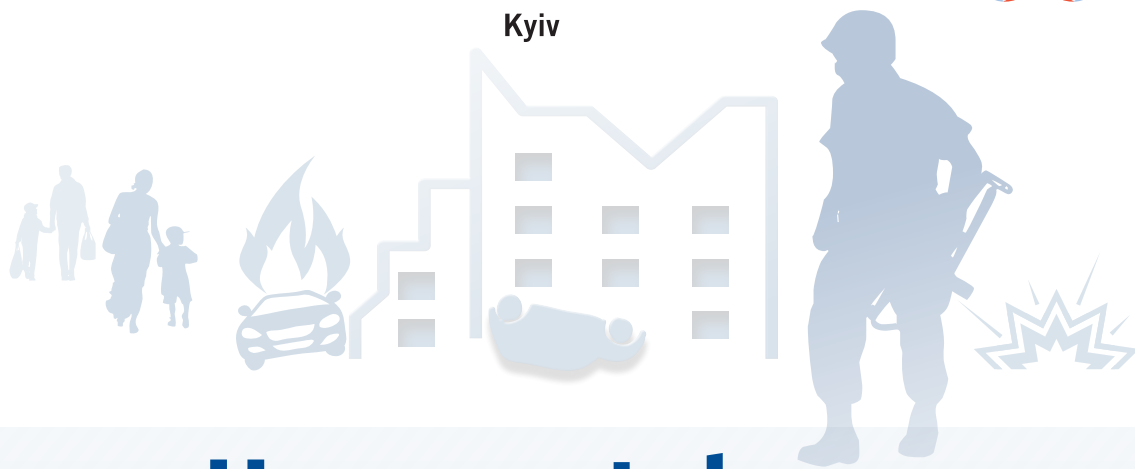




Kyiv



Human rights situation in Donbas



Kyiv 2017

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Human rights situation in Donbas

BY 1 FEBRUARY 2017 more than 9 800 persons have been killed in the war in Donbas, about 2 300 of whom are civilians¹. Another 23 455 have been wounded, according to UN figures. 1.6 million of Donbas residents have been internally displaced².

The war has caused 15 billion USD worth of damage, according to the estimates³. Extensive shelling has caused the most significant destruction: 4233 multistoried residential buildings, 17803 private houses and 1676 social facilities have been damaged or ruined in Donetsk region only.

Widespread abductions are another serious human rights issue. According to the latest available figures, the "LPR" and "DPR" abducted about 3200 persons since the beginning of the conflict. 3083 persons have been released through organized exchanges, while another 117 remain in captivity⁴. On Ukrainian side, as of mid-March 2015, SBU has released 1553 separatists through exchanges. Both the persons detained by the separatists and by Ukrainian volunteer battalions and law-enforcement were subjected to serious human rights abuses.



Civilian, released from detention in Luhansk SBU building, occupied by the separatists, shows signs of torture.

According to the report, "Surviving Hell"⁵ published by the Coalition of NGOs "Justice for Peace in Donbas", 71 percent of civilians and 68 percent of servicemen, captured by the "LPR" and "DPR", were subjected to torture. The persons interviewed reported a widespread practice of beatings and staging mock executions. Civilians were frequently kidnapped with the intention of receiving a ransom or seizing their property.

In May 2015, Amnesty International has published a report that has drawn attention to violations, committed by Ukrainian volunteer battalions, such as torture and ill-treatment of civilians, suspected of "separatism"⁶. Another report "You Don't Exist" has shed light on the use of secret detention facilities by the Security Service of Ukraine (SBU)⁷.

After being subjected to torture and ill-treatment, the persons, released from captivity struggle with receiving proper remedy. According to a report by UHHRU⁸, only 1 in 15 Ukrainian servicemen, who had been released by "LPR"/"DPR", has received qualified psychological assistance.

Besides shelling and abductions, another danger, faced by the civilians, is the extensive use of landmines and explosive devices. According to the

"When the militants returned angry from the frontline, they beat the prisoners. They used to say that they would shoot us in the knees, cut our veins or blow out our brains. At the same time, they asked us well-known questions, the ones, we had already answered before."

G-188, serviceman, captured by the separatists.
Interviewed by the UHHRU

¹ UN News Centre: <http://www.un.org/apps/news/story.asp?NewsID=56110#.WJUK1FUrKUK>

² OHCHR: Report on the human rights situation in Ukraine 16 February to 15 May 2016: http://www.un.org.ua/images/UA_14th_OHCHR_report_on_the_human_rights_situation_in_Ukraine.pdf

³ Dw.com: Consequences of War: Has Donbas become a dead economic zone: <http://link.ac/4XgB7>

⁴ DW.com: Double ordeal for "DPR"/"LPR" captives: <http://dw.com/p/2Un1Z>

⁵ Surviving Hell: Testimonies of Victims on Places of Illegal Detention in Donbas <http://www.osce.org/odihr/185431?download=true>

⁶ Amnesty International: breaking bodies: torture and summary killings in Eastern Ukraine <http://www.amnestyusa.org/research/reports/breaking-bodies-torture-and-summary-killings-in-eastern-ukraine>

⁷ Amnesty International "You don't exist": Arbitrary detentions, enforced disappearances, and torture in Eastern Ukraine <https://www.amnesty.org/en/documents/eur50/4455/2016/en/>

⁸ UHHRU The information report "Analysis of the state's actions regarding the prisoners of war after release" <http://helsinki.org.ua/en/articles/the-information-report-analysis-of-the-state-s-actions-regarding-the-prisoners-of-war-after-release-now-is-available-in-english/>

Ministry of Defence of Ukraine, since the outbreak of the conflict 1205 people, 403 of whom are civilians, were killed or injured by the landmines⁹. Mines pose the biggest danger in the 30 km buffer zone between the positions of Ukrainian military and the separatists, where most of them were placed during the phase of “positional warfare” after the Minsk agreements.

Evidence of Russian effective control over the self-proclaimed republics

There is evidence of Russian effective control over the “LPR” and “DPR” from the very beginning of the conflict. Available evidence suggests that Russia is responsible for the supply of weapons, economic assistance and political coordination of the “LPR” and “DPR”, while Russian troops directly participated in the conflict. These facts lead to the conclusion that Russian Federation bears responsibility for the human rights violations that occurred during the conflict.

Ukrainian Helsinki Human Rights Union has collected more than 200 interviews with servicemen and civilians, released from captivity, who reported having seen direct evidence of Russian involvement in the conflict. Such evidence includes, but is not limited to:

- Weapons, produced only in Russia, in possession of the separatists;
- Presence of military personnel, who have openly stated that they were Russian servicemen;
- Russian marking on the ammunition.

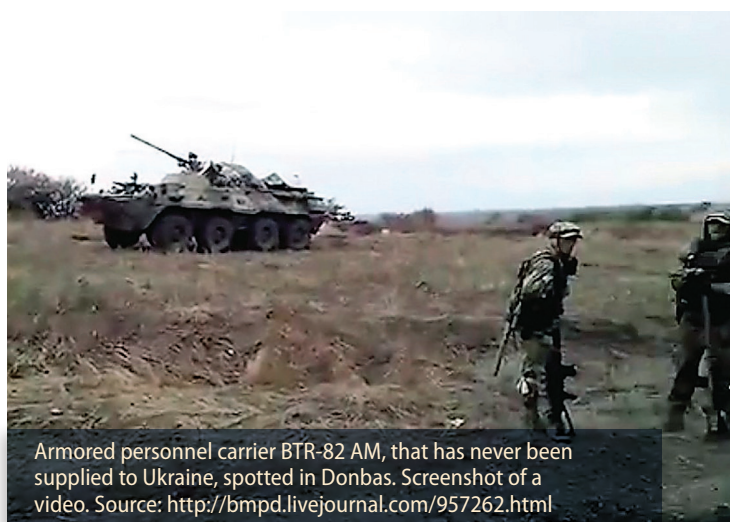
Supply of weapons

While the separatists claim that their weapons have mostly been seized from the local military units, international observers have identified weaponry and equipment in Donbas that is manufactured exclusively in Russia and has never been imported to Ukraine.

As early as in May 2014 OSCE Special Monitoring Mission have observed uniformed men carrying “Russian-style PKM Machine Guns and AK-74Ms” in Luhansk¹⁰. Over the whole course of the conflict, International volunteer group “InformNapalm” has identified over 30 types of Russian weaponry and equipment in Donbas, using open-source materials and photos from the social media¹¹. Majority of the weapons identified have been produced between 2005 and 2014.

Another form of support provided to the separatists by Russia are military supplies disguised as “humanitarian aid”. During 2014 – 2015 Russia sent 46 “humanitarian convoys”, each comprising over 100 vehicles. They entered Ukraine without passing border control or check from International Committee of the Red Cross. While observers have frequently noted that these convoys may contain weapons and military goods, so far there was no strong evidence of this.

UHHRU has interviewed servicemen, who were forced to offload the trucks from “humanitarian convoy”, while being held in detention in Donetsk. They reported that the cargo contained ammunition and other military goods.



Armored personnel carrier BTR-82 AM, that has never been supplied to Ukraine, spotted in Donbas. Screenshot of a video. Source: <http://bmpd.livejournal.com/957262.html>

⁹ Hromadske.tv: Danger, mines! Special project “The Grey Area” <https://hromadske.ua/posts/oberezhno-miny-spetsproekt-siri-zona>

¹⁰ OSCE: Latest news from the OSCE Special Monitoring Mission (SMM) to Ukraine based on information received until 20 May, 18:00 (Kyiv time) <http://www.osce.org/ukraine-smm/118856>

¹¹ InformNapalm.org: Database and Video Overview of the Russian Weaponry in the Donbas <https://informnapalm.org/en/database-russian-weaponry-donbas/>

Cross-border shelling

Since the beginning of the conflict, Russia has aided “LPR” and “DPR” with artillery strikes from across border. This has helped the separatists to seize control over the border with Russia.

Bellingcat investigation team found evidence of attacks from Russia that took place between 14 July 2014 and 8 August 2014. Artillery attacks on Ukrainian territory from the town of Gukovo in the Rostov region are confirmed by video footage¹². Moreover, Bellingcat found evidence that artillery strikes during Novoazovsk offensive of 23 – 27 August 2014 were made from Russian territory¹³. Shelling from Russian territory has also been confirmed by the investigative report by the Atlantic Council that identified several instances of cross-border shelling based on the combination of satellite data, crater analysis, and open source materials¹⁴.

“...our guys even had to offload a humanitarian convoy twice. They offloaded 4 KAMAZ trucks with ammunition when someone arrived, probably a Russian. He had a specific accent and asked: “Who is this?” When he was told that those were Ukrainian servicemen, he hit one of [separatists] in the face. They have quickly gathered our guys and drove them away. Apparently, he thought that their offenders were offloading the trucks.”

Ts-205, serviceman, interviewed by the UHHRU

Direct participation of the Russian military

“...we captured 10 Russians from the column. These soldiers said that they were from the 331th brigade or division of the Armed Forces of Russian Federation. Yes, it was the 331th Pskov paratrooper division. All of them showed their military IDs, which confirmed that they were regular Russian troops, all of them were contractors, i.e. there were no draftees. There were officers among them, who were taken away from our camp and sent to the ATO headquarters in half an hour after we captured them”.

F-201, serviceman, interviewed by the UHHRU

The fact and extent of Russian military presence in Donbas has been confirmed by leading academics in the field. Roger McDermott has noted that between 9,000 and 12,000 Russian troops were present in eastern Ukraine. Paul Robinson has suggested that as of August 2014, there were between 1,000 and 3,000 Russian troops in Ukraine¹⁵.

In August 2014 10 Russian paratroopers were captured by Ukrainian military in Donetsk region and subsequently handed over to SBU. Russian Federation has officially claimed that the paratroopers got lost. Yet, no

explanation has been provided as of why there was no insignia on the uniforms and vehicles.

In a report by Simon Ostrovskiy, “Selfie Soldiers: Russia Checks in to Ukraine”¹⁶, the journalist traced the movement of Russian soldier, Bato Dambaiev, a Buryat from Ulan-Ude, using information from his accounts on social media. Dambaiev had passed his military service in Taganrog, Russia, before going to the Ukrainian city of Vuhlehirsk, where he participated in military operations wearing military uniform without insignia. In addition, the report shows local people confirming Russian presence in Vuhlehirsk. The report also shows large Russian military bases near the Ukrainian border.



The remains of a tank outside the remains of an apartment building in Vuhlehirsk, February 2015. Photo by Max Avdeev for BuzzFeed News Source: <https://www.buzzfeed.com/gabrielsanchez/pictures-from-the-front-lines-of-ukraine>

¹² Bellingcat: Origin of Artillery Attacks on Ukrainian Military Positions in Eastern Ukraine Between 14 July 2014 and 8 August 2014: <https://www.bellingcat.com/news/uk-and-europe/2015/02/17/origin-of-artillery-attacks/>

¹³ Bellingcat, The Burning Road to Mariupol: <https://www.bellingcat.com/wp-content/uploads/2015/12/The-Burning-Road-to-Mariupol-FINAL-2.pdf>

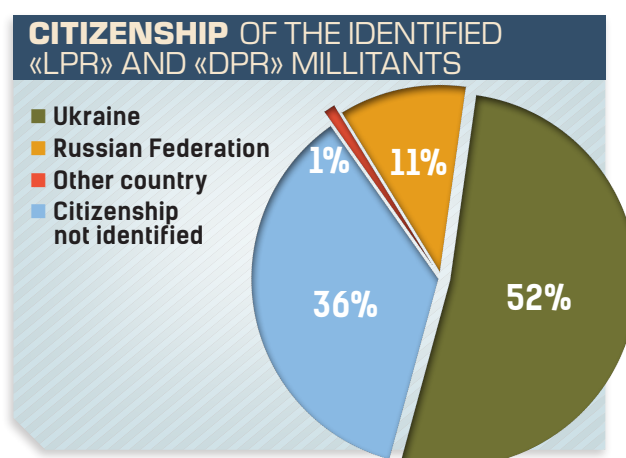
¹⁴ M. Czuperski, J. Herbst, E. Higgins, A. and D. Wilson (eds), Hiding in Plain Sight – Putin’s War in Ukraine, Atlantic Council, May 2015

¹⁵ J. L. Black and M. Johns (Eds.), The Return of the Cold War – Ukraine, the West and Russia, Routledge, 2016.

¹⁶ Selfie Soldiers: Russia Checks in to Ukraine: <https://www.youtube.com/watch?v=5PXQtnLM1M8>

Apart from the evidence from the witnesses, another piece of circumstantial evidence are mass burials of unknown servicemen in Russia. On August 25, 2014 the Ukrainian news agency "Ukrainska Pravda" reported that Pskov paratroopers who had officially "died under unknown circumstances" were buried in Russia¹⁷. Mass burials of more than four thousand unnamed people were reported in Rostov¹⁸. Three Russian servicemen, who fought in Donbas, were reported to have been buried in Kostroma¹⁹.

Using the data from social networks, UHHRU has identified 1339 militants from "LPR" and "DPR", allegedly responsible for human rights violations. While the sample is not random, at least 11 percent (or 17 percent of all militants, whose citizenship is known) appear to be Russian citizens.



Economic and financial support for the "LPR" and "DPR"

The self-proclaimed republics rely heavily on economic support from Russia.

Firstly, the Russian Ruble is the main currency in circulation in Donbas, the leadership of the self-proclaimed republics has officially recognized the currency²⁰.

Secondly, the majority of goods sold in the separatist-controlled territories are produced in Russia. According to the "Donetsk News Agency", a separatist news outlet, as much as 80% of goods sold in the "DPR" shops have been imported from Russia²¹.

Moreover, the separatists rely on supply of energy and resources from Russia. In February 2015, after "Naftogaz Ukraine" closed the gate valves on the gas pipeline to Donbas, Gazprom started supplying fuel to the "DPR" and "LPR" controlled territories via the gas measuring stations located on the border between Rostov region and Ukrainian territory. Between the 1 January and 21 April 2015, "Gazprom" supplied Donbas with 555 million cubic meters of gas worth 174.2 million dollars²².

The only source of electricity in the "LPR", the Peremoga-Shakhty high voltage 500 kV line from Russia was built in the 1950s and was



¹⁷ Ukrainskaya Pravda, Members of Pskov Airborne Division Who Died under "Unknown Circumstances" Buried in Russia, 25 August 2014 <http://www.pravda.com.ua/news/2014/08/25/7035746/>

¹⁸ Novoe Vremya, Tens of Fresh Graves Have Turned up in Rostov: <http://m.nv.ua/ukraine/v-rostove-poyavilis-desyatki-svezhih-bezimyannyh-mogil-20459.html>

¹⁹ Novoe Vremya, Graves of Those Who Took Part in Combat in Donbas Russian Soldiers Have Been Discovered in Kostroma, 3 October 2014: http://m.nv.ua/specials/rossiiskie_voennye_v_ukraine/v-kostrome-obnaruzhili-svezhie-mogily-rossiyskih-desantnikov-zhurnalist--14575.html

²⁰ Resolution of the "LPR" Council of Ministers dated 18 August 2015 'On establishing currency circulation on the territory of the Lughansk People's Republic' (<http://lug-info.com/documents/one/postanovlenie-sovmna-ob-organizatsii-denezhnogo-obrascheniya-na-territorii-luganskoi-narodnoi-respubliki-428>). Resolution of the Presidium of the Council of Ministers of "DPR" dated 28 September 2015 no. 18-3 'On the use of currencies on the territory of "DPR"' (http://old.dnr-online.ru/wp-content/uploads/2015/10/Postanov_N18_3_28092015.pdf).

²¹ Donetsk News Agency, Russian Products Make UP 80% of Assortment in "DPR" Shops, 1 December 2015: <http://dan-news.info/russia/rossijskie-tovary-zanyali-do-80-assortimenta-v-magazinax-dnr.html>

²² RBC.ua Economy of the unrecognized "LPR" and "DPR" is closely linked with Russia <https://daily.rbc.ua/ukr/show/ekonomika-nepriznannyh-lnr-dnr-tesno-svyazana-1434382546.html>

practically unused before the war. According to “RBC-Ukraine”, “LPR” received 600 MW of electricity daily through this line as of June 2015²³.

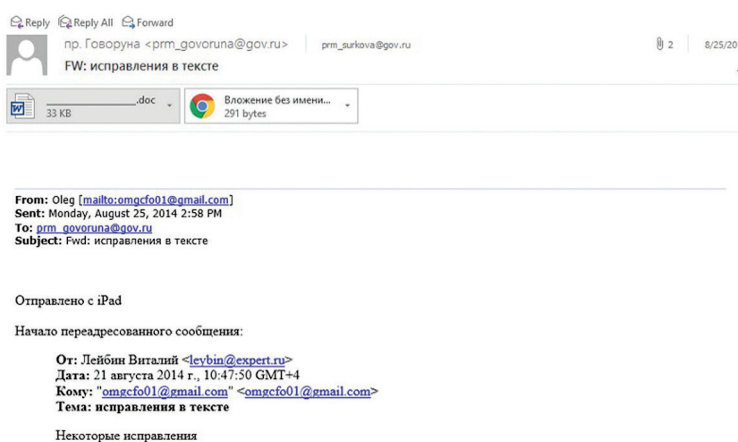
Another evidence that confirms the economic links between the separatists and Russia are factories, moved from the cities in Donbas to Russian territory. Examples include Luhansk Parkhomenko Engineering Plant, Engineering Plant - 100, State Enterprise “Donetsk Central Mechanical Engineering Design Bureau”, “Horizon” Mine-rescue Equipment Plant, Luhanskteplovoz, POLY-PAK, Luhansk Marshal Electrical Engineering Plant, “Yunost” Space Defence Manufacturing Plant and Luhansk Aircraft Repair plant²⁴. Rather than preventing the illegal import of Ukrainian equipment into their territory, Russian authorities receive it and integrate the factories into Russian economy, as part of its “Import Substitution Program”.

Political support for the «LPR» and «DPR»

Several leaders of self-proclaimed republics are Russian citizens with strong ties to the Russian law enforcement agencies. Most notable examples include:

- 1) **Igor Strelkov** (Girkin), the former “Defence Minister” of the “DPR”, is a Russian citizen. He has personally confirmed to the Pravda news agency that until 31 March 2013 he had been a colonel of the Russian Federal Security Service (FSB)²⁵;
- 2) **Oleksandr Boroday**, the former “Prime Minister” of the “DPR” is a Russian citizen with links to the Russian FSB;
- 3) **Marat Bashyrov**, the former head of the “Council of Ministers” of the “LPR”, is a Russian citizen and a Russian political analyst;
- 4) **Valeriy Bolotov**, the former “head” of the “LPR”, was a Russian citizen who took part in military action in Georgia and Nagorny Karabakh as a member of the Russian armed forces;
- 5) **Igor Bezler**, a major general in the “army” of the “DPR”; according to information published by the Security Service of Ukraine, he had served in several units of the Chief Intelligence Directorate of the General Staff of the Armed Forces of the Russian Federation, before retiring as a lieutenant colonel.

Russian Federation has also aided the self-proclaimed republics by publicly prosecuting Ukrainian servicemen. Thus, the investigative committee of the Russian Federation has conducted investigation into crimes, allegedly committed by Ukrainian military on the territory of Ukraine against the inhabitants of Donetsk and Luhansk regions of Ukraine. According to information, published on



Screenshot of the correspondence between the reception of Vladislav Surkov and the editor of the journal “Russian Reporter” Vitaliy Leibin. The letter concerns the corrections to the “Appeal of the peaceful citizens of Donbass to the Ukrainian people”. The appeal was subsequently published with minor corrections on “Russian Reporter” website. Source: <https://medium.com/dfrlab/breaking-down-the-surkov-leaks-b2feec1423cb#.p6zyxmsvf>

²³ Ibid.

²⁴ The list of factories taken from: RBC.ua, https://www.rbc.ua/rus/news/boeviki-lnr-vyvozyat-rossiyu-oborudovanie-1453132913.html?utm_source=facebook&utm_medium=social&utm_term=facebooktraffic&utm_content=tape120116&utm_campaign=Fbgroup Ostrov, A List of Factories Transferred out of Luhansk Region to Russia Has Become Known <http://www.ostro.org/lugansk/criminal/news/481778/> Arguments and Facts, A Grand Resettlement of the Plants, 22 December 2014: <http://www.aif.ru/society/people/1412506>

²⁵ Ukrainskaya Pravda, Shooter Has Admitted on the Video that He Has Been Working for FSB: <http://www.pravda.com.ua/news/2014/07/12/7031713/>

ICRF website, more than 130 000 persons were interrogated as witnesses and more than 20 000 were recognized as victims²⁶.

Another piece of evidence that confirms Russian influence on the «LPR» and «DPR» are recent leaked emails from Vladislav Surkov's reception mailbox²⁷. Surkov, Vladimir Putin's aide, has been rumored to be the person in Kremlin, responsible for oversight of the «LPR» and «DPR», and the leaks largely corroborate this hypothesis. The mailbox contains communication, related to casualties suffered by «DPR» forces (including information about death of one Russian serviceman), corrections to texts, which have later been published as statements of civilian inhabitants of Donbas, and so forth.

Ukrainian Helsinki Human Rights Union:

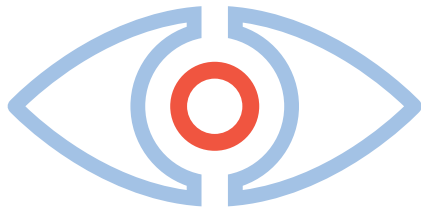
- **DOCUMENTS HUMAN RIGHTS** violations based on the first-hand accounts of victims and witnesses;
- Regularly updates the database of human rights violations, committed by combatants from both sides of the conflict;
- Supports applications to the ECHR and provides evidence for the ICC;
- Conducts preliminary research on the implementation of Transitional Justice in Ukraine;
- Develops the model for the prisoner exchange and the release of hostages.

What can the international community do?

- **EXPAND** the UN presence within the international research and monitoring projects;
- **FACILITATE** the creation of an international working group aimed at development of legal mechanisms for prisoner exchange, documenting cases of shelling of civilian targets and remedy for the victims;
- **ORGANIZE** educational programs to enhance the competencies of Ukrainian specialists, engaged in documenting war crimes and violations of international humanitarian law;
- **SUPPORT** civil society initiatives that aim to introduce Transitional Justice mechanisms, such hybrid courts and mechanisms for redress, to law enforcement and judicial authorities of Ukraine;
- **MOBILIZE** international expertise to support the creation of national mechanisms for truth-telling, focused on reconciliation and avoiding further traumatization of the victims (creation of a centralized database, cooperation between the government and NGOs, documenting and reconstruction of events);
- **PROMOTE** an interactive platform for human rights organizations in Ukraine and Russia that would serve for discussion about key mechanisms for reconciliation and truth-telling;
- **SUPPORT** the national dialogue on the civilian security sector reform; national security policy and strategy; national security legislation; national security sector plan.

²⁶ Izvestiya.ru Everything is ready for the tribunal <http://izvestia.ru/news/663567>

²⁷ Medium.com: Breaking down the Surkov Leaks <https://medium.com/dfrlab/breaking-down-the-surkov-leaks-b2feec1423cb#.5k5jw1gbk>



DOCUMENTATION CENTER

UHHRU Documentation Center creates a modern, secure and constantly updated database of human rights violations in the area of military conflict in Eastern Ukraine. The Center supports peacebuilding processes and aims to help victims seeking justice and redress. It is open for any inquiries.

Our main values are objectivity, justice and impartiality. We document violations committed by all parties of the conflict.

The main activities of the Center are:

- Documenting, checking and analysis of the information about violations of human rights and international humanitarian law in the area of military conflict in Eastern Ukraine;
 - Restoration of the events;
 - Support for all victims of the conflict, regardless of their citizenship and official status;
- Cooperation with the law-enforcement.

We offer the witnesses and victims:

- An opportunity to document their testimonies in one of the 30 public receptions of UHHRU in 24 regions of Ukraine;
- Free legal support, relying on resources of numerous partner organizations;
- Free support of litigation at the highest domestic level or in international courts (in selected cases).

We offer NGOs and experts cooperation in:

- Preparation of individual and collective lawsuits;
- Collective preparation of analytical reports based on the use of shared databases and video archives;
- Organization of monitoring visits;
- Public investigations aimed at identification and verification of the victims of the armed conflict, including missing persons, prisoners and their relatives, as well as witnesses of the events;
- Search for the evidence of particular events in the database;
- Restoration of the chain of events;
- Mass media monitoring.