Division of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast



FILONOV, Yuri Aleksandrovich, b. 17.05.1961, former colonel in the police force, head of the Personal Crime Department of the Bureau of Criminal Investigation of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast



NEGODA, Vladimir Vladimirovich, b. 14.01.1979, former police major, head of the Criminal Investigation Division of the Artemovksy District Office of Luhansk City Administration of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast



PARASHCHENKO, Sergey Aleksandrovich, b. 03.08.1973, former lieutenant colonel in the police force, deputy head of the district department - head of the criminal police of Luhansk City Administration of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast



ZUBCHENKO, Dmitry Aleksandrovich, b. 23.04.1980, former police major, deputy head of the district department - head of the criminal police of the Artemovskiy District Office of Luhansk City Administration of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast



RODIN, Aleksander Yevgenyevich, b. 18.03.1982, former police major, deputy head of the district department - head of the criminal police of the Leninsky District Office of Luhansk City Administration of the Regional Office of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast



MASLOV, Aleksey Igorevich, b. 08.01.1986, former captain in the police force, senior investigator in the Criminal Investigations Division of the Leninsky District Office of Luhansk City Administration of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast



KUDINOV, Aleksander Yevgenyevich, b. 15.07.1981, former major in the police force, head of Criminal Investigations Division of the Leninsky District Office of Luhansk City Administration of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast



GUBANOV, Sergey Leonidovich, b. 21.06.1975, former lieutenant colonel in the police force, head of the Leninsky District Office of Luhansk City Administration of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast



PANTYKIN, Leonid Leonidovich, b. 02.03.1975, former police major, deputy head of the district department - head of the criminal police of Zhovtnevskiy District Office of Luhansk State University of the Regional Office of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast



POTURAYKO (ZHIZHILASHVILI), Anton (Avtandil) Zakharyevich, b. 24.06.1976, former police major, senior investigator in the Gang Division of the Criminal Investigations Division of the Luhansk City Administration of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast



UDODOV, Aleksander Viktorovich, b. 28.08.1974, former lieutenant colonel in the police force, head of the Leninsky District Office of Luhansk City Administration of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast



SIMONENKO, Taras Vladimirovich, b. 29.10.1980, former police major , deputy head of the Criminal Investigations Division of the Luhansk City Administration of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast



BAKHTIZIN, Gennady Viktorovich, b. 24.01.1969, former lieutenant colonel in the police force, head of the Slavyanoserbsky District Office of Luhansk City Administration of the Ukrainian Ministry of Internal Affairs in Luhansk Oblast

Respected citizens! Should the location of these traitors be known to you, do not make any attempt to detain them yourselves -they are all armed and extremely dangerous. If you do locate any of these traitors, we ask you to immediately inform the nearest police precinct.

Press Service of the Ministry of Internal Affairs
Luhansk People's Republic

ANNEX 2

Non-official English translation of a decree (p. 31) by the so-called Ministry of Education and Science of the DPR (25 November 2014). Source: CCL.



No. 200
25.11.14

MINISTRY OF EDUCATION AND SCIENCE OF THE DONETSK PEOPLE'S REPUBLIC DONBASS NATIONAL ACADEMY OF CONSTRUCTION AND ARCHITECTURE

ORDER

25 November 2014

Makiivka City

No. 19/01-10

1. The department heads at the Academy shall be made aware of letter of the Ministry of Education and Science of the Donetsk People's Republic of 17 November 2014 No. 163:

“On Banning the Provision of Information
to the Government Institutions of Ukraine’

We hereby inform you that the forwarding of any information regarding the work of any institutions making up the system of education and science in the DPR to the government of Ukraine will be viewed as an activity directed against the Donetsk People's Republic.

Data about managers and employees caught forwarding information or financial records to Ukraine will be handed over to the DPR Ministry of State Security for review and the adoption of appropriate measures.

Heads shall inform all the employees at their institution of this Order and have them sign statements to this effect.

Ministry of Education and Science

I.V. Kostenok”

2. Department heads at the Academy shall inform all the employees in their departments of this Order and have them sign statements to this effect.

3. I reserve the right to monitor compliance with this Order.

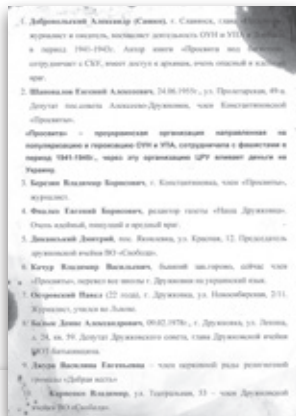
Rector
Gorokhov

[signature]

V.V.

ANNEX 3

Non-official English translation of the presumed black list (p. 37) of targeted pro-Ukrainian activists. The document obtained in July 2014 in Slovyansk, in headquarters of the Russian Orthodox Army's run by Girkin-Strelkov.



1. **Dobrovolsky Aleskandr (Sashko)**. Slavyansk, head of *Prosvita* [Enlightenment], journalist and writer, glorifies the activities of the Organization of Ukrainian Nationalists (OUN) and the Ukrainian Insurgent Army (UIA) in Donbas during the period of 1941 – 1943. Author of the book “Prosvita under the Bayonet.” Collaborates with the State Security Service of Ukraine, has access to archives, an extremely dangerous and committed enemy.
2. **Shapovalov, Yevgeny Alekseyevich, b.** 24.06.1955, 49-a Proletarskaya str. Deputy to the township council of Alekseyevo-Druzhkova, member of the Konstantinovskiy branch of *Prosvita*.
***Prosvita* – a pro-Ukrainian organization dedicated to popularizing and glorifying the OUN and UIA, collaborated with fascists during the period of 1941 – 1943, the CIA pours money into Ukraine through this organization.**
3. **Berezin, Vladimir Borisovich**, Konstantinovka, member of *Prosvita*, journalist.
4. **Fialko, Yevgeny Borisovich**, editor of the newspaper *Nasha Druzhkovka*. Extremely committed, prolific, and harmful enemy.
5. **Dikansky, Dmitry**, township of Yakovlevka, 12 Krasnaya str. Chair of the Druzhkovka cell of the all-Ukrainian organization *Svoboda* [Freedom].
6. **Kachur, Vladimir Vasilyevich**, former deputy head of the municipal Board of Education, currently a member of *Prosvita*, converted all schools in Druzhkovka to Ukrainian language.
7. **Ostrovsky, Pavel** (22 years old), Druzhkovka, 2/11 Novosibirskaya str. Journalist, studied in Lvov.
8. **Balyk, Denis Aleksandrovich**, 09.02.1978, Druzhkovka, 24 Lenin str., Apt. 59. Deputy of the Druzhkovka City Council, head of the Druzhkovka branch of Yulia Tymoshenko Bloc *Batkivshchina*.
9. **Dzhura, Vasilina Yevgenyevna** – member of the ecclesiastical rada of the religious gromada *Dobraya vest'* [Good News]
10. **Karpenko, Vladimir**, 53 Teatralnaya str. – member of the all-Ukrainian organization *Svoboda* [Freedom].

ANNEX 4

Non-official English translation of the sentence (p.47) issued by the so-called military court of DPR on 22 June 2014.



In case No. [redacted]/2014

SENTENCE

IN THE NAME OF THE DPR

22 June 2014

Slavyansk

The Military Field Tribunal of the Donetsk People's Republic, in a panel consisting of:

Chairman: Nos,
Tribunal members: Balu,
Sedoy,
with the participation of trial counsel: Trifon
defense counsel: Attorney
in the presence of court secretary: Zubre,

FINDS:

[redacted] is charged with committing the crimes stipulated in part 1 of Article 115 and part 1 of Article 121 of the Criminal Code of Ukraine under the following circumstances.

On 02.06.2014, [redacted], a member of [redacted], arrived in the city of Kramatorsk, Donetsk Oblast at 18:00 for the purposes of conducting a diversionary operation. After receiving an assignment to conduct a diversionary operation from group leader [redacted], he left from there [redacted] in the latter's car for the area of the checkpoint of the National Liberation Movement of DPR located on the road out of Kramatorsk in the direction of Druzhkovka. He was supposed to keep a record of the individuals, vehicles, and armored vehicles passing through this checkpoint and to commit attacks against civilians in the vicinity of this checkpoint. In this vicinity, at approximately 23:00 [redacted] he saw two men, whose identities have still not been established due to the absence of their documents. The accused made a decision to attack them in order to cause them bodily harm. During this attack, [redacted], knowingly, with awareness of the criminal nature of his actions, possessing knife-fighting skills, and for the purposes of deliberately murdering an individual and causing serious bodily harm to the other individual, used a knife to inflict bodily harm on these unidentified people in the form of multiple stab wounds. As a result, he caused the death of one of the men and serious bodily harm to the other.

The accused [redacted] admitted that he is guilty of the charges filed against him and indicated that on 27.01.2014 he signed up for [redacted]. He wanted to fight against Russian and Chechen terrorists in the territory of Donetsk Oblast and repay his debt to his homeland. In mid-May 2014 in [redacted], he received an order from his group leader [redacted] to leave for Kramatorsk. His assignment was to keep a record of the individuals, vehicles, and armored vehicles passing through the checkpoint of the people's militia. There were seven people in his group. Noms de guerre: my nom de guerre - [redacted], the noms de guerre of the others – [redacted], [redacted], [redacted], [redacted], [redacted]. Each person was assigned his own task. His actions were overseen by the group leader [redacted], he was traveling in a light-green VAZ 2109. Factory-produced interior. Clean rear panel. He practiced knife fighting on his own. The squadron commander knew about this. He was supposed “to work” with a knife. Training classes were conducted by a Ukrainian instructor in a camp in the woods over the course of a month. They were taught how to determine their location and remain unnoticed. Up to 20 people were being trained. Rusik dropped him off near the checkpoint and drove back. He committed the vehicles and individuals to memory and was supposed to communicate this by phone to [redacted]. At approximately 23:00 that night, something snapped – he attacked two men—civilians—and inflicted stab wounds on them.

To Balu's question of whether or not he was on his way to kill Donbass residents and if he underwent training for this purpose, he nodded his head in the affirmative.

After analyzing the totality of the evidence collected in this case, the tribunal is convinced that the accused's guilt in committing the crimes he has been charged with has been established without a doubt.

On the basis of the above and guided by articles 369 – 371, 373, and 374 of the Criminal Procedural Code of Ukraine,

RULES:

To find [redacted] guilty of committing the crimes stipulated in part 1 of Article 115 and part 1 of Article 121 of the Criminal Code of Ukraine and sentence him to the death penalty – execution by firing squad.

Chairman [signature]

Judges [signatures]



copy 1

HEADQUARTERS
DPR People's Militia in Slavyansk

ORDER

I hereby announce that on the basis of the Decree of the Presidium of the USSR Supreme Court "On Martial Law" of 22 June 1941, resident of [redacted] and member of [redacted] [redacted] was sentenced to the death penalty – execution by firing squad in accordance with the sentence issued by the Military Field Tribunal of the DPR People's Militia of 22.06.2014 for premeditated murder and the infliction of serious bodily harm.

This sentence has been carried out.

I hereby warn all fighters and commanders of the DPR militia, as well as residents of Slavyansk and Slavyansk District that any serious crimes committed within the zone of military actions will continue to be punished resolutely and relentlessly.

The command of the DPR People's Militia will continue to thwart any attempts to violate criminal laws in the territory of Slavyansk and Slavyansk District. Punishments for crimes cannot be avoided, regardless of the criminal's status or service.

Commander of the DPR People's Militia

Colonel [signature] I.I. Strelkov

22.06.2014

[seal: Command Headquarters No. 1
Donbass People's Militia]

ANNEX 5

Non-official English translation of the official reply from the Ministry of Interior of Ukraine to CCL's request sent on 14 August 2015.

<Letterhead>

Ministry of Interior Affairs of Ukraine
General Investigation Department
Bogomolitsya str. 10, Kyiv, 01024
Phone: 256-0333, www.centrmia.gov.ua

25 August 2015, No. 13M-213zi
Re: No. 266 14.08.2015

To: Head of CSO
"Center for Civil Liberties"
Matvyichuk O.

Baseina str. 9-G, office 25, Kyiv, 01004

The General Investigation Department of the Ministry of the Interior has, within the framework of its competence, reviewed your request to provide information regarding the presence or absence in the internal affairs investigation departments of any criminal proceedings based on the fact of the seizure of the territory of Lysychansk glass factory by the illegal armed groups. In that regard let us inform you on the following.

On 2.04.2014, the Investigation Department of Lysychansk city police (Luhansk region) opened a criminal proceeding based on the fact of damage to the property of the PJSC Lysychansk glass factory "Proletarii", carried out by unidentified individuals while conducting the ATO on the territory of Lysychansk. The criminal proceedings were opened on the grounds of a criminal offense under p.2 art. 194 (Intentional destruction and damage to property) of the Criminal Code of Ukraine.

Since, the aforementioned criminal proceeding was reclassified under p.2 art. 258 (Terrorist attack) of the Criminal Code of Ukraine.

In addition, on 21.08.2014 the Investigation Department of Lysychansk city police (Luhansk region) opened a criminal proceeding under p.2 art. 258 of the Criminal Code of Ukraine based on the fact that combat operations were conducted on the territory of PJSC Lysychansk glass factory "Proletarii", namely damage to the property of said factory as result of shelling.

On 23.09.2014, the cases listed above were combined into one and handed over to the Investigation Department of the State Security Service of Ukraine in the Luhansk region under Art. 126 (Investigative jurisdiction) of the Criminal Code of Ukraine.

At the same time, we inform you that the Investigation departments of the Interior Ministry in Luhansk region have not received any statements or notifications on the possible seizure of PJSC Lysychansk glass factory "Proletarii". Accordingly, no checks of this fact were carried out.

Deputy Chief I.V.Tsiupryk
<Stamp and signature>



**MINISTRY FOR FOREIGN
AFFAIRS OF FINLAND**

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For more information, visit <http://ccl.org.ua/en/>

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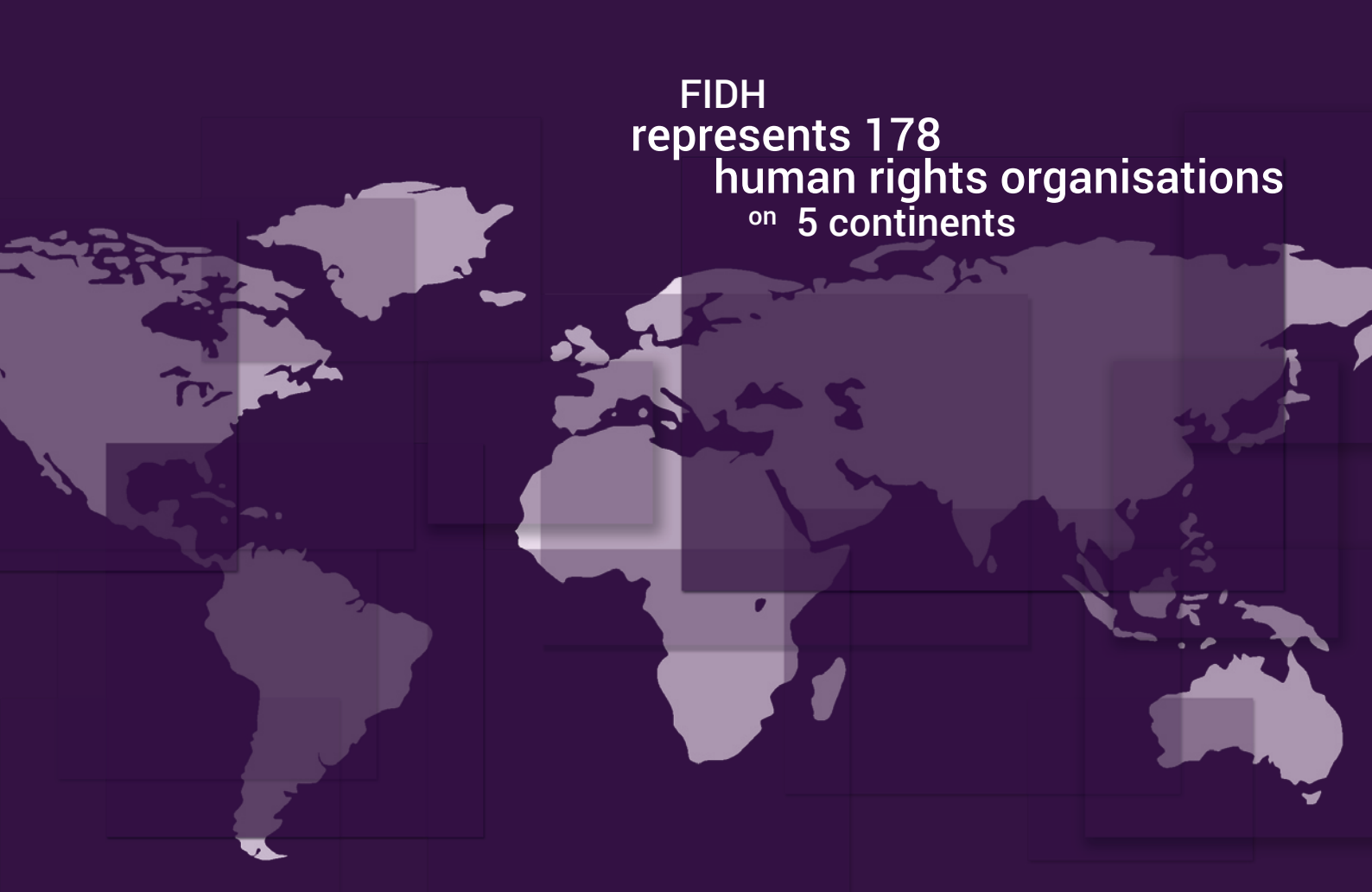
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