

Illegal Places of Detention and Human Rights Violations in the Anti-Terrorist Operation Zone (ATO)

Preliminary documents of the international monitoring group according to the results of the monitoring mission carried out from October 17 to 23, 2016 in areas of the Luhansk and Donetsk regions



Imprint

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Project

«European Support for the Effective Monitoring of Human Rights in Eastern Ukraine»



in cooperation with



**JUSTICE FOR PEACE
IN DONBAS**

*Coalition of Human Rights
Organizations*



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The preliminary report has been prepared by members of the international monitoring group according to the results of the mission in eastern Ukraine, which was carried out from October 17 to 23, 2016. The participants of the mission were seven representatives from civil human rights organisations and an academic community from Germany, Russia and Ukraine, as well as one representative from the Office of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine:

- Eastern Ukrainian Centre for Civil Initiatives, representing Coalition of Human Rights Organisations 'Justice for Peace in Donbas'
- Office of the Ukrainian Parliament Commissioner for Human Rights
- NGO 'Chelovek i Zakon' ('Man and Law')
- Johannes-Gutenberg-Universität Mainz
- Libereco – Partnership for Human Rights e.V.
- MEMORIAL Deutschland

The conducting of the visit was assisted locally by the following member organisations of the Coalition 'Justice for Peace in Donbas': the Starobilsk human rights organisation 'Volia', the civil movement 'Ochishchenie', the eco-cultural centre 'Bakhmat', as well as other public organisations and activists.

Observers from the monitoring mission visited the following residential areas:

- Kharkiv region: Kharkiv
- Luhansk region: Lysychansk,
Pryvillia,
Sievierodonetsk,
Starobilsk,
Polovynkyne village (Starobilsk district),
Rubizhne,
Popasna
- Donetsk region: Toretsk (including the district around the town Fomikha,
where a community of Romani people live),
Zalizne (Artemove),
Pivdenne (Leninske),
Kirovo,
Kostiantynivka
- Dnipropetrovsk region: Dnipro

Preliminary conclusions and recommendations

In this preliminary report, we are presenting general comments, which illustrate some of the problems, which face the victims of the conflict in the Donetsk and Luhansk region. The full report according to the results of the monitoring visit will be presented later and will be found on the websites of partner organisations.

The main aim of the mission was the monitoring of illegal violence, including visiting former illegal places of detention in regions of Luhansk and Donetsk under Ukrainian control, as well as studying the current problems of the population and general situation in the districts affected by conflict.

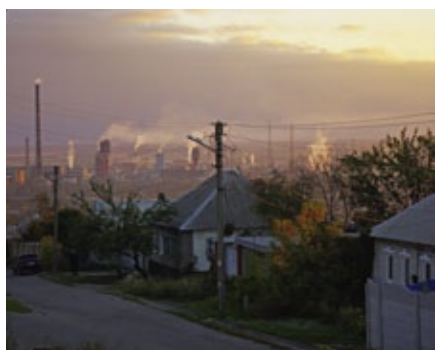
In the course of the monitoring mission, the group met with victims of unlawful violence, former soldiers and prisoners of war, the mothers and wives of prisoners of war and combatants who died or disappeared in action, inhabitants of areas on the front line, as well as with civic activists and journalists, the procurator of Sievierodonetsk, the head of the criminal search department and investigators from the Main Department of the National Police in Luhansk region. In the course of the monitoring trip, more than 40 meetings and interviews were conducted, including group interviews.

The group also visited illegal places of detention, created both by separatists and volunteer battalions in the territory under Ukrainian control.

About the founding of illegal places of detention in the territories affected by conflict, Donetsk and Luhansk regions

At the start of 2014, illegal armed forces, with support from Russia, began to seize administrative buildings, blocking the activities of the state apparatus and security services in a series of regions in eastern Ukraine. The so-called 'Donetsk People's Republic' (DPR) and 'Luhansk People's Republic' (LPR) were proclaimed. Supporters and members of pro-Ukrainian political parties, civic organisations, independent journalists, representatives of religious groups not belonging to the Ukrainian Orthodox Church (Moscow Patriarchate), members of the security services who remained loyal to the state, civil servants and workers in local government agencies, sexual and, in part, national minorities were all subject to repressions. Illegal places of detention were created in the occupied districts and towns of Luhansk and Donetsk regions, in which members of the aforementioned groups of citizens were held.

In April 2014, the government of Ukraine began an anti-terrorist operation. A series of towns and districts were freed by state forces and newly-formed 'volunteer battalions'. In the power vacuum, the battalions took on the role of the police and participated in military operations, in the course of which they also created places of detention in freed territories. The conditions of these illegal places of detention contravened international standards. The scale of offences committed has not yet been fully established. The international monitoring mission took place mainly in territories which are now under Ukrainian government control, but which in 2014 were under separatist rule.



The visited illegal places of detention, created by separatists were:

- The basement of the State Scientific Research and Engineering Institute for Air-Nitrogen Industry and Products of Organic Synthesis in Sievierodonetsk (Luhansk region)
- the bomb shelter and basement of the Lysychansk Glassworks 'Proletariy' in the town of Lysychansk (Luhansk region)
- the garages along the public prosecution office in the town of Popasna (Luhansk region)
- the basement of the Kostiantynivka town council and interregional Kostiantynivka public prosecution office (Donetsk region)
- the room on the first floor of the town council in Toretsk (Donetsk region)

The visited illegal places of detention, created by Ukrainian volunteer battalions were:

- School No. 32 in the town of Pryvillia (Luhansk region), in which was based the combat group 'Tornado'
- The basement in the sausage making factory in the village of Polovynkyne (Starobilsk district, Luhansk region), in which the 'Aidar' battalion was based.

Furthermore, participants of the monitoring visit attended the Rubizhne town court during the trial of Vasiliy Doroshenko, a former fighter in the volunteer battalion 'Mirotvorets'.

The preliminary results of the monitoring visit indicate that, regardless of the decrease in intensity of military operations in 2015–2016, the problem of illegal violence in the armed conflict zone in eastern Ukraine persists. Social, political and economic factors all contribute to this, in particular the drop in industrial production, the high rate of unemployment and traditional poverty in the region; Russian propaganda and an absence of alternative television and radio broadcasting; polarisation amongst the population, in part due to rumours and unconfirmed information about violence perpetrated by Ukrainian armed forces; the absence of a culture of political dialogue; and direct Russian armed interference as the main catalyst of animosity and violence in the region.

Inhabitants of the territory around the front line complain of frequent shelling along the demarcation line, leading to constant stress and a life lived under fear.

In territories, situated in the direct vicinity of the demarcation line, the destruction of houses, industrial buildings and infrastructure continues. The state does not offer compensation to those, whose property has been destroyed or has been used for military purposes by state

forces. Inhabitants on the front line rebuild their housing to a large extent from charitable funds.

During the mission, participants met with people who had been arrested or taken into detention and had stayed in prisons, created both by separatists and by volunteer battalions.



Reasons for Illegal Detention

According to those interviewed, the reasons for being held in illegal detention by separatists included: political views, support of combatants in the Armed Forces of Ukraine (AFU) or volunteer battalions, serving in the AFU or volunteer battalions, violating curfew, use of alcohol and drugs.

Reasons for being held captive or being subject to violence by representatives of volunteer battalions and the AFU were for being suspected of separatism, and, in particular, for cooperating with the enemy. Cases of arbitrary detention took place.

All those asked, who had stayed in illegal places of detention created by separatists, complained of being held in inhuman conditions. Many were subjected to torture, degrading treatment and gender-based violence. The places of illegal detention did not correspond to the minimum international standards of places of detention. In the majority of cases, these spaces were basements unsuited to holding people. Prisoners did not have sufficient access to drinking water and had limited food. They were also subjected to torture through the withholding of food and sleep deprivation. Many prisoners for several weeks did not have the opportunity to carry out any form of hygiene routine (taking a shower, cleaning one's teeth etc.). Buckets or plastic bottles served as toilets.

Witness statements made by those interviewed, who had been kept in illegal places of detention during 2015–2016, indicate that similar places still exist in the occupied territories and that prisoners are used there as forced labour.

In 2014–2015, under the circumstances of inactivity on behalf of the Ukrainian authorities and law-enforcement agencies, volunteer battalions also created illegal places of detention. Those constructed by the combat group 'Tornado' and the battalion 'Aidar' were located in basements and did not correspond to minimum international standards.

According to the accounts of battalion soldiers themselves, combatants' motivations for joining the battalions could be varied, which determined the excessive use of violence both within the battalions themselves (including accusations concerning the use of extrajudicial executions), as well as towards the civilian population. As a result, after the active phase of military operations, the attitude amongst

the civilian population towards the volunteer battalions is ambivalent. Up until the present day, there remains a distinct level of confrontation between the combatants and part of the civilian population. An absence of effective investigation into cases of violence and robbery, which had been perpetrated by fighters of volunteer battalions, a lack of prosecution of perpetrators, as well as the continuation of Russian propagandistic television and radio broadcasts enables this tension. Former volunteer battalion fighters also face problems in connection with confirming their combatant status and with receiving social benefits based on this status. Furthermore, there is an absence of effective programmes of psychological help and rehabilitation. Veterans confirm that unjust and disproportionate persecution of former volunteer battalion fighters takes place, namely of those who are accused of small legal violations perpetrated under war conditions. All of the described here creates a precondition for tension in the region and recurrences of violence.

State agencies and local self-government administrations do not always facilitate the resolution of social and economic problems, which arose as a result of the active conflict. Many civic activists draw attention to the fact that local state agencies have not changed since the start of the conflict. State and law-enforcement agencies continue to use old practices. The slow process of reform, a lack of qualified personnel and a lack of material resources and technical support enable this. The level of trust amongst the population towards state and law-enforcement agencies remains exceptionally low. In such circumstances, an important role in the process of democratisation is played by civilian control over the activities of the authorities and public control over the work of the law-enforcement agencies.

Recommendations:

- demand from representatives of the organised armed forces of the so-called LPR and DPR, as well as from the Russian Federation, to fulfil the requirements of the Minsk Agreements regarding exchange of prisoners in an “all for all” swap;
- enable the organisation of a so-called ‘Family Day’ to facilitate a meeting between prisoners’ relatives who are located on different sides of the demarcation line until the complete exchange of prisoners;
- guarantee the effective organisation of a search for prisoners of war and those missing in action with using all means possible (economic and diplomatic) to put pressure on the authorities of the so-called DPR, LPR and Russian Federation;
- conduct a full investigation of all crimes committed by representatives of both sides of the conflict;
- guarantee the effective investigation of cases of collaboration of law-enforcement agency workers in the creating of illegal places of detention and the use of violence during the period of occupation;
- create and realise a programme of psychological rehabilitation and trauma therapy for victims of violence and their family members on a local level;
- organise education to improve qualifications of the representatives of the law-enforcement agencies in the Donetsk and Luhansk regions with the aim of effective investigation of crimes committed under their jurisdiction being carried out;
- develop and implement an educational programme for employees of the security services of Ukraine, military personnel in the AFU and fighters in Ukrainian volunteer battalions regarding the treatment of prisoners and captives and the adherence to their rights;
- guarantee access to Ukrainian television and radio broadcasting for the population living in the area around the front line and in occupied territories;
- organise economic support of the region for the rebuilding of infrastructure and the struggle against unemployment.



European Support for the Effective Monitoring of Human Rights in Eastern Ukraine

The preliminary documents presented here have been produced as part of the project 'European Support for the Effective Monitoring of Human Rights in Eastern Ukraine' conducted by the German-Russian Exchange (DRA e.V.) with support from the Federal Foreign Office of Germany. In the course of 2016, three monitoring trips have been undertaken, dedicated to examining the situation of the civilian population in government controlled areas of the Donetsk and Luhansk regions. For each trip, an international monitoring group was formed and an independent report written according to each trip's findings. The preliminary report presents findings of the second monitoring mission, which took place in parts of the Luhansk and Donetsk regions from October 17 to 23, 2016.

The main aim of the project 'European Support for the Effective Monitoring of Human Rights in Eastern Ukraine' is the systematic and consistent documentation of the civilian population's situation and of violations of human and humanitarian rights in eastern Ukraine. An important part of the project is the creation of a network of European human rights organisations participating in the undertaking of international monitoring, which should enable detailed and unbiased spreading of information to a wide public about the situation surrounding the conflict in eastern Ukraine.

The work on the project is founded on the conviction that the documentation of the on-the-ground reality and violations of human rights should lead to the cessation of violence and serve as a signal to the violators of these human rights that they cannot rely on impunity. The European monitoring of human rights violations in eastern Ukraine is a contribution to the peace process and the possibility of reconciliation in the future.

The project is implemented by the following non-governmental organisations: in Ukraine by Vostok-SOS (<http://vostok-sos.org>), Eastern Ukrainian Centre for Civil Initiatives (<http://totalaction.org.ua>), Luhansk Regional Human Rights Centre 'Alternativa', in Poland by Helsinki Foundation for Human Rights (www.hfhr.pl) and in Germany by DRA e.V. (www.austausch.org).

The preliminary documents and other information regarding the situation of civilians and human rights in eastern Ukraine are available online at www.civicmonitoring.org.