

TRANSITION



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Executive Summary

MEMORIAL MAP: IDENTIFYING EVERY VICTIM OF THE CONFLICT AS THE FIRST STEP TOWARD RECONCILIATION



Summary

An absence of open records of persons who died in the course of the armed conflict between Russia and Ukraine as well as lack of access to the reliable information leaves a lot of room for manipulating the minds of Ukrainians and international community, misrepresenting the real situation and disrupting the peacekeeping efforts of international organizations. The fragmentary and contradictory nature of databases managed by the government agencies and NGOs complicates development of the efficient state information policy and effective counteraction to false information. That is why the interactive Memorial Map containing information about all the victims, created by UHHRU's Human Rights Abuse Documentation Center in 2017, is being the first step toward identification and commemoration of the conflict victims, as well as objective representation of the situation in Ukraine and eventual reconciliation.

Reasoning and description

One of the elements of the information warfare that accompany the hybrid armed conflict is, in Russia's case, cover-up of the presence of Russian soldiers, and in Ukraine's case – cover-up of the true circumstances of deaths among military and civilian population. Vague and contradictory information regarding the number of victims, as well as the fragmentary nature of existing databases are detrimental to the population's general awareness and disruptive to elaboration of information policy by the state and efficient counteraction to the false information. At the same time, this poses a constant threat to people's right to information, social security and legal aid. Both the international community and civil society organizations have been emphasizing how critical it is to address this issue.

For this purpose, the interactive Memorial Map, <http://memorialmap.org/> was created at the initiative of UHHRU. The Map is being a modern resource of collected and visualized information listing by name more than 10 thousand persons killed during the Russian-Ukrainian war – civilians and soldiers alike (including those from the self-proclaimed DPR/LPR)¹. It displays, in chronological order, locations with identified victims; cases are sorted both by date of death and country of origin.

This activity is being conducted as a part of UHHRU's work on creating and implementing in Ukraine a national model of transitional justice, which, in particular, calls for commemorating all the victims as the first step toward reconciliation; truth telling – to everyone and by everyone; just satisfaction – providing compensation for immaterial and material damage to the families of those killed in the course of the conflict.

Methodology for data collection and verification

Information about the deceased for the Memorial Map has been gathered using the following sources:

- specialized websites²;
- Vkontakte and Odnoklassniki social networks;
- reports of the monitoring visits carried out by UHHRU's Documentation Center;
- responses to information inquiries sent to the local administrations located at the contact line³.

Studying open sources is time consuming but yields the best results. The data collected has to be double-checked or fleshed out using the methods of analysis, comparison and exclusion. We also do not limit ourselves to the above-mentioned references, since Google is constantly adding to its index new data put on the Internet, and all this data is later being adjusted and expanded.

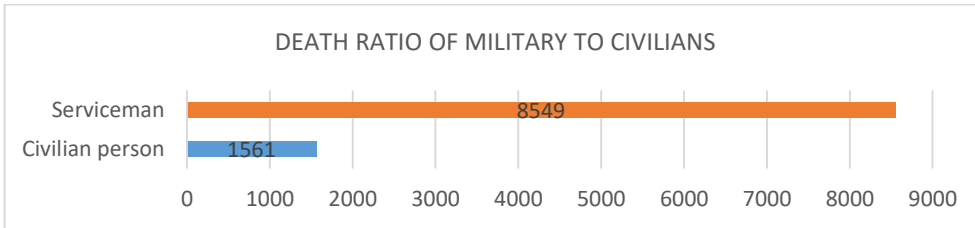
Results of research

According to the Memorial Map, the total number of 10,100 fatalities that occurred between 2014 and October 2017 can be divided into the following categories:

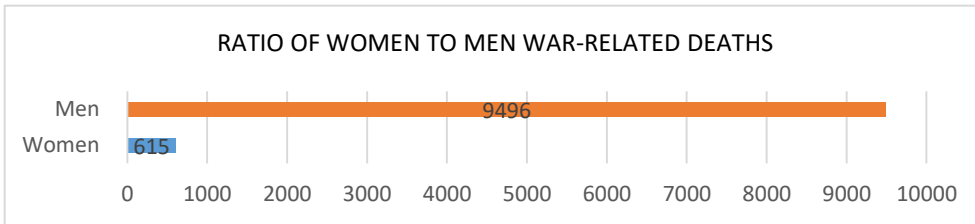
¹ In accordance with the Geneva Conventions for the Protection of War Victims (1949), parties to war are obligated to search for killed compatriots – soldiers as well as civilians – and record the location of their graves. Additional Protocols to the Conventions of 1977 also extended these provisions to the victims of non-international conflicts.

² <http://memorybook.org.ua>, <http://i.gruz200.net>, <http://lostivan.com>, <https://nekropole.info>, <http://crimes.dnr-online.ru>

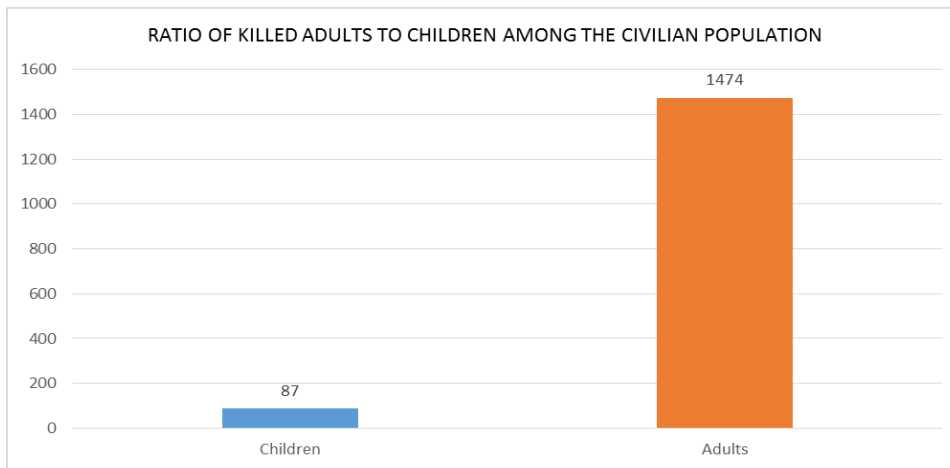
³ State agencies only replied to 10% of UHHRU's inquiries.



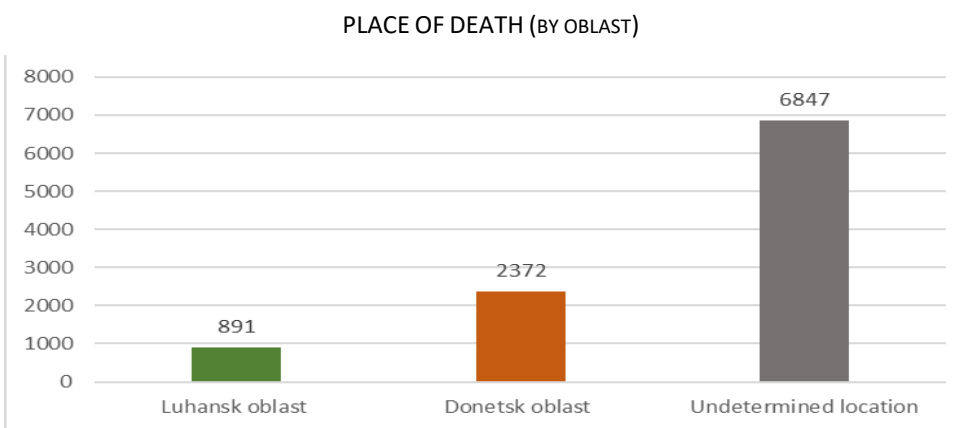
The death ratio of 85% military personnel to 15% civilians and 94% men to 6% women over 3 years of the armed conflict disproves any deceptions regarding the “bombing of Donbas cities by the Armed Forces of Ukraine”, “heavy casualties among the civilian population” and other such claims.



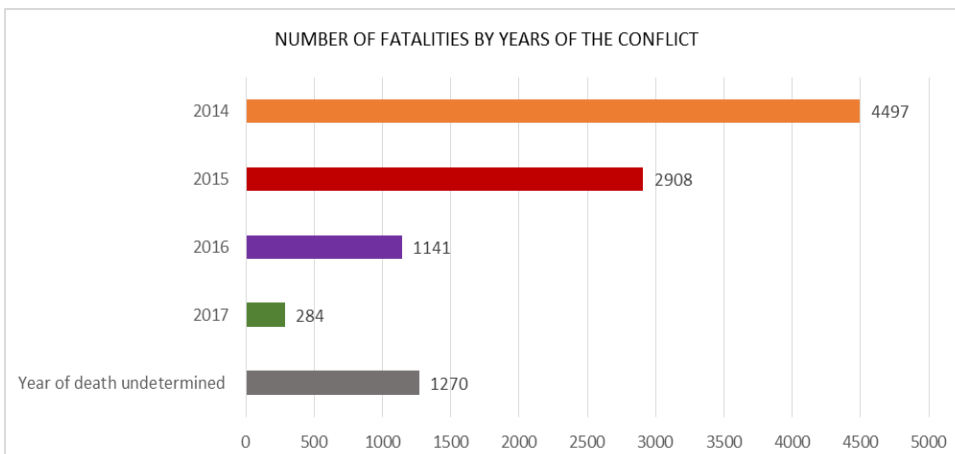
Distinction of victims between combatants and non-combatants also incriminates Russia, which has been known to conceal its presence on Ukrainian soil by making soldiers appear as civilians in reports.



There were fixed 87 casualties among children between 1 and 16 years old, which constitutes 0.9% of the total number of conflict-related fatalities. Deaths of this most vulnerable group of population are being used by the parties to the conflict to demonize the enemy and fuel ideological agendas.



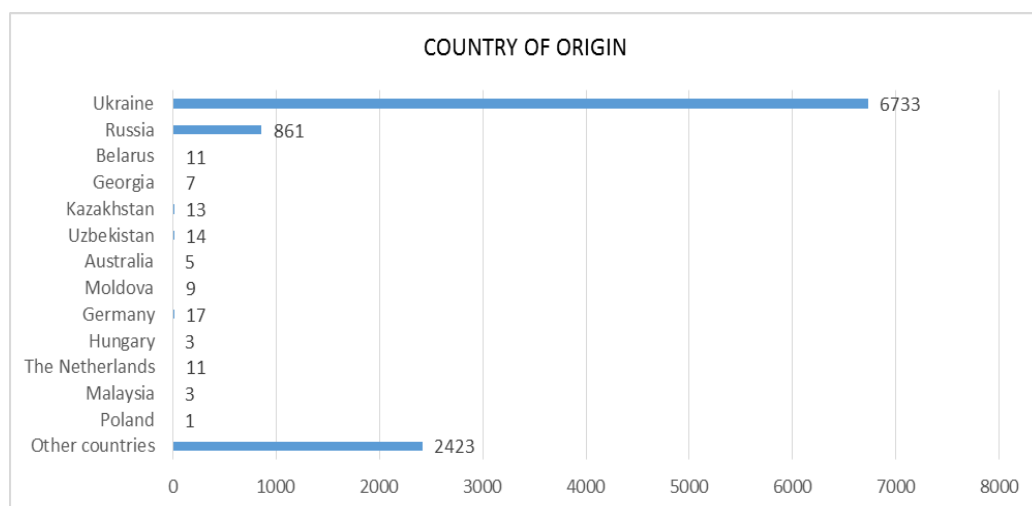
The importance of the Memorial Map is further demonstrated by the fact that location of death has been officially confirmed only for a third of the victims (891 persons in Luhansk oblast and 2,373 in Donetsk oblast); location of death of 6,847 persons remains officially undetermined.



According to the Memorial Map, the largest number of fatalities – 4,497 persons (51%) happened during the active stage of the armed conflict (April-December 2014). 2,908 persons (33%) died in 2015. Due to the peace treaties and efforts of the

OSCE Special Monitoring Mission, in 2016 the number of fatalities went down to 1,141 persons, which constitutes 13% of the total figure. In 2017, 284 persons died (as of October 1).

Over the course of the anti-terrorist operation in Donbas, the Armed Forces of Ukraine have lost 3,930 soldiers: 2,267 killed in action (out of those, 1,964 persons died in 2014-2015), and 1,663 more were classified as non-combat casualties⁴. It should be noted that state agencies still use a purely institutional approach to commemorating the victims. Records of law enforcement agencies are a typical example of this: for instance, the Ministry of Defense counts only killed members of the Armed Forces of Ukraine, the State Border Guard Service only takes into account the border guard, etc. Casualties among civilians are supposed to be recorded by the State Emergency Service, but it has neither the staff required nor specialized departments. However it is known that civil society activists were actually keeping such records during the active stage of the conflict in summer of 2014.



The given data disproves allegations regarding large numbers of “NATO mercenaries” from Georgia or Poland on one side of the conflict and large-scale support for the so-called “Russian Spring” in Europe and Commonwealth of Independent States, on the other side.

At the same time, the number of fatalities among Russian citizens clearly demonstrates the scale of Russia’s intrusion⁵, which allows us to conclude that there exists an ongoing armed conflict in Donbas.

Conclusion and recommendations

Civilians and combatants that died in Ukraine’s east both among the ATO forces and self-proclaimed people’s republics should be included into common register. However, uncoordinated efforts of the state agencies and NGOs to create a system for gathering and processing unified information make it impossible to collect reliable information about the victims and create a single unified database. Proper documentation of the fact of death remains an important issue, namely: documentation of the fact and location of death and the person’s identification.

Another problematic issue is with the procedure for registering the facts of death of servicemen used by the military commanders. This procedure is clearly established at the legislative level, but it only concerns the Armed Forces of Ukraine and leaves out other military units. Moreover, even the regulating documents of Ukraine’s Ministry of Defense contain some uncertain issues, such as the time period before reporting information, lack of accountability for the failure to submit reports or delaying submission; thoroughness of internal investigations; the issue of searching for missing persons and establishing the fact of their death; establishing the fact of death by court⁶, etc.

Moreover, all the deceased must be recognized as victims of the conflict.

In order to address these issues at the legislative level, it is necessary to adopt the following norms:

- *Creating a unified database of persons who died in the course of the conflict in eastern Ukraine.*

⁴ Most widespread causes of death are suicides, accidents, car accidents, murder, negligent handling of weapons and violations of safety rules.

⁵ Permanent presence of a large number of soldiers and weaponry of the Russian Federation in Donbas is confirmed by the findings of the Armed Forces of Ukraine, Security Service of Ukraine and NATO intelligence.

⁶ The fact that the “anti-terrorist operation” term remains undefined under the national legislation resulted in Ukrainian courts’ decisions declaring people deceased according to the norms of peace time, which gravely violates the rights of the relatives of the victims.

It is obligatory to indicate the circumstances and location of death, as well as the place of burial. In addition, it is important to establish a mechanism of cooperation between the state agencies (namely, law enforcement), volunteers and civil society organizations.

A unified database for identifying the deceased and discovering the whereabouts of the missing persons in the ATO zone can be created on the base of Minsk Protocol working groups that coordinate the process of recording the total number of casualties. However, the parties to the conflict show no interest in this, and there is no legal basis for keeping such records, ensuring their transparency and using their data.

- *Protecting the rights of the victims' families*

It is necessary to create a mechanism for providing compensation for immaterial damage done to the families of the victims, as well as providing them with qualified medical, psychological, legal and social aid.

Hence, in particular, it is necessary to prepare methodological recommendations (e.g. on replacing the victims' lost papers, regulating issues regarding their military service, especially for persons on the side of the self-proclaimed republics, etc.) to be used within the free legal aid system. Material aid should be provided to the families of deceased soldiers as well to those of civilians. It is also necessary to address the issue of proper legal classification of the actions against the civilian population as part of criminal proceedings. In case of absence of accused persons, they can be brought to justice by default court judgment, and execution of such verdicts can be done using the mechanisms of international criminal search. It is also necessary to agree on and streamline all laws and normative acts pertaining to the status of soldiers and victims of the armed conflict.

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Authors of the publication are Valeriy Snegiryov, Sergiy Movchan, Oleksiy Bida. Data collection, processing and website content updating were also carried out by Andriy Gladun and Vidal Sorokin.

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