

SURVIVING HELL:

The background image shows a dark, abandoned room. The walls are heavily damaged, with large sections of white paint or plaster peeling away, revealing a rough, greyish surface. A window on the left side is broken, with several panes missing or shattered, and some red, possibly dried blood, is visible on the sill. A bed with a dark headboard and a patterned mattress is positioned on the right side of the room. The floor is covered in a thick layer of rubble, including broken tiles and debris. The overall atmosphere is one of decay and neglect.

Testimonies
of Victims on Places
of Illegal Detention
in Donbas

SURVIVING HELL:

*Testimonies of Victims on
Places of Illegal Detention
in Donbas*

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“Justice for Peace in Donbas”



This publication is a result of a monitoring study conducted by the Coalition of public organizations and initiatives “Justice for Peace in Donbas” in close cooperation with the Ukrainian Parliamentary Commissioner for Human Rights. The goal of the study was to document gross violations of human rights in relation to illegal detention in the armed conflict area in Eastern Ukraine.

This study is based on testimonies of those who had been illegally detained in the Donetsk and Luhansk regions by pro-Russian military groups. These statements were collected during monitoring visits to places of detention on the liberated territories. This study also takes into account information obtained from state authorities and open sources. The data presented here shows that there have been gross and systemic violations of human rights of detainees, including inhumane conditions and cruel treatment and tortures.

On the basis of collected data, the authors of this report recommend a number of measures aimed at stopping the identified human rights violations on the territory outside of Ukraine’s control; directing the attention of international community to these issues, as well as supporting the prosecution of the perpetrators.



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EXECUTIVE SUMMARY

The creation of LPR and DPR pseudostates with repressive political regimes led to numerous gross and systemic violations of human rights in different spheres on the territory of the Donetsk and Luhansk regions. Establishment of a network of illegal detention places by these regimes led to violations of fundamental human rights, including the right to life, the right to be free from torture and cruel treatment, the right to liberty and personal security, and the right to fair trial. This report examines this phenomenon based on the data collected through interviews with 150 former detainees of these places, as well as other information from open sources.

The research findings serve as compelling evidence of an extremely widespread and barely controlled network of illegal places of detention in Luhansk and Donetsk regions. Testimonies of victims of illegal detention point to a dangerously high probability of being put into these places for virtually all target groups, including civic activists, ordinary citizens, representatives of public authorities, businessmen, and prisoners of war.

Detention in these illegal custodial facilities of the so-called DPR and LPR is accompanied with assaults, mutilations, and torture of detainees on the scale that calls for the use of not only the domestic but also international justice mechanisms.

At the same time, the results unveil a range of important issues to be examined in further studies.

First, these include issues related to identification, recording and regular inspection of all places of detention in

the ATO area by international organizations. These actions are necessary for preventing violations of humanitarian law and the standards of treatment of detainees.

Second, there is a problem with assessing the damages incurred by the citizens in the ATO area during illegal apprehensions and arrests, use of force and psychological pressure, as well as torture. This issue is connected to the need for planning and establishing the national system of psychological and social support for former civilian captives and prisoners of war. The system requires involvement of qualified professionals, budgetary funds, and a significant amount of time.

Equally significant – in the view of international law – is the issue of documentation of war crimes and violations of human rights during the conflict in Donbas. Documentation requires a rather complex system of coordinated action of authorities and civil society for the collection and processing of obtained testimonies, protection of information and personal data, constant accumulation of information sources, as well as the preparation of evidence for domestic and international justice authorities.

The above issues became clear following examination of data from a small part of victims in the framework of our study. We have no doubt that attention from the international expert community will lead to finding solutions to these issues. Our project team expresses hope for this outcome and welcomes the cooperation of international foundations and institutions, international organizations and individual experts, and Ukrainian authorities.

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Authors of the report

INTRODUCTION

Events in the Luhansk and Donetsk regions caused by the aggression of the Russian Federation, undermined the security of everyone remaining in the territories outside of Ukrainian control. There are no functioning legal systems, laws, or legal governance structures on these territories. Armed groups that exercise effective control over the situation are led by their own vision and understanding of law and order. In terms of law, in this de facto and de jure gray zone, the power of law does not exist and only the law of power works. In fact, it leads to brutal violations in the form of illegal detentions in the Luhansk and Donetsk regions which are the subject of research within the framework of this report.

Testimonies of captured and detained victims describe the outright neglect of fundamental requirements for treatment of detainees. Detention in such conditions amounts to torture or cruel treatment. Almost all eyewitnesses who had survived this infernal captivity testify about the lack of medical assistance, basic sanitary conditions, nutrition, or communication with family or friends. This legal vacuum creates impunity and arbitrariness by those attempting to maintain control over the occupied Ukrainian territories in Donetsk and Luhansk regions through force. Data in this report illustrates the scale and seriousness of violations of the rights of those illegally detained.

The study includes interviews with persons illegally deprived of liberty by the separatists. However, it is no secret that pro-Ukrainian forces, in particular representatives of volunteer battalions, also practice illegal detention; and there are confirmed cases to support the claim. In both instances, there have been gross violations of human rights, yet there is a significant difference between these two situations, in particular, in relation to the scale of the problem.

Pro-Russian, illegal armed groups have committed and continue to commit crimes by detaining people illegally without any investigation or punishment. The victims have no remedy against these criminal acts. Accordingly, impunity causes an increase in the scale of these crimes.

The project team comprised of representatives of human rights organizations—members of the Coalition “Justice for Peace in Donbas” considers its primary task to collect and present information about violations to which there are no prospects for investigation in current conditions resulting from the lack of legal means for protection of human rights on the territory temporarily outside of Ukraine’s control.

At the same time, every case of violation of the right to liberty and personal security by representatives of volunteer battalions of Ukraine, when discovered by law enforcement authorities of Ukraine, is supposed to be investigated under Article 146 of the Criminal Code of Ukraine. The situation is subject to monitoring by human rights organizations, the Office of the Ukrainian Parliamentary Commissioner for Human Rights. Victims have the opportunity to address law enforcement and judiciary bodies with requests for proper investigation and prosecution of perpetrators of these crimes. At the present time, there are ongoing investigations and trials in cases of combatants from the “Aydar” and “Tornado” volunteer battalions accused of illegal deprivation of liberty among other charges.

The next aim for the project team is the investigation of illegal deprivation of liberty on the territory under Ukrainian control; realizing such risks as lack of available pool of respondents, absence of official information sources and inconsistency of legal stances in assessment of state agents’ actions.

LIST OF ABBREVIATIONS

AK-47 – Kalashnikov assault rifle, 1947.

AKS – Kalashnikov rifle with a folding metal stock

ATO – Anti-terrorist operation.

BMP – infantry fighting vehicle

BTR – armed personnel carrier

C-***, C.M-*** – coding for the types of cases used by the research team in the study

FSB – the Federal Security Service of the Russian Federation

IAG – illegal armed groups

MIA – Ministry of Internal Affairs of Ukraine

NGO – non-governmental organization

OSCE/ODIHR – Organization for Security and Cooperation in Europe / Office for Democratic Institutions and Human Rights

PM – Makarov pistol

RF - Russian Federation

RPK – Kalashnikov hand-held machine gun

SKS – Simonov self-loading carbine

SSU – the State Security Service of Ukraine

THF – temporary holding facility

UN – the United Nations

UOC (MP) – Ukrainian Orthodox Church (Moscow Patriarchate)

I. RESEARCH METHODOLOGY

Analysis of information from NGOs, the media and numerous victims evidences the existence of a wide network of unofficial places of detention – of various types - on the territories of the so-called “Donetsk People’s Republic” and “Luhansk People’s Republic” (hereinafter – DPR/LPR). The causes of the situation include an extremely erratic situation in the conflict zone, a large number of armed groups with different command structures and background, and the lack of effective mechanisms for oversight of compliance with the law.

At the same time, there is legal uncertainty in relation to places of detention on the territory of the so-called DPR or LPR, as even designated premises (for instance, former temporary holding facilities of the internal affairs bodies (IAB)) should be considered unofficial like the self-proclaimed “republics.”

Therefore, in the interests of generally accepted human rights, there is a need for the objective study of not only the places of detention in the zone of the anti-terrorist operation (ATO), but also the treatment of detainees.

1.1. GOALS AND OBJECTIVES

The principal aims of this study are to document gross human rights violations in connection with illegal detention in the area of the armed conflict in Eastern Ukraine, to attract attention of international experts for further investigation and prosecution both by national authorities and institutions with international jurisdiction.

Accordingly, the following key research objectives were identified:

- Providing a brief chronological account of the armed conflict and assessment thereof in the framework of international humanitarian law.

- Analyzing the standards of international humanitarian law and national legislation in relation to the treatment of prisoners and observation of the rights of detainees.
- Providing a description of the places of detention in the ATO area and assessment of the actual scale of detention in unofficial places of detention;
- Presenting the conditions of apprehension and release of different categories of detainees;
- Assessing the conditions of detention and treatment in places of detention;
- Developing a set of recommendations for international and domestic bodies on oversight over places of detention in the ATO area, and the provision of social and legal support for victims of cruel treatment.

The following optional objectives were formulated with the view to the changing situation in Eastern Ukraine:

- Processing collected data with the objective of submitting it to the International Criminal Court;
- Preparing a report for the OSCE/ODIHR Human Dimension Implementation Meeting;
- Using the obtained data to create a strategy for NGOs and Ukrainian authorities for effective investigation of human rights violations during the armed conflict in Eastern Ukraine.

1.2. RESEARCH CONDUCT

Implementation of the research project comprised three stages – preparatory, practical, and result-processing stages.

Preparatory stage (May 2015)

Participants of several working meetings agreed on the study design, developed the tools and identified the monitoring methodology.

They specified the necessary information sources, including specific clusters of online sources, statistics, and official governmental data, reports of international missions and organizations, and personal archives. In order to broaden the number of information sources, work was carried out with numerous volunteer organizations and initiatives providing legal, psychological and humanitarian aid in the ATO area, as well as with the Ombudsman's representatives and hostage exchange negotiation groups.

Questionnaires for recording human rights violations in armed conflicts were examined. In particular, the process of developing research tools included the examination of questionnaires of Documenta Center (Center for Dealing with the Past, Croatia), Norwegian Helsinki Committee, and the Natalia Estemirova Documentation Centre (Norway). The team also took into account field questionnaires developed by the Centre for Civil Liberties (Ukraine).

The questionnaire titled "Human Rights in the ATO zone: places of detention" was developed during the preparatory stage. It went through a piloting process and was amended in accordance with the expert comments and remarks. The following supporting documentation was developed in addition to the questionnaire:

- guarantee letter from the Coalition on protection of provided information;
- a template consent form for processing personal data for the purpose of documenting human rights violations in the military conflict zone and informing international organizations about human rights violations;
- a form with personal data of a detainee;
- a template for interview transcript;
- "Roadmap" – contacts of institutions that provide support in social adaptation for victims of kidnappings and torture.

A competitive selection of researchers and a series of multiple-day trainings took place within the framework of the project. The future interviewers participated in a specially designed training on recording victim statements, establishing psychological contact, as well as on the basics of information security.

Practical stage (June – September 2015)

There were four streams of activities during this stage:

1. Monitoring of internet sources including information on social networks, websites of volunteer and international organizations, and photo/video

materials on information resources of all participants of the conflict (Ukraine, the so-called DPR/LPR, and the RF).

2. Analysis of legislation on international human rights standards (Articles 2, 3, 5, 15 of the ECHR), case-law of international bodies (UN Human Rights Committee, the ECtHR), as well as international humanitarian law and national legislation. The analysis focused on assessment of the actions of separatist and Russian armed forces in the light of standards for treatment and detention of non-combatants and combatants.

3. Collection of statistical data from state authorities through information requests allowed for generalizing the existing data on the prevalence of kidnappings and capture in Donetsk and Luhansk regions, the territories outside of control of Ukrainian government. Information requests also sought to obtain information regarding the number of known places of detention in the ATO area and their relation to military units and armed groups.

4. Work with interviewees took place within the framework of a methodology similar to that of Human Rights Watch. The Coalition members have created a team of expert fixers who engaged in preliminary communications with representatives of local human rights organizations and civil society, volunteers, and state officials. These communications led to the establishment of a list of contact persons who have information on human rights violations including victims and witnesses. A group of interviewers then worked with the interviewees directly. The interviewees were split into the categories of combatants and non-combatants.

A narrative report for each interview included;

- an audio or video record;
- a transcript of the audio record on a form;
- completed questionnaires;
- a written consent for the use of provided information.

Result-processing stage (September 2015)

The work of fixers and interviewers resulted in the collection of 165 completed questionnaires. Groups of analysts processed these questionnaires and entered them into the database created using the Memex Patriarch software. Ukrainian NGOs use the database for creating a common body of systematized data on crimes committed during the military conflict in Donbas.

Quantitative results were complemented with the findings of content analysis of media and Internet resources.

The interviewees were selected through a random sampling method from all 3203 identified persons. This is the maximum possible number, the majority of which were released from places of detention of the so-called DPR/LPR from April 2014 to October 2015 according to the official SSU data. At the same time, at least 300 hostages continue to be held by the terrorists at this time.

The number of interviews (about 150) is relatively small, thus we cannot extend the findings to the entire group of people detained in the ATO area in 2014-2015. However, a balanced selection of interviewees in accordance with the criteria of location, reasons for apprehension, social status and participation in events, allows for the extrapolation of the results; reflecting the general characteristics and problems related to detention of arrestees or prisoners of war in the places of detention in the ATO area. At the same time, this approach does not preclude further research in this field described in the final part of this report.

Qualitative results from the interview transcripts confirm the satisfactory level of representativeness, facilitating a credible assessment of the real situation. The report provides the most characteristic qualitative data in quotations, giving a clear illustration of the results of qualitative analysis.

The collected information underwent preliminary assessment and additional processing in accordance with the requirements developed by researchers. The findings of this study can be considered representative for the general population (statistical error does not exceed 7 percent with the confidence coefficient of 95%).

The preliminary report was presented at the OSCE/ODIHR Human Dimension Implementation Meeting in September 2015. Diplomats and civil society representatives from different sides of the conflict discussed the report.

Further analysis led to qualitative content generalizations and a set of recommendations for international and national stakeholders who will work on support for victims of cruel treatment in places of detention in the ATO area.

1.3. STUDY PARTICIPANTS AND THEIR QUALIFICATIONS

A group of professional analysts in this field developed the research methodology and tools, as well as compiled the study results. Two experts of the Coalition of Civil Society Organizations “Justice for Peace in Donbas” with the necessary experience of working with information systems were responsible for analysis of questionnaires and entry of information into the database. Selected fixers and interviewers

have received training on methods of recording victim testimonies, establishing psychological contact, and information security.

1.4. STUDY METHODS

Three key methods of processing information were used in the study namely: comparative analysis of legal sources, content analysis of Internet sources, and interviews with former detainees/prisoners of war from places of detention.

Comparative analysis

The analysis focused on, first, provisions of the four Geneva Conventions (1949) relating to the protection of victims of war, amelioration of the sick and wounded in armies in the field, treatment of prisoners of war, protection of civilian persons in time of war, and protection of victims of armed conflicts. Additional analysis of requirements of international law and domestic legislation solved the issue of proper assessment of facts and conditions in places of detention in the ATO area.

Content analysis

A list of online resources was identified for content analysis and was later expanded during the study. The materials thereof were subject to examination for mentions of cruel treatment of detainees in the conflict zone. Information relevant to the research field (photo, video, and screenshots) was copied to the database for further use.

Interviews

Researchers conducted interviews with persons who had been arrested or captured, and stayed in the places of detention during certain time. The interviews took place in the form of private conversations with the interviewees with questions for clarification and specification, which ensured the integrity of the private life of the witness, avoiding false testimony, exaggeration and speculations. The above techniques guaranteed the proper credibility of testimonies confirmed by statements of interviewees.

The interviewees were asked to provide their vision of the following aspects:

- Circumstances and procedure of apprehension;
- Description of the place of detention and conditions therein;
- Possibility to receive medical assistance;
- Interrogation and forced labor in places of detention;
- Information about other arrestees and detainees;
- Information about sustained injuries;
- Persons who were in charge of detention in these places;
- Information about the support of the so-called DPR and LPR by the RF;

- Conditions of release;
- Use of torture and executions;
- Measures taken by the person following his/her release.

For the purposes of avoiding repeat traumatization of persons who had suffered from cruel treatment, the interviewees received detailed information about the goals and objectives of the interview, as well as provided

consent. At the same time, the interviewees received assertions of confidentiality of provided information along with a letter of guarantee letter from the Coalition. The interviewees had the possibility to end the interview or refuse answering questions at any time. There was also separate consent given by the interviewee for audio or video recording and processing of personal data.

Interviews always took place in the language spoken by the interviewee – Ukrainian or Russian.

II. COURSE OF EVENTS DURING THE MILITARY CONFLICT IN DONBAS

RUSSIA'S ROLE IN THE CONFLICT IN EASTERN REGIONS OF UKRAINE

Events that started in the Luhansk and Donetsk regions in 2014 are the consequence of consistent planned actions by the Russian Federation. The latter used its army to occupy Crimea in 2014 in violation of the established international order. Following military seizure of Crimea, Russia tried to extend its influence onto other territories. However, it was not possible to implement the plan used in Crimea.

On 1 March 2014, Vladimir Putin filed a request with the Federation Council of Russia to use the armed forces of the Russian Federation in the territory of Ukraine. On the same day, the Federation Council adopted a decree "On the use of armed forces in the territory of Ukraine," which constituted a public proclamation of intent of the aggressor to imitate military action in the territory of Ukraine.

From that time, pro-Russian special services initiated protests in the Donetsk, Luhansk, Mykolayiv, Zaporizhzhya, Odesa, and Kharkiv regions by employing radical organizations, religious communities (Russian Orthodox Church and Ukrainian Orthodox Church (Moscow Patriarchate)), and local networks of agents. The protesters demanded the federalization of Ukraine, refused to recognize the new Ukrainian government and protested against the newly appointed heads of regional administrations. In early April, the groups trained by the Russian side started to take over administrative buildings in the Donetsk, Luhansk, and Kharkiv regions. On 7 April, the so-called "Donetsk People's Republic" was proclaimed, followed by the 27 April proclamation of the so-called "Luhansk People's Republic." It was possible to stop similar insurgency in Kharkiv on 8 April.

It is necessary to mention the planned information campaign by the Russian Federation. Its impact led to separatist views in Eastern and Southern regions of Ukraine. Materials of Russian media were blatant propaganda aimed at triggering the feeling of anger and hatred to anything Ukrainian. Influenced by Russian media, a part of the population perceived the new government as "illegitimate and fascist." Fear of "fascists and Banderites" who would "slaughter the Russian-speaking population" caused a wave of inspired brutal violence in response to any manifestations of patriotism in the East of Ukraine.

Illegal armed groups entered two eastern regions of Ukraine from Russian territory and with active military support from the Russian Federation. At the onset of hostilities, the separatists had military equipment and weapons produced either in the USSR, or in the Russian Federation. From April 2014, the illegal armed groups obtained heavy weaponry, which they had not had before. From the onset, the Russian Federation organized trainings for the military in Rostov region, to deploy them to Ukrainian territory.

Local supporting grounds for these groups included paramilitary groups, the so-called "titushky," unions of the Don Cossacks, and in some locations - internationalist soldiers who had been used by the previous authoritarian regime to suppress peaceful Euromaidan protests in Eastern Ukrainian cities. With the support of local authorities and neglect by law enforcement, these paramilitary units violently dispersed gatherings in support of Ukraine's unity in cooperation with local law enforcement bodies. They were beating participants of assemblies regardless of age and sex, using batons and

reinforcement bars, throwing stun grenades and smoke flares, as well as tear gas and cold steel arms. A 22-year old Dmytro Chernyavsky died from stab wounds sustained in one of these attacks during a peaceful assembly in Donetsk on 13 March 2014. The organized “anti-Maidan” protests were held under Russian flags, virtually, following the Crimean scenario.

ILLEGAL ARMED GROUPS AND ESCALATION OF CONFLICT IN LUHANSK AND DONETSK REGIONS

Illegal armed groups started to take over buildings of state authorities of Ukraine, such as local administrations, departments and directorates of internal affairs, the State Security Service of Ukraine, military enlistment offices, military bases, and other authorities, in a manner similar to events in Crimea in February-March 2014. These takeovers began in Donetsk, Luhansk and Kharkiv regions on 6 April 2014. Russian propaganda denied any military involvement in Eastern Ukraine like it had done previously in Crimea (in particular, the presence of thousands of “green men” who were in fact Russian soldiers in Crimea) while using the cover of “rebels,” “miners” and “tractor drivers” for their military. At the same time, it was difficult to oppose the criminals as local law enforcement authorities were demoralized, which led to high numbers of traitors within their ranks who switched to serving the enemy. The lack of proper Ukrainian military and law enforcement structures, inspired pro-Russian propaganda campaigns were among the causes of active Russian intervention in the territory of Donbas since April 2014 and development of the armed conflict.

This period marked the beginning of a series of crimes related to illegal detention by representatives of illegal armed groups. Different categories of citizens, including military personnel, law enforcement officials, and civilians were captured and deprived of liberty. They also used torture and committed murder, which is characteristic for regular criminal activities.

The first phase of the conflict included the takeover and establishing control of Slovyansk (Donetsk region) by anti-government pro-Russian illegal armed groups who declared their intent to create the so-called “sovereign and independent Donetsk and Luhansk people’s republics.” In fact, since that time, in Donetsk and Luhansk regions, there has been an armed standoff between the Armed Forces of Ukraine in cooperation with other Ukrainian military groups on one side and illegal armed groups of the so-called “Donetsk people’s republic” and “Luhansk people’s republic” on the other side. Under the cover of volunteers, the Russian Federation supplied soldiers and military equipment with the aim of escalation of the conflict. Importantly, this assistance included funding, arms and fuel supplies as well as the direct disguised involvement of Russian soldiers and entire units of the Armed Forces of Russian Federation in this conflict.

ASSESSMENT OF AN ARMED CONFRONTATION IN LUHANSK AND DONETSK REGIONS FROM THE STANDPOINT OF INTERNATIONAL LAW

Clearly, these events call for proper assessment in the light of international law. In particular, international humanitarian law (IHL) (the law of armed conflict or the laws and customs of war) plays a key role in the legal analysis of the situation in the Donetsk and Luhansk regions. IHL provides for the qualification of armed conflicts, regulates the protection of war victims, and restricts the means and methods of warfare. As the International Court of Justice noted in the 1996 Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, international human rights law is *lex specialis* (special legal regime) in relation to human rights law since it provides better protection of human rights in armed conflict.

International humanitarian law (the law of armed conflict) applies in situations of international armed conflict (armed conflict international in nature) or non-international armed conflict (armed conflict non-international in nature). At the same time, international humanitarian treaty law does not contain a definition of an armed conflict, and international adjudicative (judicial) bodies use the definition of an armed conflict coined by the International Criminal Tribunal for the former Yugoslavia in Duško Tadic case. The Tribunal stated that an armed conflict exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State. Therefore, in accordance with the Tadic definition of an armed conflict, international armed conflict exists whenever there is resort to armed force between states, and a non-international armed conflict exists in protracted confrontations between governmental authorities and organized armed groups or between such groups.

International and non-international armed conflicts are regulated by a different scope of norms of international humanitarian law. The four Geneva Conventions for the protection of war victims of 12 August 1949, Protocol (I) Additional to Geneva Conventions, 8 June 1977, the Law of The Hague in its entirety, and customary international humanitarian law apply to international armed conflict.

Article 3, common to the four Geneva Conventions of 1949, Additional Protocol II to Geneva Conventions, 8 June 1977, some provisions of the Law of The Hague, as well as customary international humanitarian law apply in non-international armed conflict.

It appears there are two separate legal regimes of the military conflict in Donbas: 1) The non-international armed conflict between the Armed Forces of Ukraine and other military groups in Ukraine and organized anti-government armed groups of the so-called “Donetsk people’s republic” and “Luhansk people’s republic” (hereinafter – DPR/LPR). 2) The international military conflict between the Armed

Forces of Ukraine and other military groups of Ukraine and separate units of the Armed Forces of Russian Federation.

Therefore, in the course of interaction between them and in relation to civilians, the Armed Forces of Ukraine and other Ukrainian military groups, and members of anti-government armed groups of the so-called “Donetsk people’s republic” and “Luhansk people’s republic” shall follow the provisions of the Common Article 3 to the Geneva Conventions of 1949 and Additional Protocol II.

In the course of interaction between them and in defending civilians, the Armed Forces of Ukraine and other Ukrainian military groups and soldiers of the Armed Forces of Russian Federation shall adhere to provisions of all four Geneva Conventions of 12 August 1949 and Additional Protocol I. At the same time, international humanitarian law does not recognize the principle of reciprocity in violations of its norms by one of the sides of an armed conflict. This implies that violations of international humanitarian law should not and cannot lead to reciprocal violation by another side.

The practical implication of this qualification is that militants of the so-called DPR/LPR and regular armed forces of the Russian Federation have different legal rights under international humanitarian law though key applicable principles and duties remain unaltered. Consequently, soldiers of the Russian Federation and militants of the so-called DPR/LPR should have different legal status and scope of rights and guarantees during apprehension by the Armed Forces of Ukraine. Accordingly, Ukrainian soldiers should have different legal status and scope of rights and guarantees during arrest by regular army of Russian Federation and by militants of the so-called DPR/LPR accordingly. Duties of the sides of military conflict during arrest of civilians are universal for all types of armed conflicts.

MILITARY PHASE OF THE CONFLICT IN EASTERN UKRAINE IN 2014-2015

On 7 April 2014, pro-Russian separatists attempted to takeover administrative buildings in Kharkiv, Donetsk, and Luhansk.

To prevent recurrence of the Crimean occupation scenario, on 14 April 2014, the acting President of Ukraine signed a decree announcing the beginning of the Anti-terrorist operation and, in fact, recognizing the presence of pro-Russian illegal groups and starting military action to cease their criminal activities.

In April 2014, illegal armed groups gained control over a number of localities in Luhansk and Donetsk regions; in particular, the city of Slovyansk was captured on 12 April. In 13-14 April, they gained control of Artemivsk, Kramatorsk, Krasny Lyman and Druzhkivka, Yenakiyev, Makiyivka, Mariupol, Horlivka, Khartsyzsk, Zhdanivka and Kirovske. Later, Novoazovsk, Siversk, Komsomolske, and

Starobesheve were captured. Rodynske was taken over on 1 May, and Debaltsevo – on 6 May.

This period is characterized by repressions against civilian population. Armed criminals were arbitrarily ceasing property, persecuting supporters of the country’s unity, robbing and destroying the property of those who had left these territories. A system of abductions and torture was organized, and the practice of compiling the so-called “liquidation lists” gained momentum. Therefore, pro-Russian illegal armed groups initially chose terror as a method of warfare to suppress resistance and maintain control over the regions.

In June 2014, Ukrainian forces begin to clear the territories from illegal armed groups and liberate a number of areas, including Mariupol and Siversk. 1 July marks the start of a wide-scale liberation of territories from illegal armed groups. A military operation of the Armed Forces of Ukraine led to liberation of Slovyansk, Krasny Lyman, Kramatorsk, Druzhkivka, Kostyantynivka, Dzerzhynske, Soledar, and the final liberation of the Artemivsk, Maryinka, and Slovyansk districts of the Donetsk region. In July, Rubizhne, Syevyerodonetsk, Lysychansk, Kirovsk, and Popasna were also liberated.

In reality, there was full-scale military action with significant casualties and abductions by both sides. Illegal armed groups treat captured Ukrainian soldiers, law enforcement officers, or civilians with particular cruelty. There are known cases where ears or extremities were cut off, eyes put out, or abdomen cut open.

In mid-August, the number of participants of illegal armed groups fighting against Ukraine in ATO area increased significantly. They were arriving from the RF along with additional weapons and ammunition; proving that Russia initiated and inspired the armed takeover of Ukrainian territory.

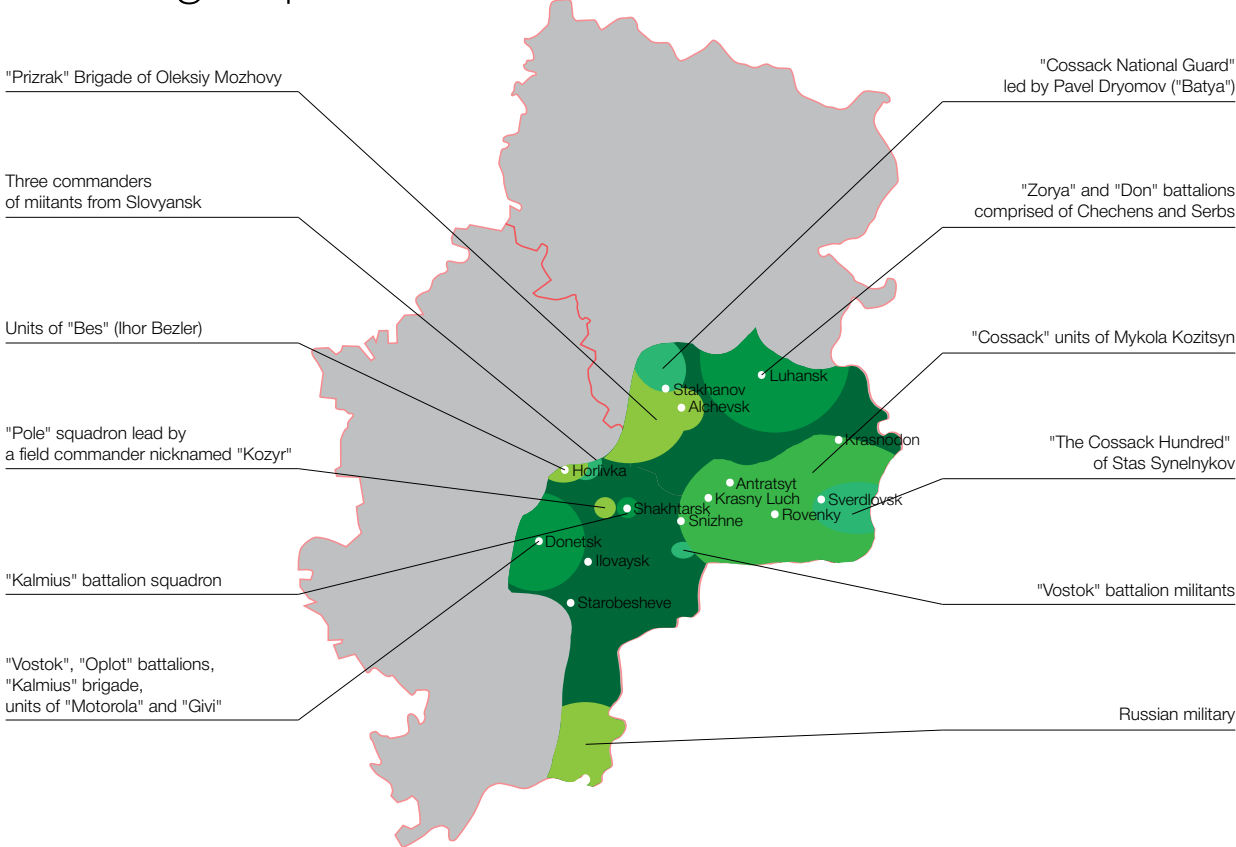
On 10 August, the battle of Ilovaysk started. It led to the open surrounding of a large number of soldiers of the Armed Forces of Ukraine by regular units of the Armed Forces of the RF. Despite negotiated agreements, the convoy of Ukrainian military equipment and personnel was shot at by the RF Armed Forces while leaving the encirclement through a green corridor, as evidenced by multiple eyewitness testimonies. A significant number of Ukrainian fighters were illegally captured and detained.

On 5 September, a ceasefire agreement was reached in Minsk, and fighting became less intense.

A new escalation of hostilities started in 2015 after a passenger bus was shot at near Volnovakha.

In February 2015, there were difficult battles for Debaltsevo, which was under attack by pro-Russian illegal armed groups despite the ceasefire. In the Debaltsevo battles, a small number of Ukrainian soldiers were captured.

Figure 1. Location of illegal armed groups in the ATO zone



This situation was the second time (after Ilovaysk) when Ukrainian forces were encircled. Some of them were captured by criminal groups.

After February 2015 until summer 2015, there were trench battles with no significant changes in dislocation and movement of forces on either both sides and no major losses.

On 29 July 2015, the spokesperson for the Office of the UN High Commissioner for Human Rights Cécile Pouilly said that, according to the UN data, from mid-April 2014 until 27 July 2015, at least 6832 people had been killed (civilians and military) and at least 17087 people have been wounded in the conflict zone of Eastern Ukraine. These figures include 298 victims of the Malaysia Airlines flight crash ¹.

LEGAL STATUS OF THE CONFLICT PARTIES IN ACCORDANCE WITH INTERNATIONAL LAW

A large number of both civilians and combatants were captured and held in detention as a result of hostilities and takeovers of towns by terrorist groups.

It is necessary to define the legal status and guarantees for individuals arrested during an armed conflict in Donbas. Members of the armed forces of one state captured during armed hostilities by members of the armed forces of another state shall be treated as prisoners of war. A prisoner of war is not considered a criminal; the armed forces of the state are lawful participants of an armed conflict (combatants). Accordingly, military captivity is not a punishment and does not entail criminal liability. The only purpose of military captivity is preventing further participation of military personnel in hostilities. Geneva Convention (III) of 12 August 1949 relative to the Treatment of Prisoners of War provides for the rights and guarantees for prisoners of war. The legal status of “prisoner of war” (POW) is available only in international armed conflicts (armed conflicts between states).

Members of organized armed groups arrested by the military personnel of armed state forces during armed clashes have no right to receive the “prisoner of war” status. They have the status of a detainee defined by Common Article 3 to the Geneva Conventions of 12 August 1949, Additional Protocol II and customary international humanitarian law. The “detainee” status affords less rights and guarantees than the status of “a prisoner of war.” Members of the state’s armed forces arrested by members of organized armed groups during armed confrontations also do not have a claim to POW status. They are considered detainees.

¹ RBK-Ukrayina. (2015, July 29). Chyslo zhertv konfliktu na Donbasi perevyschlyo 6.8 tys. osib, - OON [The number of casualties of the conflict in Donbas has exceeded 6.8 thousand people, - UN]. Retrieved from: <http://www.rbc.ua/ukr/news/chislo-zhertv-konfliktu-donbasse-prevysilo-1438115441.html>.

Civilians detained during the military conflict in Donetsk and Luhansk regions most likely will be considered detainees. Therefore, it is clear that the status of both Ukrainian soldiers and civilians detained by illegal armed groups will be the same, namely detainees.

The two key guarantees for detainees under international humanitarian law are humane treatment and the right to a fair trial. Other important guarantees for detainees include:

- Prohibition of violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;
- Prohibition of collective punishment, taking of hostages, acts of terrorism, outrages upon personal dignity, in particular, humiliating and degrading treatment, rape, enforced prostitution and any form or indecent assault, slavery and the slave trade in all their forms; pillage; threats to commit any or the foregoing acts;
- Necessary care for wounded and sick;
- Detainees shall be interned in safe places outside of the combat zone;
- Prohibition of inflicting harm to physical or mental health; prohibition of medical experiments;
- The right to be provided with food and drinking water and be afforded safeguards as regards health and hygiene;
- They are allowed to receive individual and collective relief, and entitled to send and receive letters;
- They shall, if made to work, have the benefit of working conditions and safeguards similar to those enjoyed by the local civilian population;
- Prohibition of uncompensated or abusive forced labor;

- Detainees shall have the benefit of medical examinations;
- Prohibition of the use of human shields (utilizing detainees as shields in order to obtain a military advantage);
- Prohibition of enforced disappearances of detainees;
- Prohibition of arbitrary deprivation of liberty;
- Women must be held in quarters separate from those of men and must be under the immediate supervision of women.

Failure to provide the above guarantees or inadequate provision thereof may lead to individual criminal liability. Some forms of prohibited treatment of detainees can amount to war crimes. Importantly, all parties to an armed conflict are under obligation to respect these rights and guarantees for detainees regardless of the place of custody.

We should also note that international humanitarian law neither defines “illegal places of detention,” nor does it stipulate to a party to an armed conflict what premises or buildings can be used for detention. However, it does require that parties to an armed conflict observe its principles and norms that provide rights and guarantees for detainees regardless of particular place of confinement.

CHAPTER CONCLUSIONS

The development of the ongoing military conflict in Eastern Ukraine has created a situation where the national mechanisms for the protection of human rights no longer function. There is no law enforcement system on the territory captured by the illegal armed groups. Any individual is vulnerable to arbitrariness of, first and foremost, armed criminals.

III. PLACES OF DETENTION IN THE ATO AREA

By 01 October 2015, there have been 2763 persons released from places of detention in the so-called DPR and LPR. Figure 2 provides a classification of released persons.

map includes markings of seven localities in Donetsk and Luhansk regions with 26 places of confinement of captured military personnel and civilians.

In October 2014, the State Security Service of Ukraine published a map of crimes against humanity committed by illegal armed groups in Donbas². Among other things, the

Analysis of data collected during the study suggests that the number of places of detention in the territory of the so-called DPR and LPR is significantly higher than that reported by Ukrainian authorities. In fact, there is still a very extensive network of unofficial places of detention of different types and subordination in the territory outside of control of Ukrainian government in Donbas.

² UNIAN. (2014, October 03). SBU pokazala kartu zlochyniv proty lyudyanosti, skoyenykh boyovykamy na Donbasi [The SBU showed a map of crimes against humanity committed by militants in Donbas]. Retrieved from <http://www.unian.ua/politics/992025-sbu-pokazala-kartu-zlochyniv-proti-lyudyanostiskoehiboyovykami-na-donbasi.html>.

Figure 2. Released detainees (as of 1 October 2015)

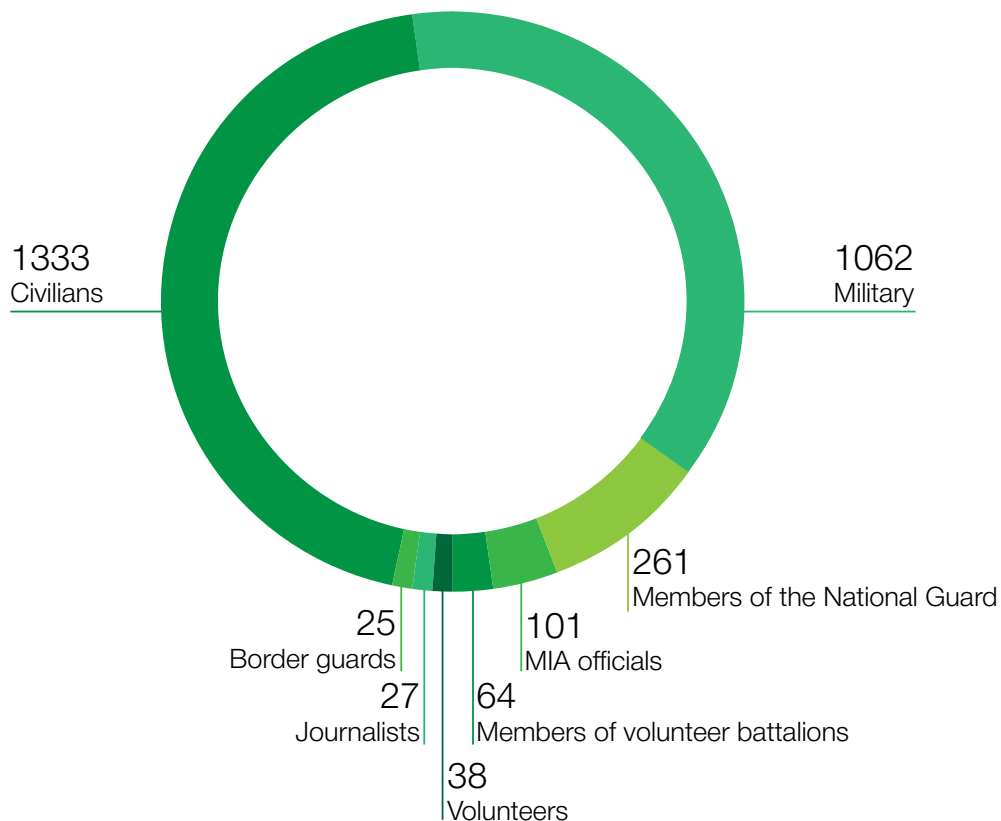


Figure 3-4. Distribution of places of detention by localities (DPR, LPR)



Figure 5. The most common places of detention in the so-called DPR and LPR (figures exceeding 1%)

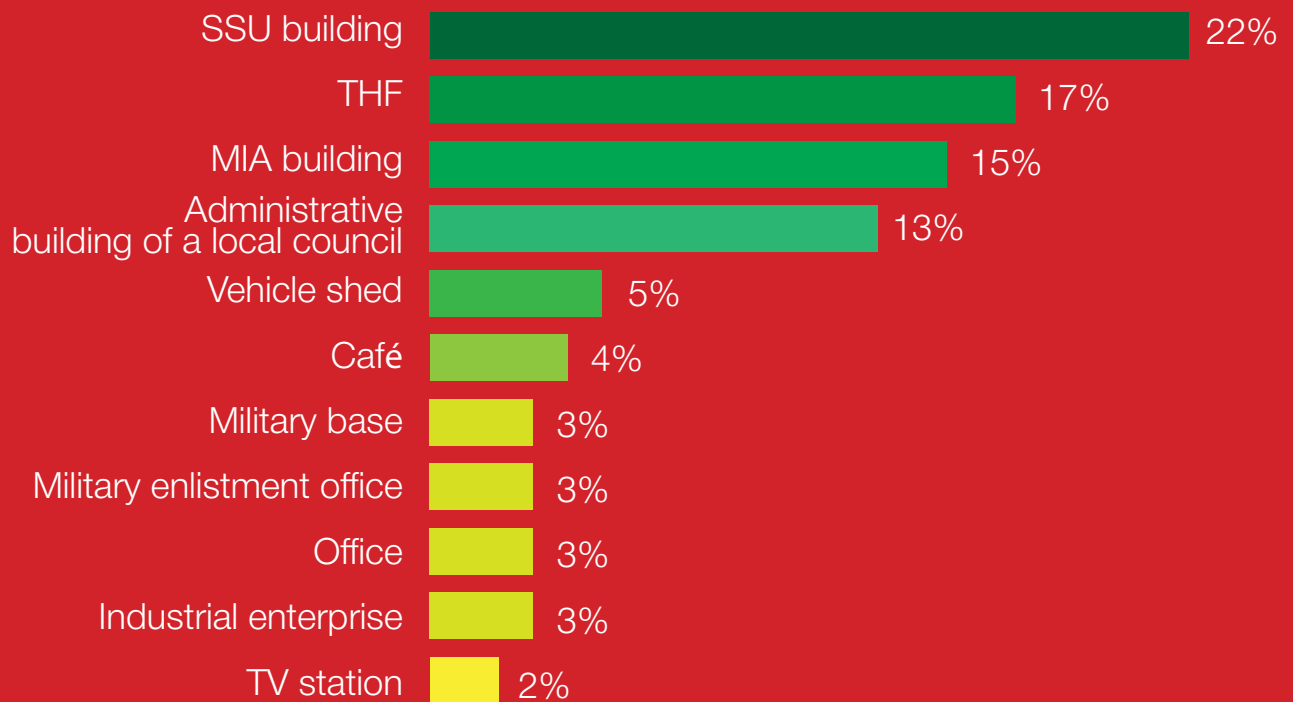
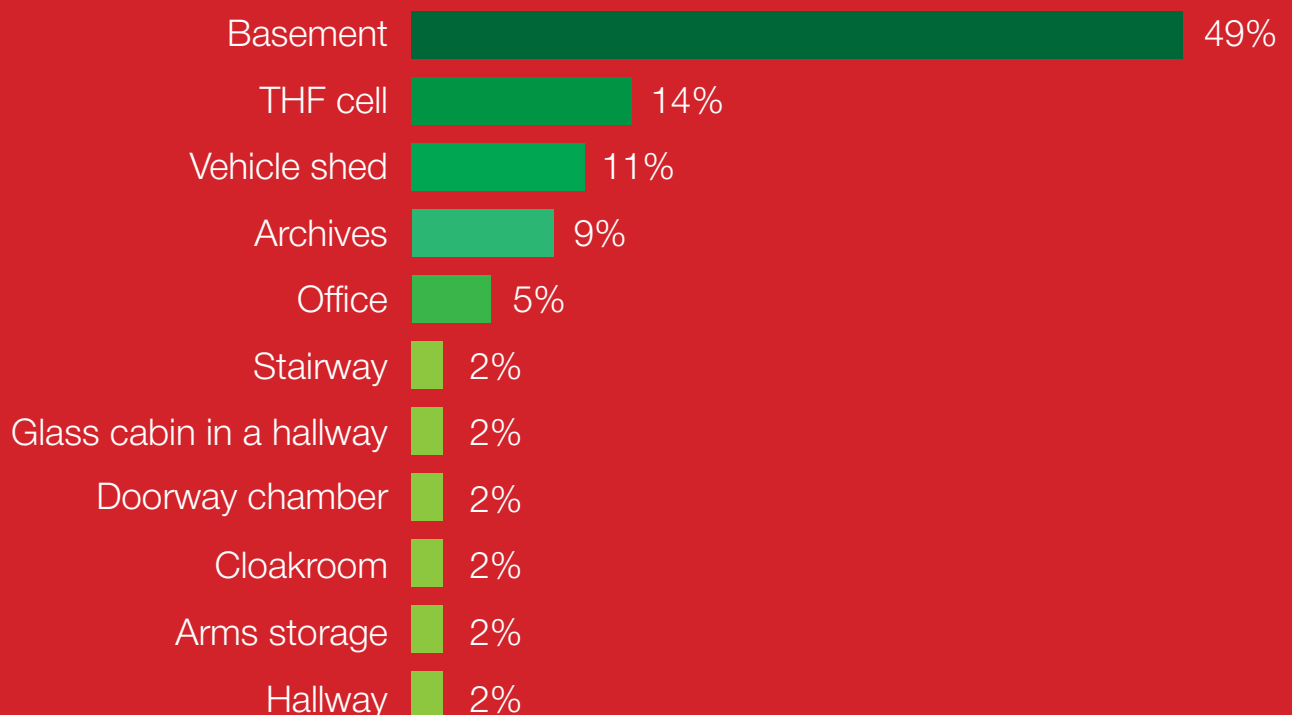


Figure 6. Detention premises



Given the status of these “republics,” all places of detention on those territories can be considered unofficial, including those designated for these purposes (for instance, temporary holding facilities of the internal affairs bodies (IAB), remand prisons (SIZO)). The primary focus of this study was obtaining maximum information about these places, their location, general characteristics, and categories of detainees.

In the framework of this research, we received information about 79 places of detention that can be identified by either address or detailed description provided by former detainees.

Figures 3 and 4 illustrate the distribution of places of detention across localities in DPR (41 facility) and LPR (38 facilities) accordingly.

Collected information suggests the following classification of places of detention used by illegal armed groups for confinement of detainees:

- Premises of law enforcement agencies (the State Security Service of Ukraine (SSU), the Ministry of Internal Affairs (MIA), prosecution authorities);
- Administrative buildings of local authorities (regional, city, and district councils, state administrations);
- Military enlistment offices and military bases;
- Offices;
- Private residences;
- Hotels, dormitories;
- Public catering enterprises (cafes, restaurants);
- Industrial enterprises (plants, factories);
- Auxiliary buildings (hangars, vehicle sheds etc.);
- Other (for instance, sewage wells, cages).

See Figure 5 for the most common places of detention based on interviews with 130 former detainees.

As a rule, detainees are held in buildings of law enforcement agencies, administrative buildings of local authorities, and premises of industrial and public catering enterprises.



Photos 1-2. Basement of Kostyantynivka city council (Donetsk region, Kostyantynivka town, 260 Lenina str.).

In addition, as illustrated by Figure 6, in the majority of cases detainees are held in premises that are not equipped for these purposes, especially for lengthy detention (Chapter VI provides a detailed review of conditions of detention).

Almost half of all detainees stayed in basements, and many of them were held in vehicle sheds or archive premises that lack even minimum conditions for accommodation of people. In August 2015, a group of researchers examined several unofficial places of detention in Donetsk and Luhansk regions that used to be under control of the illegal armed forces. The conditions of detention inside these places are illustrated in the photographs below.

There were eleven places of detention (including one on the territory liberated from the IAGs) with several types of detention premises (see Table 1). The representatives of IAGs segregate prisoners depending on their status, thus there are different detention premises in one place of detention.

In particular, at the SSU building in Donetsk, soldiers of Ukrainian armed forces are mostly held in the former

Photos 3-6. Basements of Slovyansk city unit of the SSU Directorate in Donetsk region.



Table 1. Facilities with several different types of places of detention

Nº	Full name	Address	Detention premises
1	Luhansk regional state administration	Luhansk, 3 Heroyiv Velykoyi Vitchyznyanoyi Viyny square	Basement, fridge room, storage premises
2	Former “Kokhana” shop	Luhansk, 10A Heroyiv Velykoyi Vitchyznyanoyi Viyny square	Basement, vehicle shed
3	“Tornado” café	Luhansk region, Perevalsk, 29 Dzerzhynskoho str.	Basement, vehicle shed, holding premises in the courtyard
4	Alchevsk joint military enrolment office	Luhansk region, Alchevsk, 35 Horkoho str.	Basement, offices
5	Building of the Antratsyt city council	Luhansk region, Antratsyt, 1 Lenina str.	Basement, hallway
6	SSU Directorate in Donetsk region	Donetsk, 62 Shchorsa str.	Basement, archives
7	“Isolyatsiya” factory	Donetsk, 3 Svitloho Shlyakhu str.	Bomb shelter, cash desk, basement storage
8	The base of IAG “Russian orthodox army”	Donetsk (former military base)	Animal cage, basement, vehicle shed, door space of the central entrance
9	Former military base of the internal armed forces No. 3037	Donetsk, 1 Kuprina str.	Armory, basement
10	Executive committee of Kramatorsk city council (Kramatorsk is currently under control of Ukrainian government)	Donetsk region, Kramatorsk, 2 Lenina square	Cloakroom, security office
11	Snizhne city department of the Main Directorate of the MIA in Donetsk region	Donetsk region, Snizhne, 2 Militseyska str.	THF, vehicle shed

archive on the first floor, whereas fighters from the volunteer battalions are in the basement of the bomb shelter.

A former civilian detainee *** who had been apprehended for photographing the hotel where representatives of an IAG stayed, said that there was also a certain categorization of prisoners at “Izolyatsiya” factory in Donetsk, “there was no clear division, but one could tell that the basement and cash desk had locals detained for some misconduct, the basement – people with drug dependency, and the bomb shelter was meant for those sympathizing with Ukraine” (C-60).

There is also a division of prisoners on the territory of the former Snizhne city MIA department in Donetsk region. In particular, a soldier of the AFU *** who was held captive from 28 August to 15 September 2015 stated in his interview, “Some people were in cells, and others – in two garages on the territory of the MIA city department with 45 and 54 people in each garage. The officers were held separately, in the cells of the MIA. The wounded were also in cells” (C-72).

However, the situation changed later. A soldier of the AFU *** held in Snizhne city department from 24

Photos 7-9. Basement of the State scientific research and design institute of nitrogen industry and organic synthesis products (GIAP), 1 Vilesova str.



September to 30 October 2014 indicated, “We stayed in cells at first, with some of us in sheds. Then, they put only locals who had violated the DPR laws into cells, as well as the rebels, mostly for showing up intoxicated. Therefore, all prisoners of war were transferred to the sheds outside” (C-27).

A private entrepreneur *** also mentioned segregation of prisoners into groups. He was held on the territory of “Tornado” café in Perevalsk used as the base of the illegal armed group “Cossacks of the Great Don Army.” He stated that, “locals who ‘misbehaved’ were held outside in the courtyard; security lived in the café, and military prisoners, as well as Anton (a fighter from the volunteer battalion – ed.) and me, were at the garage on the territory of the café” (C-78).

Two other private entrepreneurs, who had also been detained by the same illegal group, were held in the basement of “Tornado” café.

IAG “Prizrak” (“Ghost”) also uses several detention premises in the building of the city military enrollment office. For instance, a former prisoner said, “we were detained by the security service (IAG ‘Prizrak’ – ed.) for political views. However, they did not have their own premises. Therefore, they put us here (to the basement – ed.). We were held separately from the people detained by the commandant’s office patrol.”

CHAPTER CONCLUSIONS

The study confirmed existence of an extensive network of unofficial places of detention (79 places) in the Donetsk and Luhansk regions.

Staying at the unofficial places of detention automatically deprives an individual of all safeguards against ill-treatment due to the lack of any external control.

In most cases, these places are not suitable even for short-term detention, as they do not meet the minimum standards (basements, sewage wells, vehicle sheds). Accordingly, the fact of detention in these conditions constitutes cruel, inhuman, or degrading treatment under the European Convention for the Protection of Human Rights and Fundamental freedoms, as well as the case law of the European Court of Human Rights.



Photos 11-14. Bomb shelter on the territory of PJSC “Lysychansk Proletary Glass Factory,” 1 Michurina str., Lysychansk.

IV. CIRCUMSTANCES AND THE PROCEDURE OF APPREHENSION

This study examined the circumstances and procedures of apprehension in 165 cases of illegal deprivation of liberty by representatives of illegal armed groups. These included 87 (52.7%) apprehensions of civilians and 78 (47.3%) apprehensions of military personnel of the Armed Forces of Ukraine as well as fighters of volunteer battalions taking part in hostilities.

There were 69 apprehended civilians (79.3%) who were permanent residents of the territories under the control of illegal armed groups and 18 (20.7%) of persons temporarily staying in the conflict area.

Among those captured, there were 63 AFU military officers (80.8%) and 15 fighters of volunteer battalions (19.2%).

Despite differences in circumstances and procedure of apprehension, research data undoubtedly proves that deprivation of liberty on the territories controlled by the so-called DPR and LPR (illegal apprehensions of civilians and taking the military in captivity) takes places with no respect for any legal norms.

In addition to the abuse of force and unjustified cruelty, there is an absolute neglect of procedural guarantees foreseen both by the national legislation, and by international legal norms:

- grounds for apprehension are not explained;
- there are no formal records of apprehension;
- there are no records of first interrogations after

Figure 7. Categories of persons deprived of liberty by the illegal armed groups

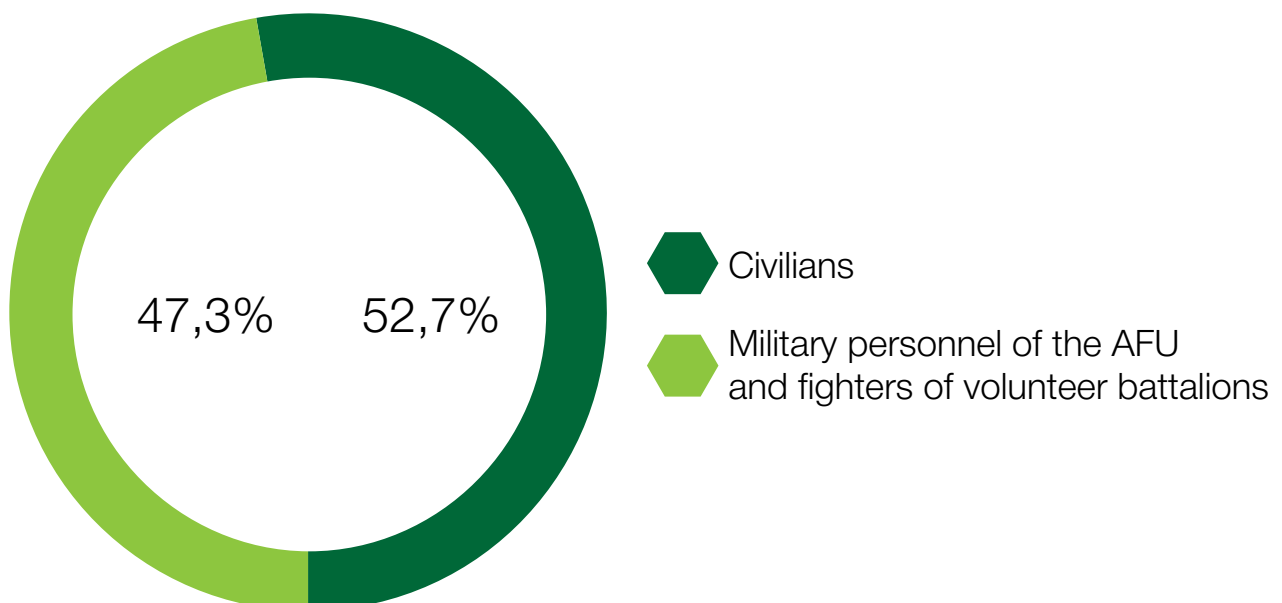
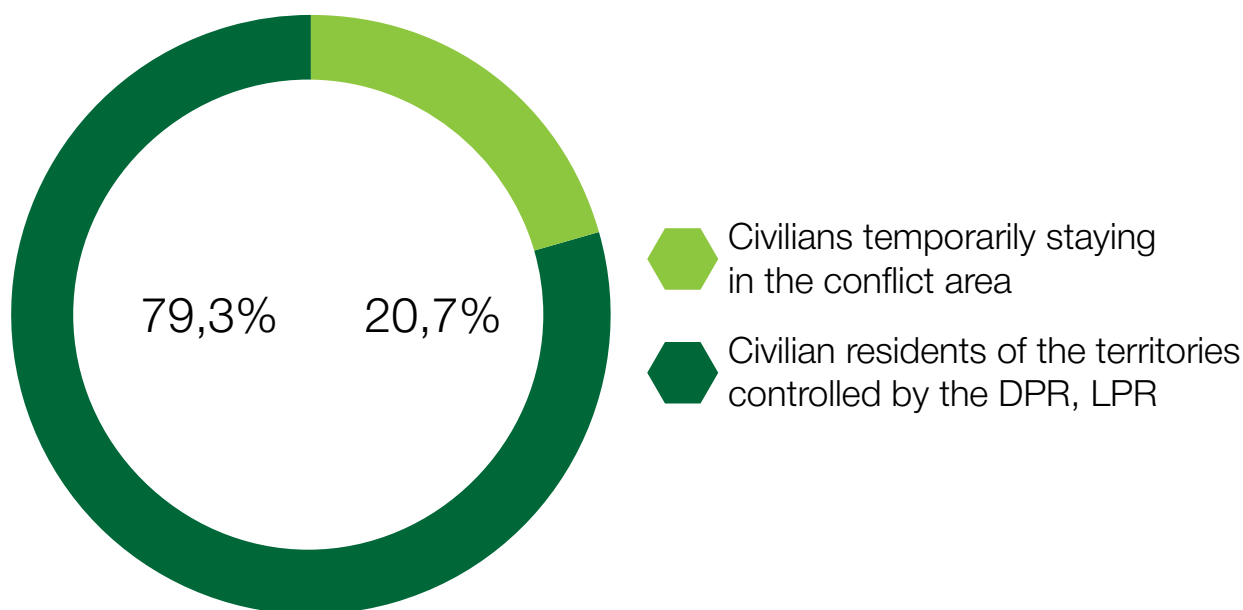


Figure 8. Categories of civilians deprived of liberty by the illegal armed groups



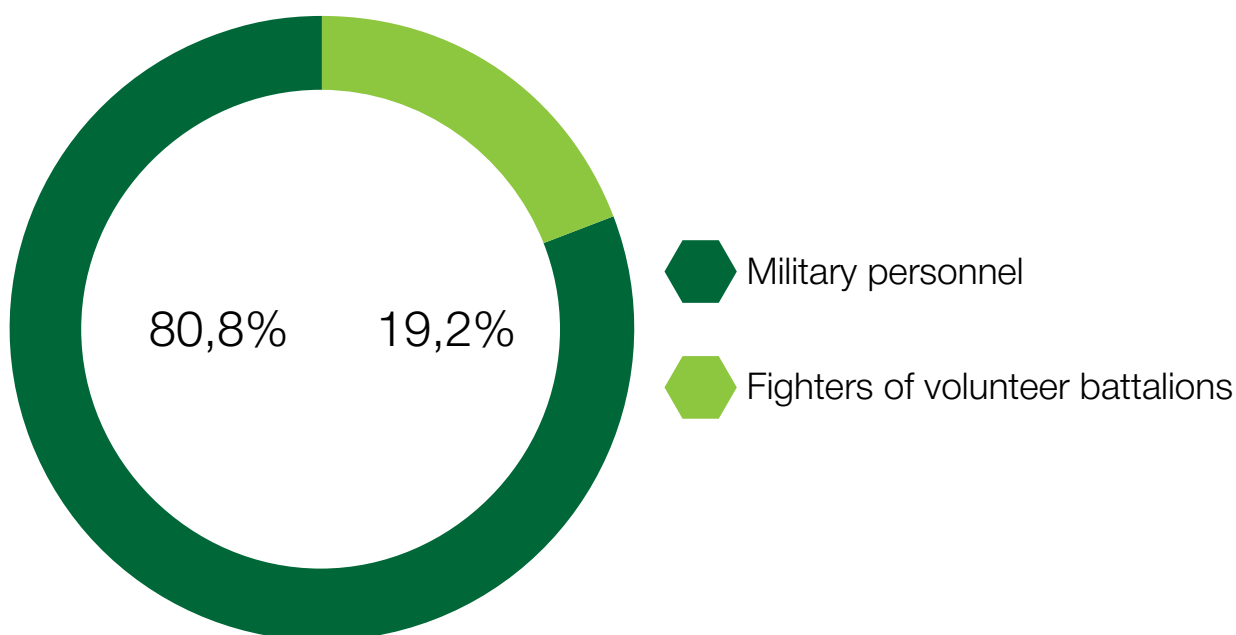
- apprehension;
- detainees are not advised on their rights and obligations;
- detainees do not receive explanations for the grounds of apprehension and the nature of suspicion or accusation;
- third parties are not informed about the detention of both civilians and captured military personnel of the Armed Forces of Ukraine (AFU) and fighters of volunteer battalions;

- access to an attorney is not guaranteed for detainees or persons in captivity;
- there is no judicial review of the grounds, duration, and lawfulness of detention.

APPREHENSIONS OF CIVILIANS

The majority of people apprehended by representatives of the illegal armed groups were locals residing on the territory under the militants' control.

Figure 9. Categories of persons captured by the illegal armed groups



Some of the apprehended civilians were not local but were temporarily present in the conflict area due to different circumstances. These include people who tried to reach their family and friends residing on the territory controlled by the militants, as well as volunteers captured by representatives of the illegal armed groups.

All apprehensions of civilians who were temporarily present in the conflict area took place at the checkpoints of illegal armed groups with no explanations with regard to reasons and grounds for these actions. Apprehended persons were forced to step out of their vehicles and transferred to designated premises.

“... during checkpoint crossing... armed people came in and asked everyone to hold up their passports. I did not have a passport, only a pensioner’s identification card. They took me out of the bus” (C-4).

“... we passed the Ukrainian checkpoint near Volnovakha and accidentally came to the DPR checkpoint... They stopped us and ordered us to step out of the car and put our hands on the hood. Then, they put us on our knees, took the phones and documents, tied our hands and took us to a residential building on the outskirts of Yelenovka, which was transformed into barracks” (C-25).

“... an armed gunman came to us at the checkpoint... They asked us to step out of the car and took us to the barracks. These were representatives of the so-called DPR (chevrons with flags etc.)” (C-34).

Circumstances of apprehension of civilians residing on the territory under the control of illegal armed groups vary, including apprehensions in places of residence, in localities outside of places of residence, and workplaces.

In 27 of studied cases (39%), apprehensions took place in the places of residence. Entry into the residence, as well as the apprehensions, happened with no permit or adherence to procedures foreseen by both domestic and international law. In many cases, persons conducting the apprehension embezzled the property of the apprehended persons.

“...six persons entered my courtyard... They were wearing camouflage clothing, had St. George’s ribbons and Kalashnikov assault rifles... They pushed my elderly mother, she fell. They pulled me off the couch. They tied my hands with a rubber band. Four militants searched my house. They took my ASUS laptop (I don’t remember the model or serial number), the system unit (I don’t remember the model or serial number), a Samsung phone (I don’t remember the model or serial number), a purse with around 300 hryvnya, ... and a bottle of vodka” (C-15).

“We heard the dogs barking, and my husband went outside... Seven-eight people came into the house; they were armed and wearing camouflage clothes... They yelled and forced my husband to lie on the floor... They threatened to shoot his legs, and I asked him to follow their orders. They also put my son on the floor, and made them both keep their hands behind their heads... They began searching. They did not explain anything, ... they took a computer and everyone’s phones” (C-32).

“... the doorbell rang. Mother opened the door. Six or eight men armed with assault rifles, a machine gun and a handgun. They pointed the handgun to me and started ... to confiscate things (money, computer, and phone). They handcuffed me and took me outside as I was (first I was wearing underwear; they let me put the trousers on afterwards and put me into a car, a yellow Volkswagen minivan” (C-107).

In 28 cases (40.6%), apprehensions of locals took place outside of their residences, including places of public gatherings. These apprehensions also failed to comply with any procedures foreseen by both domestic and international legislation, with no explanations of the reasons and grounds for apprehension.

“One DNR representative came to me and asked for my documents. He then proceeded to check the documents and contents of my backpack. Then, he was joined by another DNR representative with an assault rifle... They pushed me into the car and took [sic] to the abandoned ‘Khimreaktyv’ factory” (C-14).

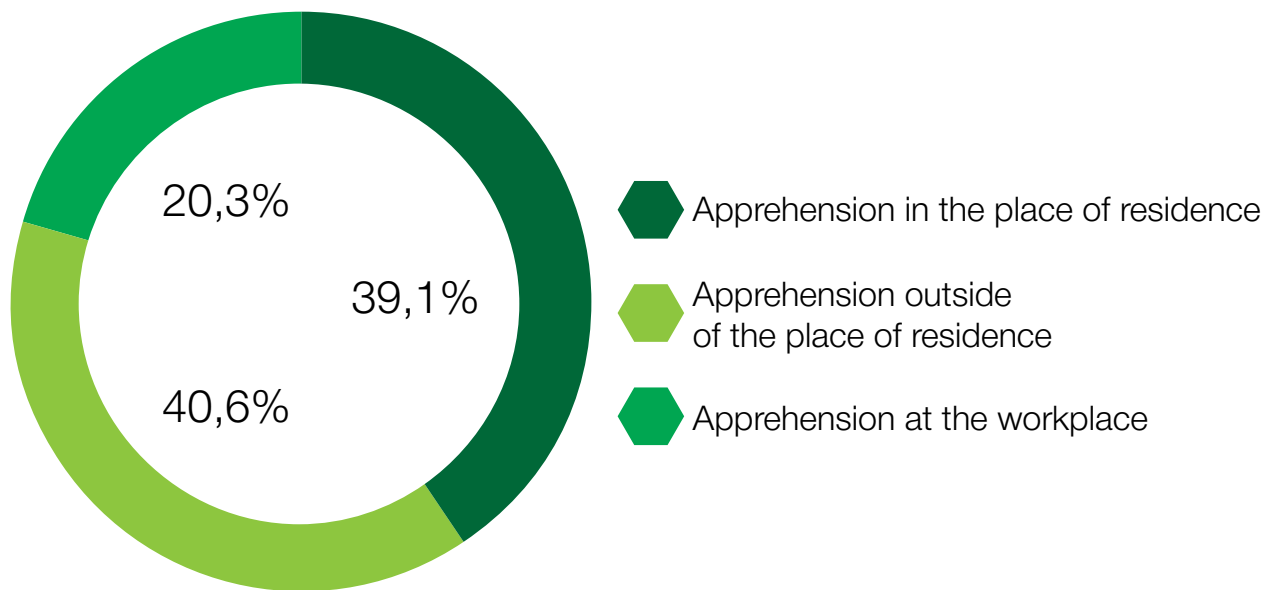
“I went out of the Silpo store in Kramatorsk. A man in civilian clothes came up to me... Then, another two men approached and pushed me into a red Lanos. They took my belongings, my phone, and put a balaclava on my head... They were driving me for ten minutes, then transferred me to another car and to the basement... They took off the balaclava in the basement and taped my head and eyes with a blue duct tape so I would see nothing” (C-57).

In 14 cases (20.3%) apprehensions happened at the workplace of detainees. As a rule, the aim of apprehensions was to embezzle property, solve material or other issues in favor of the representatives of the IAGs etc.

“I ... own a café shop at On 2 July, around 13-00, two people in camouflage came into the café ... and ordered two bottles of beer, chicken, salad and 200 grams of vodka. After the meal, the waitress came to hand them the bill. They said they would not pay and asked for the owner. They said that... I should go with them to clarify circumstances. I offered them to simply leave. They insisted that I went with them” (C-102).

“I was a real estate agent in a real estate agency in Alchevsk. A man called and asked me to show one of the apartments for rent at that time. When I came

Figure 10. Circumstances of apprehension of civilians residing on the territory controlled by the illegal armed groups



at agreed time to the entrance, there were two people in camouflage waiting for me. We came into the apartment and they said that they were fine with the price. I offered to make a contract ... and postpone them moving in until the contract was signed. One of them ... hit me in the solar plexus and said that I would go with them if I wanted to avoid trouble. ... the militant hit my head several times. I fell down and lost consciousness for some time. They taped my hands and put me into a cherry VAZ 099 and took me to Alchevsk State Security Service building” (C-101).

We should not forget the provocations used by the militants of the IAGs during apprehensions.

“... unknown persons called me. They spoke Ukrainian and said they were from Novopskov and crossed the front line. They said they needed help and asked for an urgent meeting. We agreed to meet in the city center... As soon as I went out to meet the man and approached him, he put a gun to my stomach. Another man ran up to me and put an assault rifle to my ribs. The two men threw me into the car” (C-65).

There were also cases when provocateurs were sent to lure the person out of the residence.

“... they called the yard bell, I opened the window and asked who and why was calling. There was a girl in protective clothing asking whether our house was for rent. I said it was not. The girl left. I decided to go outside since I thought they were checking whether anyone was

home to rob the place... An armed man (Makarov pistol) came from nowhere. He said, ‘Freeze, don’t move.’ The second armed man came. They called someone and the car came in few minutes. They put me into the car and put handguns to me from both sides” (C-16).

Civilians, both those temporarily present and permanently residing in the area of armed conflict controlled by illegal armed groups, are detained by militants of illegal armed groups as well as representatives of quasi-state agencies (police, commandant’s office, ministry of state security etc.).

8 (9.2%) of apprehensions were conducted by militants of “Prizrak” battalion of LPR illegal armed group.

9 (10.3%) apprehensions were conducted by Platov Cossack regiment (leader – Pavel Dryomov) of LPR illegal group.

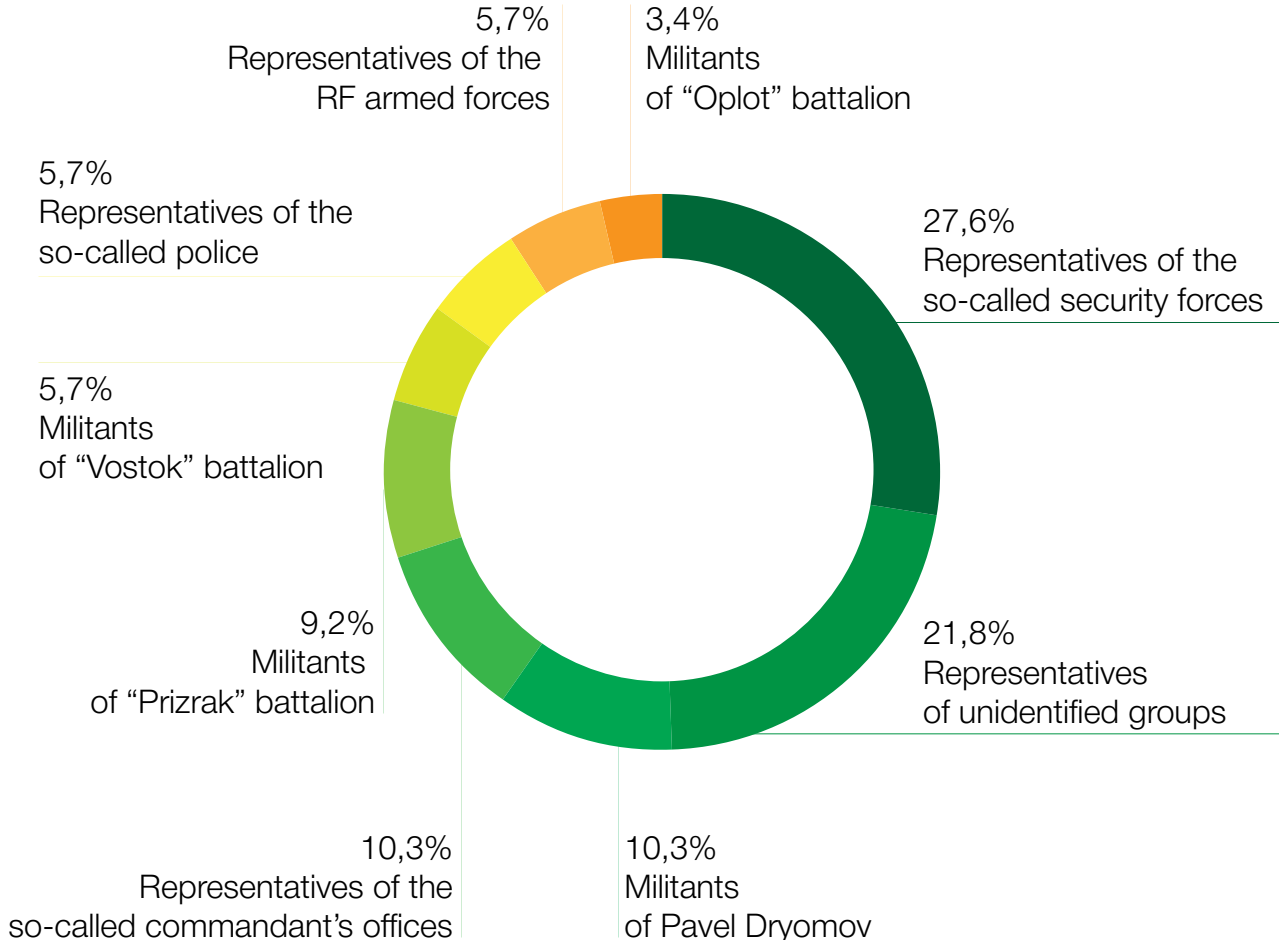
3 (3.4%) apprehensions – by “Oplot” battalion of DPR illegal armed group.

5 (5.7%) – by militants of “Vostok” battalion of DPR illegal armed group.

24 (27.6%) – by representatives of the so-called security forces of LPR and DPR illegal armed groups.

9 (10.3%) – by representatives of the commandant’s offices of LPR and DPR illegal armed groups.

Figure 11. Entities conducting apprehension of civilians on the territory controlled by the illegal armed groups



5 (5.7%) – by representatives of the so-called police of LPR and DPR illegal armed groups

5 (5.7%) of interviewed civilians asserted that military personnel and security service of the Russian Federation directly took part in their apprehension.

19 (21.8%) of apprehensions of civilians were conducted by militants of armed groups that were not identified during the study.

Study data suggests that militants of illegal armed groups and representatives of quasi-state agencies employ particular cruelty during illegal apprehensions of civilians.

In 16 (18.4%) cases, apprehended civilians were subjected to lengthy beatings with the use of hands and feet with blows to all body parts, including the head. These resulted in injuries of varying severity.

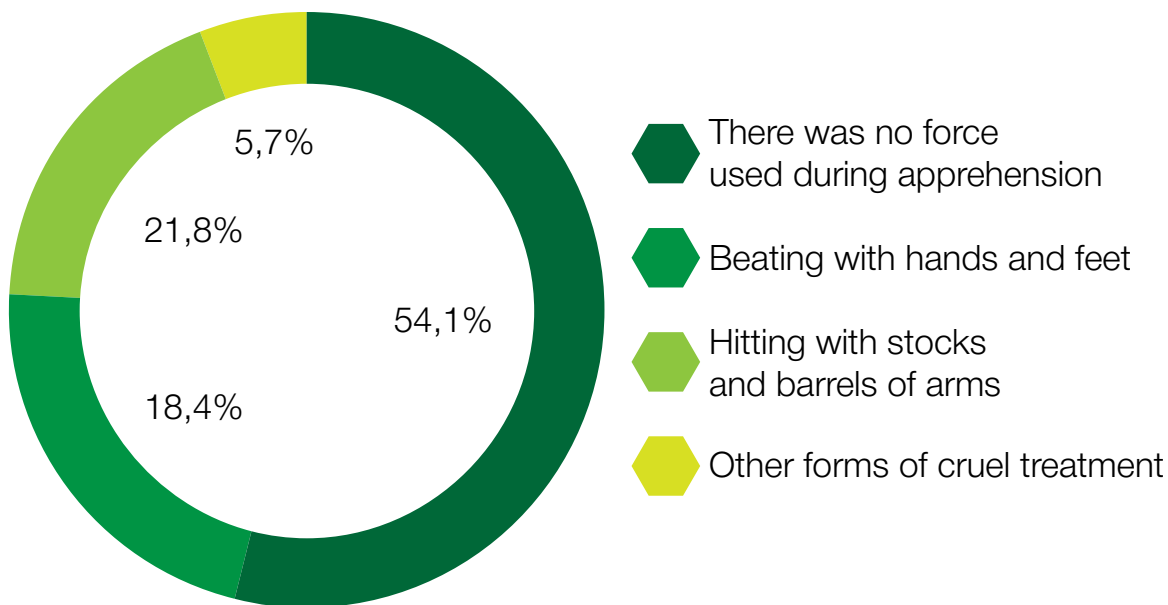
“I was apprehended in one of the university rooms and [they-ed.] beat me severely during apprehension... Everything on my face was cut, I was bleeding. He kicked me in the abdomen... He probably had something in his hands, something similar to plain keys, and he used it to hit me” (C-21).

“... one of them punched me in the face, and then three men were beating me with their hands and feet (I sat down to the ground). They started beating me on my head, body, hands and legs” (C-54).

“They were beating me while robbing. Everyone came and said, ‘Let me shoot his leg. Let me cut off his ear’. They hit my head though I was on the floor, and my legs. They hit me with their feet and hands” (C-106).

In 19 (21.8%) cases, the apprehended persons were also hit with stocks and barrels of weapons to inflict physical injuries.

Figure 12. Cruel treatment of civilians during apprehension



“They were hitting with hands and feet, as well as the stock” (C-44).

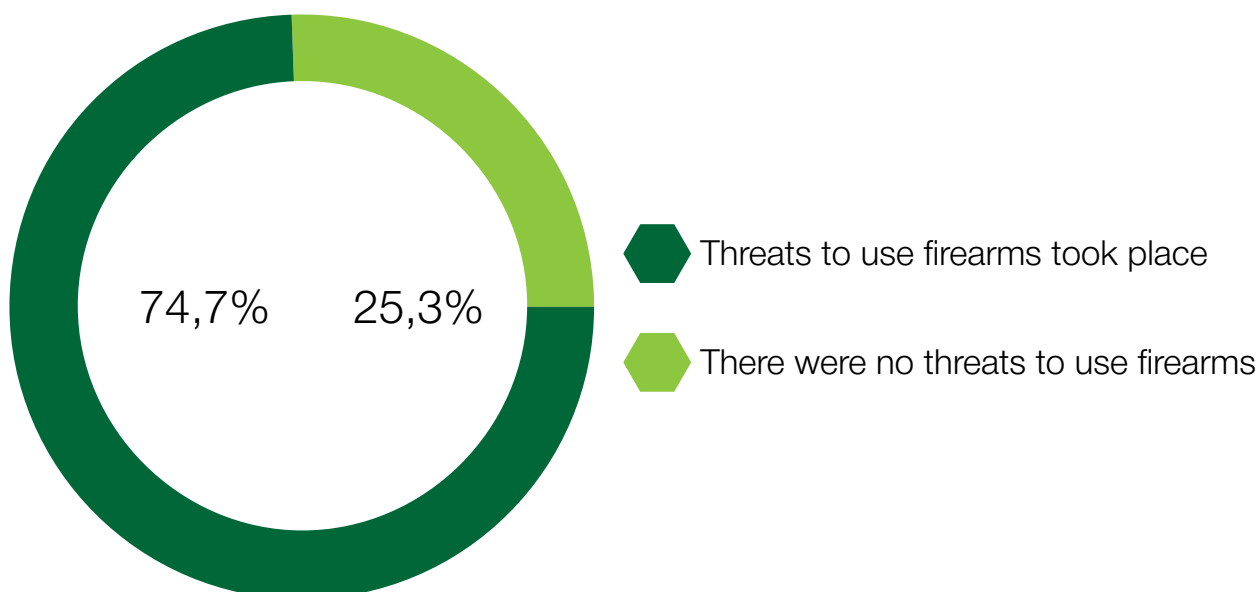
“People who conducted apprehension ... were hitting [my] head with stocks, my knees with their feet. They later transported me in the trunk. The beatings led to hemorrhages and lost teeth of the upper jaw” (C-45).

“They used stocks for beating during apprehension and when taking me out of the house. They hit [my] entire body” (C-59).

“... they were swinging the bat in front of my face, hitting my back with a stick and a rifle stock. My back was eggplant color, ... my ribs were also broken. They were turning the knife before my face and neck, and cut my trousers...” (C-117).

In 5 (5.7%) cases other methods of inhuman and cruel treatment were used against detainees, including electric shockers, pliers to damage fingers and toes, bullet wounds from small-caliber weapons, as well as infliction of injuries with piercing and cutting objects etc.

Figure 13. Threats to use firearms during apprehension of civilians



“They choked my neck with their hands. They shot my entire body from a pneumatic weapon... They were using a knitting needle to pierce a calf muscle. They squeezed all fingers on the right hand with pliers. They used the electric shocker to different body parts. They cut the right hand with a knife. Everyone who apprehended me was humiliating me equally. Accordingly, my body has traces of gunshots, piercing wounds to the calf muscle of the right leg, wounds from squeezing of all fingers with pliers, piercing wounds on the right palm, an injury to the eye that had trouble seeing” (C-79).

“They cut my neck and hurt my chest” (C-22).

“... three people started to hit the person... It lasted for about an hour, shoved the barrel into his mouth, hit him with a stock. ‘Botanik’ was yelling that he would scalp” (C-29).

In 65 (74.7%) cases of apprehensions of civilians, they were threatened with the use of firearms and cold steel arms.

“They were threatening me... with arms and a put a knife in front of my nose” (C-97).

“They shot several times in the air during the apprehension in the courtyard. They pointed an assault rifle towards me...” (C-116).

In 10 (11.5%) of cases civilian women were apprehended.

Cruel and inhuman treatment against women by the militants of illegal armed groups and representatives of quasi-state agencies is particularly exemplary.

For instance, in 5 (50%) cases of apprehensions there was humiliation and use of different types of inhuman treatment, including against pregnant and elderly women.

“... she was beaten by a person who called himself Oleh Kubrak. He threatened to rape her. He was cutting her hands, legs and neck with a knife” (C-30).

“...militants started to hit me with stocks on my head, back, and hands... They twisted my hands in the back. Everyone tried to hit me and pull my hair... My head was broken and arm dislocated” (C-47).

“I was severely beaten. A militant with a nickname ‘Rys’ was beating me. He hit me with a bat while pulling me out of the car. He was holding my hair and pulling it. He was hitting my legs and ribs with a bat. He then tied my hands behind my back and threw me onto the grass with the others. Then everyone was kicking my ribs. During apprehension, my hands were tied with a wire. Then, they also tied my hands with a wire during transfer from the executive committee to the city department (to the Russian military)” (C-49).

“They were choking me with bags. Then they switched the bolt and put the gun to my forehead... It shot next to my ear... The electric shocker was used several times. Then they put handcuffs on me, I mean the nylon cable tie” (C-93).

For a long time, in 56 (64.4%) cases the militants of IAGs and representatives of quasi-state agencies have been using fixation with handcuffs, ropes, rubber straps, wire etc. This type of fixation in most cases was used to create particular vulnerability of apprehended persons.

Figure 14. Cruel treatment of women during apprehensions

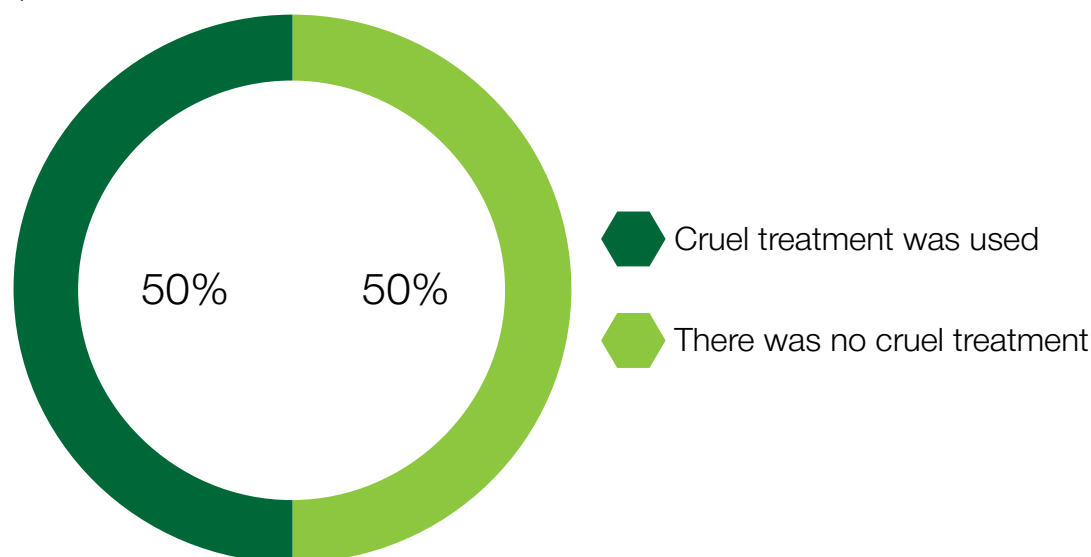
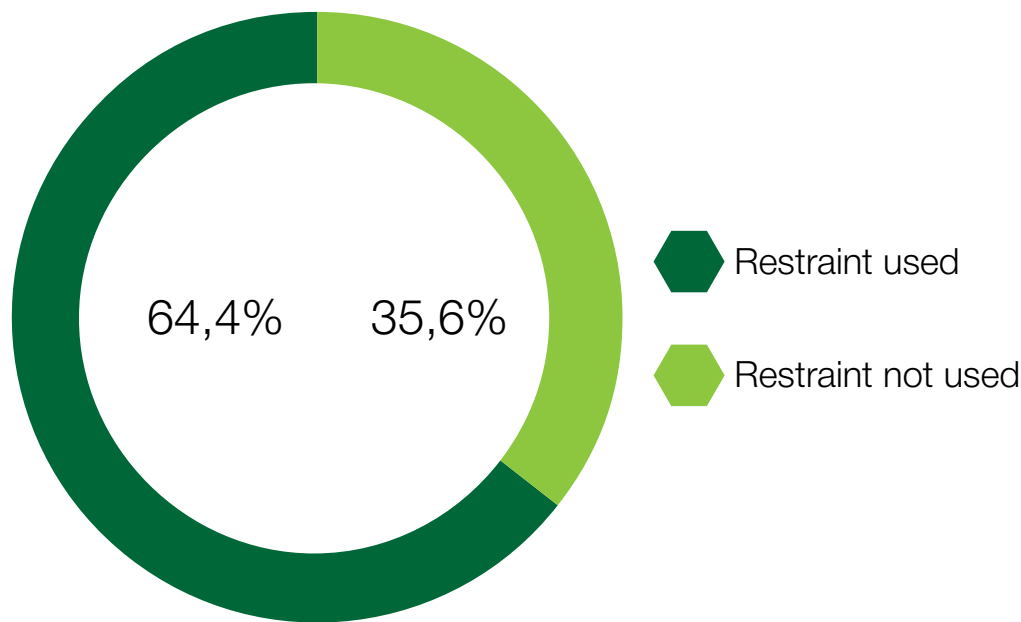


Figure 15. Use of restraint towards civilians



“People who apprehended me used fixation with handcuffs ... until the moment of bringing me to the place of permanent detention” (C-2).

“The used tying - ... they tied my hands behind my back with something. Then, they ordered me to stand up but I could not do it with my hands tied...” (C-109).

In 29 (33.3%) cases, the perpetrators put a bag over an apprehended person’s head to create conditions of vulnerability.

“They put my hat over my face and a bag on top of it...” (C-65).

“People who apprehended me put a bag on my head ... until the moment of bringing me to the place of permanent detention” (C-2).

“...they put a bag over my head ...” (C-60).

As a rule, persons who conducted apprehensions also convoyed illegally detained civilians from the place of actual apprehension to the location of further detention. In the majority of cases, these were members of illegal armed groups and representatives of quasi-state power groups.

In addition, militants also use excessive force and cruelty towards civilians during convoy transfers.

They inflicted arbitrary blows, using stocks and barrels, and inflicted bodily injuries with piercing and stabbing objects.

“They damaged the upper jaw teeth. I have a hemorrhage in the right frontal skull, piercing of the

abdomen with an awl in three places, a cut to the right index finger, a piercing wound from an awl to the right foot, severe hemorrhages of knee joints on both legs, as well as rib injuries” (C-45).

“... - when I told them, ‘You have mothers, how are you not ashamed, what do you want from me,’ the one on the right said, ‘Be quiet, bitch!’ and hit my shoulders, hands and body with a stock” (C-47).

“They took me out at the checkpoint in Mykhailivka town. One of the people at the checkpoint hit me in the chest several times (there were bruises, I did not go to the doctor)” (C-115).

This study also suggests multiple instances of inhuman treatment of apprehended civilians in the form of transporting them in passenger vehicles.

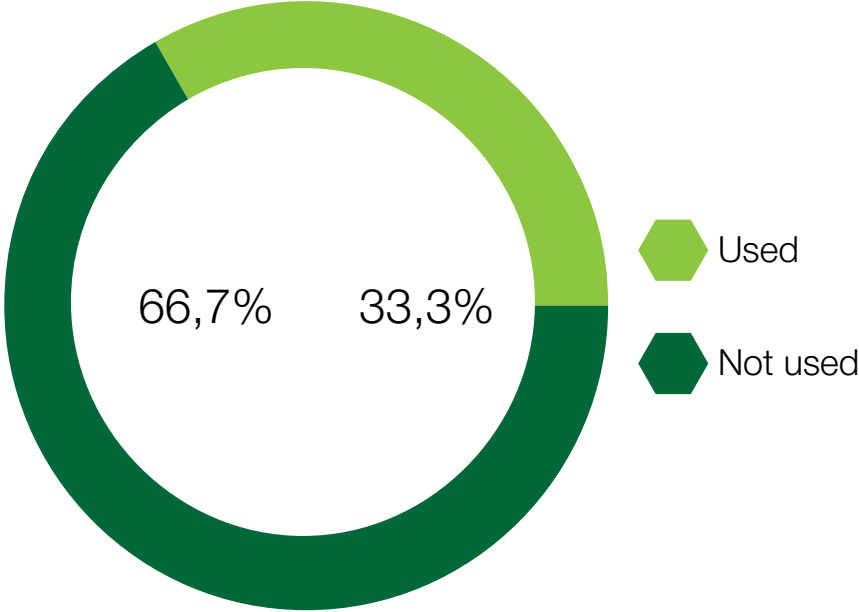
“... I was shoved into the trunk of my own car, and my friend was put into the trunk of an off roader” (C-20).

“They brought me to the city police department of Kostyantynivka in the trunk... They tied my hands and eyes there. During some time, they were driving me around in a car trunk. Then, they brought me to the SSU in Slovyansk” (C-45).

Apprehended persons were threatened with the use of firearms or cold steel weapons during conveying from the place of actual apprehension to the place of further detention.

“They suggested executing me by shooting right away. They told me to stand on the sand so the blood would not spill around. One of them asked where I

Figure 16. Putting a bag over the head of civilians at apprehension



would like to be shot. He suggested either my foot or a fatal blow. I chose not to suffer. They threatened to shoot me from an AKS or a PM. They told me they would cut my fingers off. They took out and showed me the knives. They told me I was lucky as I was wounded and their checkpoint doctor was absent, since he like to cut off ears” (C-115).

“They threatened me with a gun pointed to me” (C-16).

“... the fighter put a Makarov pistol to my abdomen and pushed me face down” (C-35).

“... An assault rifle was pointing at me during the transfer” (C-44).

CAPTURE OF MILITARY PERSONNEL OF THE UKRAINIAN ARMED FORCES AND FIGHTERS OF VOLUNTEER BATTALIONS

When talking about the capture of military personnel of the Ukrainian Armed Forces (AFU) and fighters of volunteer battalions, we should note that in 65 (83.3%) cases they took place following armed clashes with the direct involvement of the Russian armed forces (according to the testimonies of former captives).

“I was detained by the officers of the Russian military. The officer showed his documents where it was written: central district of Moscow city, colonel ‘SOBR’ from the special unit of urgent response. Colonel Grek or Grekov, I don’t remember the exact last name. They called him ‘Grek.’ There were soldiers with him” (C-18).

“Representatives of the Russian military ... they did not hide their ranks, unit numbers and location in conversations... in particular, the Russian army officer with a nickname ‘Lisa,’ a commander of the squadron of an assault airborne brigade of Pskov airborne division, Russian Federation. There was a lot of equipment, including BPMs, BTRs, and tanks. They surrounded our column” (C-50).

“The military personnel of the Russian Federation conducted the apprehension. They did not hide belonging to the armed forces of the RF and said that they were participating in training maneuvers in Rostov. I did not understand whether they really thought they were in Russia... they were wearing Russian uniforms with Russian chevrons... they had Russian equipment with marks in the shape of a white circle with a triangle inside” (C-53).

“We were detained by the military personnel of the Russian Federation... It was an assault airborne brigade No.13, the commander of their battalion has a nickname ‘Lisa’” (C-118).

“Their commander was wearing a military uniform of Russian production... Later, this person was identified as a Russian General Aleksandr Lentsov. The video with his participation on Youtube is called ‘Debaltsevo entrapment – krivbass surrendered’” (10:00-12:30) (C.M-33)³.

³ Good extraterrestrial. (2015, June 17). Debaltsevski kotel. Krivbass sdalsya v plen [Debaltsevo entrapment. Krivbass surrendered]. Retrieved from: <https://www.youtube.com/watch?v=12biykOhqz0>.

Testimonies of captured and detained military officers illustrate the specifics of decision making in relation to further detention of the AFU military personnel and fighters of volunteer battalions captured by the Russian military. Sometimes, representatives of the RF Armed Forces made these decisions.

“... a Russian army officer, nickname ‘Lisa,’ the commander of the airborne assault brigade of Pskov airborne division, Russian Federation, who coordinating matters related to our detention with someone on the phone ” (C-50).

However, in most cases, the power to make decisions on further detention was delegated by the Russian military to the leaders of illegal armed groups, the so-called LPR and DPR.

“When they brought me to the center of Donetsk, to the SSU building, a man named Edik, also called ‘Investigator’ was making decisions... It appeared that he was an SSU official in Donetsk region as he knew the building very well...”

“... a Russian army sergeant who wanted to give us to the Red Cross... All the time he said, we would be released soon and brought to the Red Cross since they did not need us as prisoners. He was more merciful and allowed us to hide during the shootings. ... a captain of the RF army ... convinced the first one to give us to the DPR” (C-27).

The study materials evidence particular cruelty and excessive use of force (physical abuse, mutilations, humiliation etc.) towards the AFU military personnel and

fighters of volunteer battalions. In 68 (87.2%) cases, cruel treatment was used during apprehension.

“... They were beating us, using electric shock and other methods... Terrorist Zakharchenko personally broke my right index finger with a hammer... I have ‘A’-shaped scars on my left hand and other scars since they were trying to carve the name Asvan” (C-125).

“Persons who apprehended us saw that my friend was wounded since he had a splint on his leg, a specific one to immobilize it. The DPR people saw he was injured... They threw my friend out of the car and started to jump on his leg. They pulled us out of the car and started hitting with hands and feet, as well as stocks. We were on the ground. I cannot tell where they were hitting us anymore... I cannot tell how long it lasted” (C-87).

“They hit me with a stock during apprehension... We were standing on our knees with the hands behind our heads, with heads down. My entire body was numb; I even had spasms. We were standing this way from before midday to dawn” (C-114).

“... they were kicking my body, hitting my head with their hands and rifle stocks... they tried to chop off my toes and squeezed my fingers with pliers” (C-23).

In almost all apprehensions, fixation through plastic ties, wire, straps and tape was used. They were blindfolded for a long time.

“They tied the hands behind with a rope and specialized wire tie for a rather long time, several hours. There was a blindfold on the eyes the entire time” (C-27).

Figure 17. Capture of the AFU military and fighters of volunteer batallions

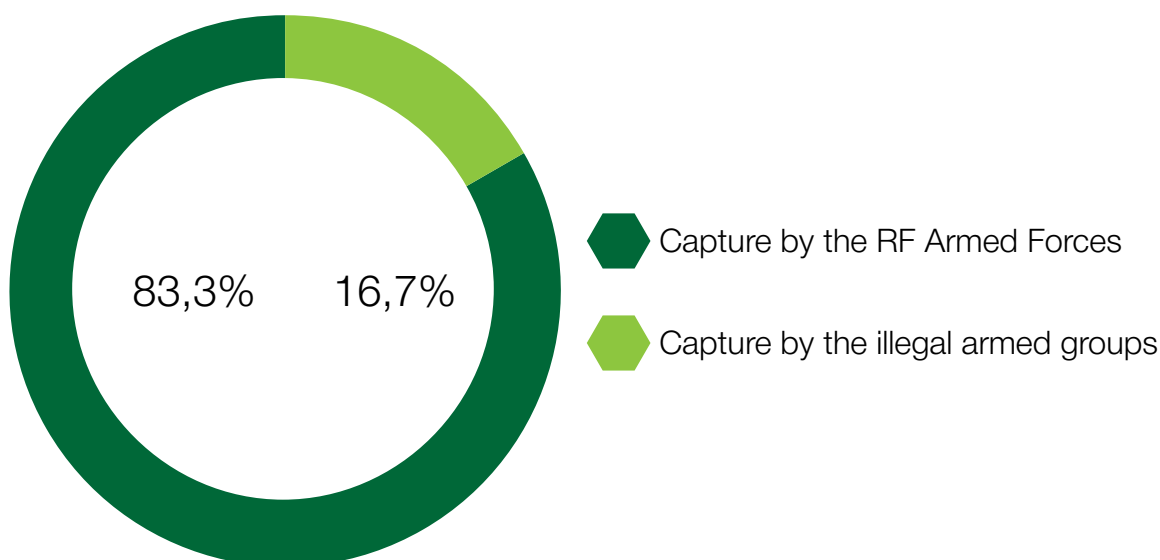
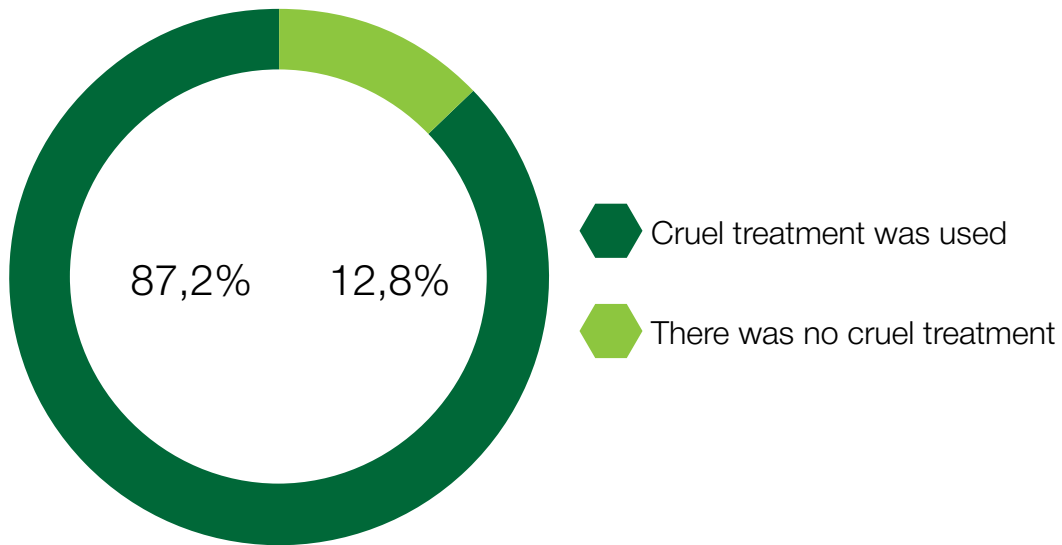


Figure 18. Cruel treatment of the AFU military and the fighters from volunteer battallions



“They used tying. Those who apprehended [me] tied my hands and put me on a BPM. I was tied... Until they brought me to the temporary camp” (C-53).

“... they put a bag over [my] head having blindfolded me and tied my hands (in front with my palms out) with tape. I was in this state while they were transporting me for about two-two and half hours” (C-62).

A specific characteristic of conveying the captured AFU military personnel and fighters of volunteer battalions is that this procedure sometimes lasted for an excessively long time (over a day) with changing convoy officials. Study data contains information about numerous instances when units of the Russian armed forces began the procedure and delegated it to the fighters of IAGs.

“The conveying lasted for over a day since we were ‘taken along’ first by the Russian military shooting at our dislocations. On the following day, they transferred us to the DPR who also did not bring us to the place of detention promptly” (C-27).

“After surrender on 30 September, representatives of ‘Donbas’ and AFU were taken on foot for 10 km to the west towards the Russian border... On 31 August, we were lined up and divided – AFU and ‘Donbas’ separately. Representatives came and we, volunteers of ‘Donbas’ battalion, were transferred to them” (C-46).

“... after the apprehension we walked eight kilometers convoyed by the RF military to the village of Krasnoselskoe where we slept in the field. On the next day, they transferred us to the DPR militants (they identified

themselves as ‘Motorola’ unit). We were brought in a cabin of the refrigerator truck to the first place of detention in Donetsk” (C-50).

Almost in all cases, the captives were transferred to places of further detention in inhuman conditions with transport means that were not suitable for transporting people. In addition, the prisoners were convoyed by foot for long distances.

“We were transferred in a cargo truck that was unsuitable for transporting people, in the cargo section. Everyone was blindfolded. For the first few hours, we had our wrists tied, but we started complaining that we were losing sensitivity in our fingers, and they loosened the ties” (C-27).

“... after apprehension we were placed in a church basement (in a field) near (approximately 50 meters) the place of apprehension. On the next day, they took us on foot, transferred in a KAMAZ truck to the Russian territory, and then back to Ukraine, to Snizhne. We saw the border through cuts in the cover” (C-72).

CHAPTER CONCLUSIONS

One the territories controlled by the so-called DPR and LPR, there is no compliance with any legal system. There is an absolute neglect of procedural guarantees foreseen both by national legislation, and by international legal norms

Apprehensions, entry into private homes and other restrictions of human rights are widespread and take place with no authorizations or procedures foreseen both by the national legislation, and by international norms.

Militants of illegal armed groups and representatives of quasi-state agencies (security service, police, commandant's offices etc.) are particularly cruel towards civilians. There are mass instances of torture, cruel treatment, and arbitrary use of restraint and arms.

There have been multiple recorded instances of detention of women, including pregnant and elderly ones, and humiliation.

In the majority of cases, the AFU military personnel and fighters of volunteer battalions were captured with direct involvement of the military personnel of the armed forces of Russian Federation.

In most cases, the AFU military personnel and fighters of volunteer battalions were subjected to torture and cruel treatment during capture and convoy to places of detention.

V. “STAFF” OF THE PLACES OF DETENTION

The testimonies of detainees and prisoners allow for a conclusion that there was no division of functions among the “staff” of the places of detention. For instance, functions of apprehension, convoying and security in 38.6% of case were performed by the same people. In another 53.8% of cases, these people also conducted interrogations. These facts of universal combination of all functions “in one person” were recorded rather proportionately on the territories controlled by the so-called LPR (30.1%) and DPR (22.7%):

Luhansk region:

- Luhansk: 6th separate Platov Cossack regiment (leader – P. Dryomov) – 1 case; an urgent response group “Batman” of O. Byednov – 3 cases;
- Luhanska village, an armed group of the so-called LPR – 1 case;
- Alchevsk, battalion “Prizrak” of O. Mozhovyy – 3 cases; the commandant’s office of the so-called LPR – 1 case; the honorable duke O. Nevsky squad – 4 cases;
- Krasny Luch, an armed group of the so-called LPR – 1 case;
- Krasnodon, “Vityaz” battalion – 1 case;
- Lysychansk, battalion “Prizrak” of O. Mozhovyy – 1 case;
- Perevalsk, Cossacks of the All-great Don army – 2 cases;
- Sverdlovsk, Cossacks of the Army of the South-East – 1 case; 6th separate Platov Cossack regiment – 2 cases;
- Stakhanov, 6th separate Platov Cossack regiment – 1 case; Cossacks of ataman Kozytsyn – 1 case.

Donetsk region

- Donetsk: premises of the Main MIA Directorate – 1 case, SSU premises – 2 cases, premises of one

of the THFs – 1 case; “Oplot militants” – 2 cases; representatives of the Russian Orthodox Army – 2 cases;

- Horlivka, an armed group of the so-called DPR – 1 case;
- Dzerzhynsk, commandant’s office of the so-called DPR – 1 case;
- Dokuchayevsk, an armed group of the so-called DPR – 2 cases;
- Druzhkivka, an armed group “NKVD” – 1 case;
- Kostyantynivka, an armed group of the so-called DPR – 1 case;
- Kramatorsk, an armed group of the so-called DPR – 1 case;
- Makiyivka, an armed group of the so-called DPR – 1 case
- Snizhne, military officers of the RF – 20 cases;
- Yasynuvata (station), “Vostok” battalion – 1 case.

Given the above, there are doubts as to the possibility of objective, humane and non-discriminatory treatment of the majority of detainees. The statistics of beatings and torture confirms this statement, as 54% of interviewees were victims of physical violence during detention and interrogations at the places of detention.

Among 101 descriptions of a security guard at the detention places, the most frequent one is persons aged 25-30 (26.5%) (Fig.19).

We should point out that at least four 15-year-old young men in Snizhne (Donetsk region) were involved in performing security functions armed with AK-47, RPK, SKS (C-26). In addition, there was a 17-year old girl serving as a security staff in Makiyivka (Donetsk region) (C-123).

15-20 years – 10 persons (10%);

20-25 years – 13 persons (13%);

Figure 19. Distribution of the security personnel at the places of detention by age

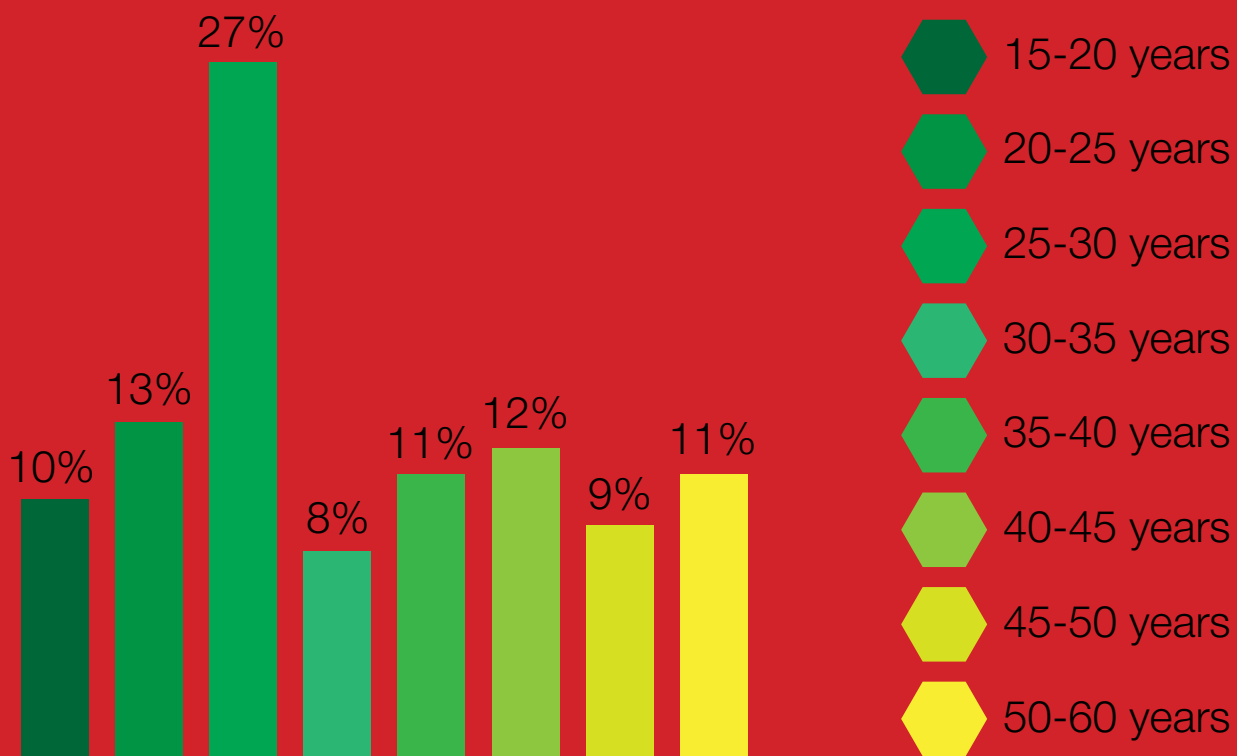


Figure 20. Distribution of personnel taking part in interrogations by age

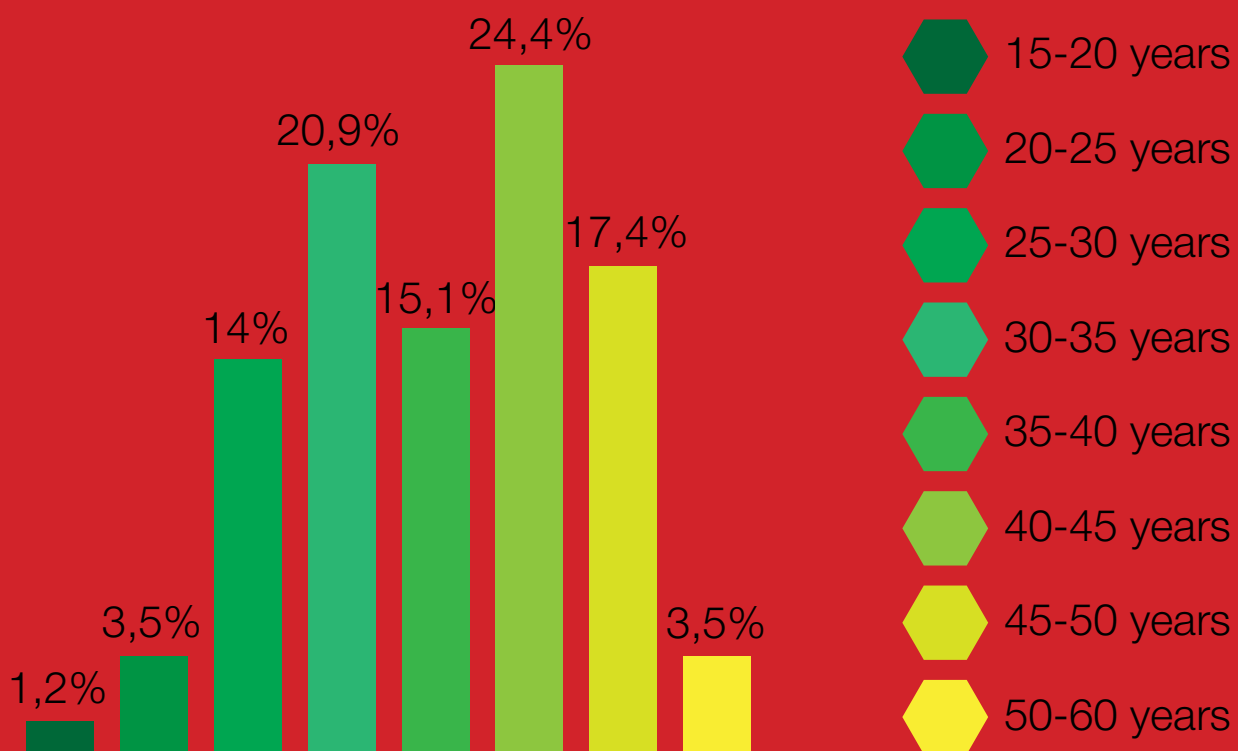




Photo 15. Engaging children in armed groups. “Vostok Battalion”.⁴

25-30 years – 27 persons (27%);

30-35 years – 8 persons (8%);

35-40 years – 11 persons (11%);

40-45 years – 12 persons (12%);

45-50 years – 9 persons (9%);

50-60 years – 11 persons (11%).

The age distribution of 86 described individuals engaged in interrogations shows the prevalence of the category from 40-45 years (Fig. 20)

15-20 years – 1 person (1,2%);

20-25 years – 3 persons (3,5%);

25-30 years – 12 persons (14%);

30-35 years – 18 persons (20,9%);

35-40 years – 13 persons (15,1%);

40-45 years – 21 persons (24,4%);

45-50 years – 15 persons (17,4%);

50-55 years – 3 persons (3,5%).

We should also mention the medical staff as service personnel. Their presence was recorded in Donetsk, Snizhne and Makiyivka (Donetsk region), Luhansk, Krasny Luch, and Alchevsk (Luhansk region). The medics had virtually no influence on the prisoners status except for release or transfer due to illness, which almost never happened. As a rule, medical care was limited to disinfection of wounds,

injections of painkillers or antiseptics. The lack of medical personnel in 2/3 of the places of detention constitutes violations of international treaties ratified by Ukraine. It primarily applies to the European Prison Rules⁵ whereby arrangements shall be made to ensure at all times that a qualified medical practitioner is available without delay in cases of urgency (Article 41.2). Testimonies of interviewed AFU military also suggest that the “staff” of the places of detention also failed to comply with Geneva conventions with regard to the conduct of medical personnel:

“The detaining authorities shall, upon request, issue to every prisoner who has undergone treatment, an official certificate indicating the nature of his illness or injury, and the duration and kind of treatment received. A duplicate of this certificate shall be forwarded to the Central Prisoners of War Agency.”⁶

Importantly, despite the code of medical ethics, not all medical staff followed the principles for providing urgent care to detainees and prisoners. The management of the city hospital in Krasnodon (151 Zemnukhova str.), for instance, reacted negatively to the need to provide medical assistance to the Ukrainian military prisoners of war. They inflicted intentional pain to the prisoners during post-surgery procedures (C-52).

According to victims and witnesses, there were two Russian medics on the staff of the armed group MGB “Smersh” based in Luhansk in the summer of 2014 (10 Heroyiv Velykoyi Vitchyznyanoyi Viyny Square). These were nurses with nicknames “Pal Palych” and “Kaha” (Valeriy Ivanovych Kalinin from Krasnodar). The former conducted torture using medical instruments, and the latter expressed particular cruelty when contacted by arrestees (C-65).

On the other hand, the illegal groups also forced the medics to perform unusual functions. In Luhansk, these facts concern the urgent response group “Batman”:

“During the beating, they called a doctor when the victim lost consciousness. The medic made an injection and brought the victim to a conscious state. The torture then continued” (C-122).

Within the framework of this study, it is rather difficult to describe other staff responsible for the custody of detainees. First, these places had unofficial status, and the so-called LPR/DPR did not have the need to ensure proper conditions of detention. Therefore,

⁴Ylmoscova. Andrey Donetsk. – 29 July 2014. URL: https://www.youtube.com/watch?v=Z6_Z0a7sTyI

⁵European Prison Rules (2006), art. 41.2. URL: <https://wcd.coe.int/ViewDoc.jsp?id=955747>.

⁶Convention (III) relative to the Treatment of Prisoners of War, Geneva. (1949, August 12). Art. 30. Retrieved from: <https://www.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=77CB9983BE01D004C12563CD002D6B3E&action=openDocument>.

even preparation of food was the task of either the guards, or the arrestees/prisoners. Only in rare cases, additional local staff was engaged for service functions (Donetsk, Snizhne, and Ilovaysk of Donetsk region) (C-02, C-06, C-15, C-30, C-48).

Women very rarely were part of the staff of the places of detention. In particular, so far there is information only about seven:

- An investigator of the so-called LPR police, Alchevsk – a woman, approximately 30 years old, with blond hair, who worked at the city “LPR police” unit (C-37);
- “Bagira,” a member of so-called DPR military group, Snizhne (Donetsk region) – a 30-year old woman, short blond hair, average height, strong-built, wearing predominantly camouflage military uniform, armed. She took part in interrogations together with the Russian military (C-41, C-74, C-80, C-84);
- Security guard of “Topaz,” the leader of “Oplot”: *“A rather big young woman, tall (180 cm), cute, about 25 years old. Blond long hair to her waist, undone. She had a Soviet garrison cap with a star. Her face was elongated. Her nose was big and ‘crooked’ – long, thin with a bump. She was wearing a black T-shirt with sleeves below the elbow, military trousers, and had a big cross on a 12-cm chain. She had Makarov pistol and two grenades with one of them on a vest on her chest”* (C-5).
- Olena “Hyrza,” a sniper from the Russian Federation, a member of one of the units – “Basmachi” or “Sparta,” was a security guard for the prisoners of war in Makiyivka (Donetsk region). She cut one of the prisoner’s face with blades during an interrogation (C-123, 124).
- Members of one of the units – “Basmachi” or “Sparta”: *“Mariya from Mariupol, Svyeta from Russia, Anya (17 years old) from Donetsk.”* They were security guards for prisoners in Makiyivka (Donetsk region) (C-123).

The staff of places of detention was usually comprised of locals. However, 44 percent of interviewees mentioned personal contact with at least 58 mercenaries from Russian Federation, as well as regular servicemen from Russian Federation who were taking a leading part in interrogations and security of places of detention.

Luhansk region:

- Luhansk, unit MGB “Smersh” – 7 cases; the regional state administration – 4 cases, THF of the Leninske district department – 2 cases; the commandant’s office of the LPR – 12 cases;
- Alchevsk, “Prizrak” battalion – 12 cases;

⁷News-Front. (2015, March 17). Intervju s dobrovoltssem: buryat s pozivnymy “Vakha” iz podrazdeleniya “Olkhon” [Interview with a volunteer: Buryat with a nickname Vakha from Olkhon unit]. Retrieved from <https://www.youtube.com/watch?v=FWOAYfeSYng>.

- Krasnodon, “Vityaz” battalion – 1 case;
- Sverdlovsk – 11 cases;
- Stakhanov, Cossacks of ataman Kozytsyn – 2 cases.

Donetsk region

- Donetsk: “Russian Orthodox Army” – 1 case; “Oplot” battalion – 5 cases, SSU premises – 5 cases, former office of the Party of Regions – 1 case;
- Kostyantynivka – 1 case;
- Kramatorsk, THF of the city police department – 2 cases;
- Makiyivka, Nika complex – 2 cases;
- Slovyansk – 1 case;
- Snizhne – 10 cases;
- Novokaterynivka village, Starobesheve district, Donetsk region – 1 case.

“Lisa” was in charge of the Russian military. He was approximately 35 years old, height around 175 cm, with red hair and skinny. These were contracted soldiers from Pskov, Povolzhie, and Orenburg” (C-39, C-46, C-50).

“They turned out to be mercenaries, citizens of Russian Federation, according to them – Ossetians by nationality” (C-74).

“There were Russian soldiers among the guards. Some guards made us sing the Russian anthem. Several people were from Rostov. According to members of the group based at that location, they had fought in Dagestan, Iraq, Karabakh, Laos, and Vietnam etc. There was also on Chechen and one Ossetian among them” (C-65).

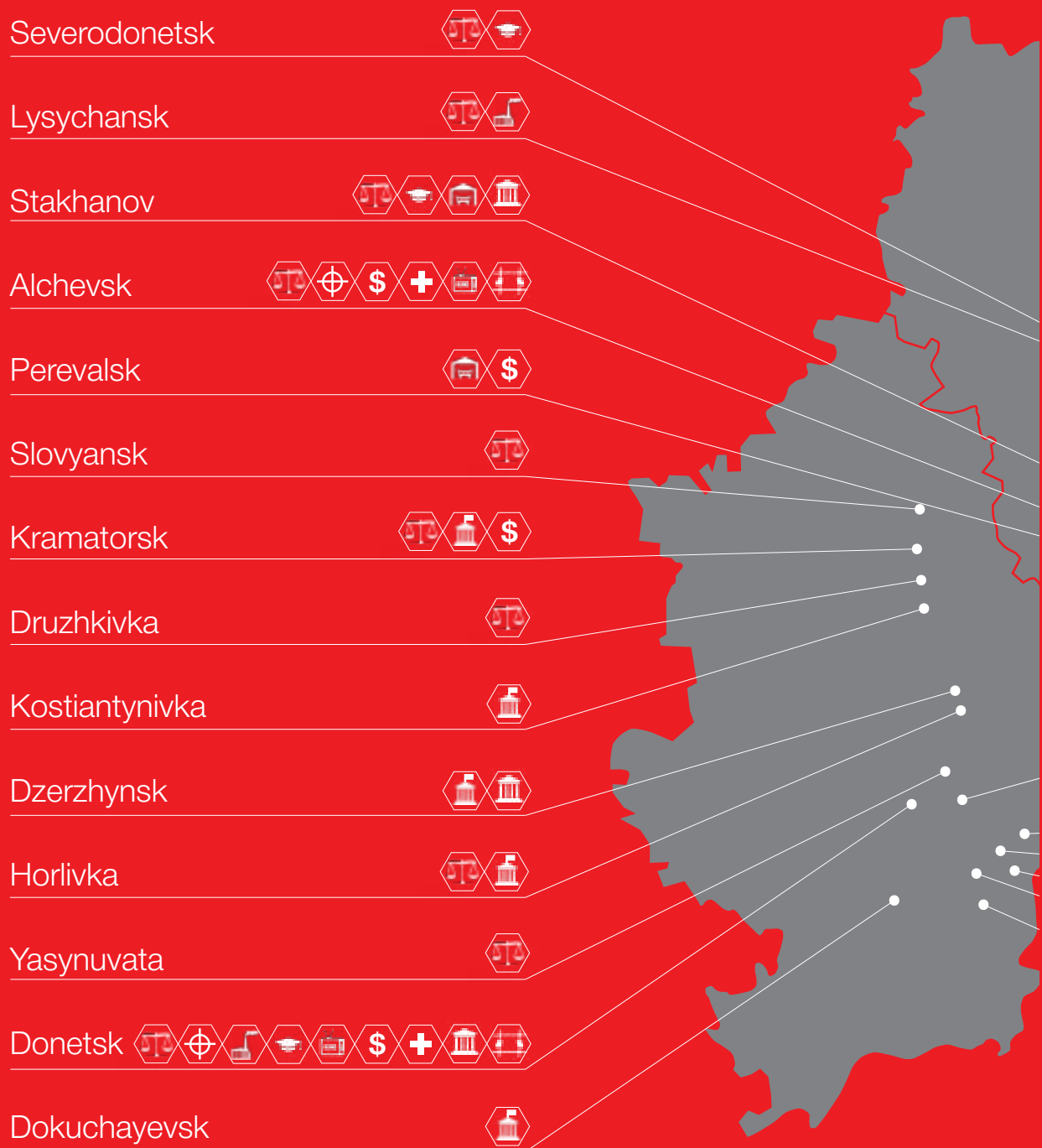
“The doctor who came to see me was a Russian military captain with insignia on his uniform. It was Russian special taskforce, spetsnaz” (C-82).

It should be recalled that the requirements of a number of international legal norms are almost identical in



Photo 16. Buryat with a nickname “Vakha” talking about military action in Donbas, 17/03/2015.⁷

Figure 21. Places of detention by localities (“DPR” and “LPR”)



-  Law enforcement bodies (police, SSU, Pre-trial detention center (SIZO) etc.)
-  Military objects
-  State and local authorities
-  Industrial objects
-  Educational or scientific institution
-  Garage
-  Media
-  Business object (public catering, recreational facilities, gas stations etc.)
-  Hospital
-  Administrative building
-  Private house
-  Apartment complex
-  Outdoor detention places (pit, cage, sewage well)

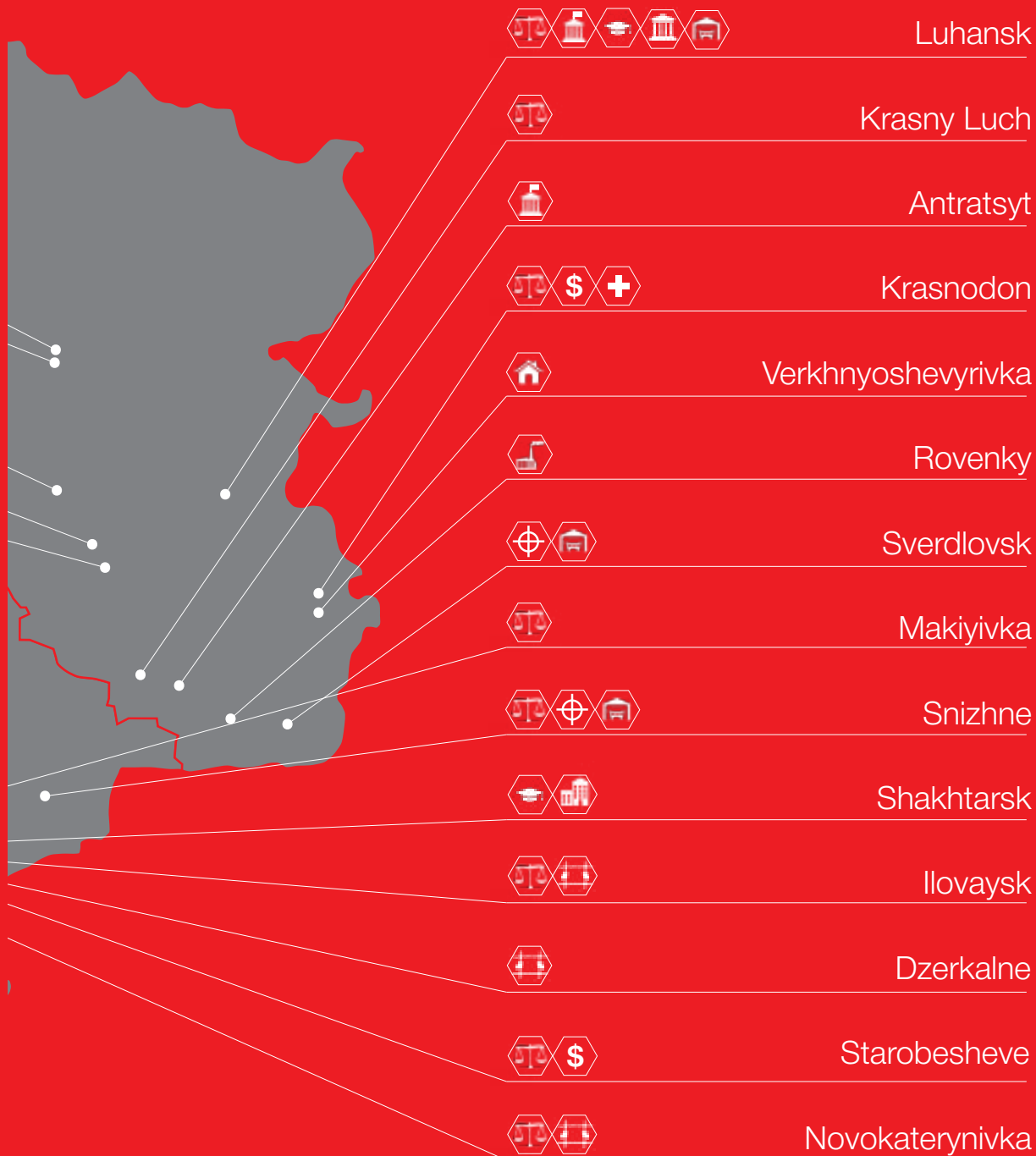


Table 2. Probability of identification of the persons performing functions of the staff in places of detention

No	Probability of identification	Representatives of the so-called LPR/DPR	Representatives of the RF
1	LOW Known: nickname, unit, and locality	78 (51,7%)	17 (63%)
2	MEDIUM Known: nickname, unit, and locality + name/last name, nationality and distinguishing features	45 (29,8%)	7 (25,9%)
3	HIGH Known: nickname, unit, and locality + name/last name, nationality and distinguishing features + the details of the past/private life, education, place of birth, stable activities during long time	28 (18,5%)	3 (11,1%)

relation to the level of prison staff training. For instance, the requirement is that the staff shall be carefully selected, properly trained in their general and specific duties. The management of the staff shall be entrusted with an official who is adequately qualified for that post by character, administrative ability, suitable professional training and experience^{8,9}.

This study shows that the standards of treatment of POWs and illegally detained civilians are not met on the territory of the so-called LPR/DPR. According to the interviews, at least 87 so-called “staff members” had a military education or professional training in law enforcement. However, 40 of them were representatives of Russian Federation with experience of working in the armed forces and the FSB, and 47 people were former officials of the law enforcement authorities of Ukraine (IABs, SSU) who were used mostly for apprehensions and interrogations. The biggest number of former investigators who joined the side of the so-called DPR was recorded at the former regional directorate of the SSU in Donetsk region (5 persons).

While assessing the probability of further identification of the staff of places of detention mentioned during interviews (security, interrogation, convoy during forced labor, medical assistance, provision of food), we can divide them into at least three categories (see Table 2).

Among persons from the high-probability category, there is, for instance, one of the so-called DPR supporters:

“I was doing compulsory labor under supervision of a man with nickname ‘Hryhorovych.’ His name was Viktor Hryhorovych, and he was like a supply manager in Zorya battalion. According to him, he had

been a police retiree for several years, and in the past – Deputy Head of Berkut in Luhansk. He was a very dedicated supporter of Novorossiia. He said he was 62 years old” (C-09).

One of representatives of Russian Federation also has high prospects of being recognized:

“In Snizhne, a Russian military officer decided on detention. He was a colonel with a nickname ‘017’ and had the insignia ‘Polite people.’ He also conducted interrogations. According to him, he participated in occupation of Crimea and it was his fourth war. He was about two meters tall, strongly built, approximately 40-45 years old, with a small belly, wrinkles on his face. He had dark short hair with traces of gray. He lived near Moscow. He had very expensive glasses and was twisting a Makarov pistol in his hands all the time. He was later replaced for being too lenient on prisoners in the view of superiors” (C-20, C-36, C-41, C-72, C-74, C-84).

CHAPTER CONCLUSIONS

There are people with military or law enforcement training among the “staff” of the places of detention. However, the staff did not manage to ensure compliance with the international humanitarian law, European Prison Rules, as well as the Standard minimum rules for the treatment of prisoners.

The lack of division of functions among the staff of the places of detention results in a situation where 53.8% of apprehensions, convoy, security and interrogations are conducted by the same people. This approach casts doubt on the possibility of ensuring objective, humane, and non-discriminatory treatment of detainees, which is confirmed by the instances of physical violence towards 54.5% of them; specifically in the cases of detention.

Despite the fact that most security guards of the places of detention are aged 25-30 years old, we should point out that it is unacceptable to involve underage boys and girls to performing these functions. Instances of such involvement were recorded on the territory of the so-called DPR.

⁸ European Prison Rules. (2006). Articles 76, 81, 84. Retrieved from: <https://wcd.coe.int/ViewDoc.jsp?id=955747>.

⁹ Standard Minimum Rules for the Treatment of Prisoners. (1955). Articles 46, 47. Retrieved from: https://www.unodc.org/pdf/criminal_justice/JN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf.

Medical personnel for the provision of medical care to detainees and prisoners of war was absent in 2/3 of places of detention of the illegal armed groups of the so-called DPR/LPR. The rest do not have relevant qualification or necessary authority and resources for assigning comprehensive treatment. This constitutes a violation of the requirements of the European Prison Rules (2006) and the Geneva Conventions. There were recorded instances when medical personnel exhibited cruel treatment of detainees and prisoners.

In 44% of cases, regular servicemen and mercenaries from the Russian Federation had a leading role in organization of interrogations and security in places of detention.

¹⁰ 62.ua. (2015, July 31). Kadyrov zayavil, chto vse chechenskie "khuligany," vovavshie za boevikov "DNR," uehali iz Donbassa [Kadyrov stated that all Chechen hooligans who had fought on the side of DPR have left Donbas]. Retrieved from: www.62.ua/article/909467.



Photo 17. Mercenaries from Northern Caucasus, Donetsk, June 2014.¹⁰

VI. CONDITIONS OF DETENTION

Analysis of the questionnaire led to identification of 79 separate facilities on the territory outside of Ukrainian control used as illegal places of detention in 28 cities in the East of Ukraine or near these cities. The places of detention where the AFU military, members of volunteer groups, volunteers or other civilians were held could be divided into two types. The first type includes those with certain conditions for detention of persons deprived of liberty and equipped for these purposes, as well as having relevant staff. These are temporary holding facilities (THF) in occupied cities; remand prisons (SIZO), premises of law enforcement bodies (district and city units of the MIA, SSU) designed and always used for detaining people. However, almost all interviewees were held in maladjusted locations, including premises of administrative or even private buildings, basements, garages, sheds, pits and even outdoors. The majority of interviewees who had been to places of detention stated that these places were not equipped for holding people in custody and did not meet the standards for conditions of detention.

At the same time, even the detainees held in premises of law enforcement bodies were not in proper conditions since the majority of them were kept in basements, bomb shelters, and shooting ranges. Interview results show that almost half of interviewees (49%) stated that they had been put into a basement.

Equipped places of detention usually were under control of law enforcement bodies that continued working in these buildings and, therefore, did not change the standards of detention for persons held in cells or other rooms designated for detaining people. It follows from 130 testimonies obtained during the study that these standard places of confinement were significantly more convenient and “comfortable” in comparison to conditions in garages, basements or other unequipped places of detention.

The description of detention conditions at Alchevsk city department of the MIA serves as an illustration:

“There were two ‘cage’ cells: one of them had men, and another one – women. The ‘cage’ was made up of metal bars with benches for detainees. It was relatively clean, with high humidity and no smoke. It had room temperature. There was no natural light. There was enough air. There were no walks. The convoy took us to the bathroom upon request. There were no beds or mattresses. We were sleeping on benches. The temperature was fine (not hot or cold according to the season)” (C-3).

Informal holding facilities, as a rule, were established by illegal armed groups next to the place of their dislocation or nearby. This place was designed for not only detention but also for punishment of those “guilty” of disciplinary misconduct, being captured by armed criminals without identification, looking at them in a wrong way or saying something wrong (C-105), being intoxicated or even following denunciations. Conditions in these informal places of detention were considered to significantly harder. Nobody was formally responsible for these places, and treatment of prisoners depended on the will of those who arbitrarily detained these people. We should note that 59 interviewees (47%) were held in these “makeshift” informal places of detention used by members of armed groups.

In addition, these groups did not recognize any legal norms and committed blatant crimes in violation of Article 146 of the Criminal Code of Ukraine that prescribes criminal liability for arbitrary deprivation of liberty or abduction. There is evidence to illustrate pathological sadistic cruelty and complete impunity of criminals, in particular the published information about victims of Lyuty¹¹ in Bryanka.

¹¹ Gordon. (2015, August 14). Boeviki “LNR”: V Bryanke najdeny 17 zhertv bandita Lyutogo [LPR fighters, “17 victims of Lyuty criminal found in Bryanka”]. Retrieved from <http://gordonua.com/news/war/Boeviki-LNR-VBryanke-naydeny-17-tel-zhertv-bandita-Lyutogo-94009.html>.

Table 3. Places visited by the monitors

№	City	Object	Detention premises
1	Dzerzhynsk	City executive committee	Premises on the 1st floor
2	Kostyantynivka	Kostyantynivka city council/ Kostyantynivka inter-district prosecutor's office	Basement
3	Slovyansk	SSU premises	Basement
4	Slovyansk	City executive committee	Premises on the 4th floor (where the OSCE hostages were held) and the basement
5	Kramatorsk	City executive committee	Premises on the 1st floor (the cloakroom)
6	Kramatorsk	Jewelry workshop	Two rooms in the basement
7	Syevyerodonetsk	GIAP, 1 Vilesova str.	Basement
8	Syevyerodonetsk	MIA premises	Cells
9	Syevyerodonetsk	SSU premises	
10	Lysychansk	SSU premises	Basement
11	Lysychansk	"Proletariy" glass factory in Lysychansk	Bomb shelter basement
12	Lysychansk	DTSAAF in Lysychansk (former commandant's office)	Basement

According to this information, the militants held in captivity, tortured, and murdered people in Bryanka and Alchevsk.

Often, apprehended persons were held in several consecutive detention places. For instance, one of the interviewees has been in eight facilities from 29 October 2014 until 23 May 2015. These included basements, semi-basements, and sometimes office premises (C-64). Another person was held in three places during 24 days of deprivation of liberty, namely in Syevyerodonetsk THF, a garage on the territory of the Department for combating organized crime in Stakhanov, and in a garage at a café in Perevalsk (C-78).

At present time, there is access to some of the premises mentioned by the persons who had been captured and illegally detained. These are the places of detention now located on the territory controlled by Ukraine. For instance, these include premises and buildings in the liberated in 2014 Slovyansk, Kramatorsk, the premises in the city executive committee in Dzerzhynsk, Kostyantynivka, Lysychansk, and Syevyerodonetsk. The monitors were able to visit these places mentioned by the interviewees (see Table 3).

People were placed in detention near the location of armed groups, including "Prizrak," "Oplot," "Batman," "Kalmius," "Vostok," "Somali," "Sparta," "Zarya," "The South-East Army" and others. They were detained in basements or other premises that were not suitable for detention of people, for instance bomb shelters, shooting ranges, and archives.

In particular, the premises for animals were used for detention: "According to people who had been

there for some time, a dog used to stay where the people were placed. The walls had scratches from its claws." (C-9).

The following testimonies from the interviews with victims serve as proof for this fact. This is how the detainees describe the places where they were held:

"In Donetsk, it was an old bomb shelter underneath the SSU building. In Ilovaysk, it was a former preliminary detention facility redesigned into a shooting range. During hostilities, a mine hit the range, and everything burnt down. This is where we were put. We cleaned up there by taking out rocks, rubbish, and coating that had fallen off the walls. We lived in this semi-basement the entire remaining time – 74 days" (C-73).

"Donetsk. There were four 20-25 sq. m. rooms in the basement. It was humid, cold, and with no natural lighting. We had minimum artificial light. The two bathrooms in the basement were not functioning. In addition, there were several ventilation rooms, but ventilation was off until mid-September when they fixed it."

"Ilovaysk. A room of approximately 40 sq. m. on the first floor. Black ceiling and walls. Humid, cold, minimum natural lighting through one window of 0.5x1.5 meters. Minimum artificial light" (C-39).

"Luhansk. A basement with pipes; everything is humid, and water and mold is everywhere. The coating is falling down. It was chilly. There was blood near the bed but I am not sure it was mine. There was no ventilation. The room was approximately 6x4 meters" (C-44).



“Syevyerodonetsk, 1 Vilesova Street, a basement of Syevyerodonetsk unit of the State institute of nitrogen industry. A switchboard room, a concrete premise. It was dark and airless. There were 16 persons in 9 square meters sleeping on carton boxes in the basement” (C-69).



“The detainee and her 6-year-old son were in ‘Tornado’ café-bar at Dzerzhynskoho Street in Perevalsk. It was a small separate room in a café, similar to a storage room. It was airless and humid. They spend almost a day there” (C-71).



“Kramatorsk, Donetsk region, Shkadinova Street, 14, jewelry enterprise. It was very difficult to breath, humid and hot. The place was not cleaned. Humidity, stale odor, and dirty mattresses and pillows” (C-57).



“Slovyansk. SSU basement in Slovyansk can be described with one expression – ‘unfit premise’: dirt, weak lighting, and meals on the floor” (C-45). In April 2014, this basement was the place of detention of Volodymyr Rybak, a deputy of Horlivka city council who was tortured to death.

“A building of Metalurg palace of sports, Alchevsk, 41 Leninhadska Street. For almost three days, I was held in the basement of the palace of sports designated for shooting. There was a lot of dust, not enough air; it was warm and humid (August)” (C-77).

“Some people were in cells, and others – in two garages on the territory of the MIA city department with 45 and 54 people in each garage. The ceiling was not

Photo 18-28. Conditions in the illegal detention place that was functioning at the abandoned bomb shelter on the territory of PJSC “Lysychansk glass factory ‘Proletariy.’”

Hereinafter, there are photographs with the data on the distance-measuring device that calculates and shows the area of the rooms used for detention, their height, length and width.



isolated, the floor was concrete, and we were sleeping on doors and planks. It was hot and, during rain, humid. I spent 18 days in this facility” (C-72).

“There were 45 persons in one garage with no windows. In the morning, we could see the light coming through spaces between wall planks. The ceiling was approximately 2.80 meters high. The room was about 8 meters by 5 meters by 6 meters. It was cramped for all of us to sleep. Everyone slept how they could – on planks, or sometimes people got mattresses. It was dark during nighttime, and we had no covers. During the day, on the contrary, it was hot. We had no opportunity to take a shower or wash our clothes” (C-80).

“Luhansk, Heroyiv Velykoyi Vitchyznyanoyi Viyny Square, 10. These were garages with concrete ceilings and floors. It was very hot and airless during daytime, and chilly at night” (C-65).

“Luhansk. Then they threw [me] into a garage. It was a capital [repair] garage. It had an inspection pit with a bucket we used as a toilet. In the corner, there was a chipboard with two military blankets. There was nothing else, only concrete. We used to sleep on these army blankets. It was very difficult to breathe there. There was a strong smell from the toilet bucket. Nobody opened the doors without a reason. The room was ventilated only 2-3 times during the entire time and only on our request. We spend three weeks in the garage” (C-23).

“Snizhne. They held us in a brick garage of 15 square meters. The sanitary condition was appalling. It was deteriorating. There were holes in the walls and the ceiling, and everything was flooded when it rained. There were no windows. It was dirty. The temperature was the same as outside” (C-41).

“It was a storage space comprised of concrete blocks with metal doors. The room was small, approximately two by three meters. There was no lamp; it was dark, and there were no windows. It was very hot and humid (no ventilation or windows, only a thick door). The heat was

terrible. This place was not equipped for living creatures, not even for a rat” (C-04).

“The garage on the territory of the commandant’s office of Stakhanov at 48 395th Shakhtarskoyi Dyviziyi Street was a regular garage for vehicles with a pit. I cannot tell the exact size, approximately 6 by 4 square meters. The walls were made of slag blocks. The floor was concrete. There were about 15 people detained there” (C-54).

“The room was small, cramped, and had a light bulb. One could not even stretch his legs. There were empty cement packages on the floor. The room was approximately one meter by one and a half meters (a tiny room)” (C-21).

Sometimes people were simply detained outdoors handcuffed or in cages.

“I was brought to their base – an outdoor café ‘Lesnaya Skazka’ Alchevsk, Prospekt Metalurhiv, 49). It was around 1 a.m. Previously, there were animals kept in this café, and there were many metal fences. My hand was cuffed to one of these fences. Five minutes later, my friend was brought and cuffed to the fence. Before us, there was also a handcuffed young man. We could not move during night time with hands cuffed to the fence” (C-24).

“In the beginning, they kept me outdoors for few days. There was something like a cage. [I spent] five days there, and then they transferred me to a doorway chamber, which was like a central entrance to the building. There were metal doors, and the chamber was around a meter in width and length” (C-29).

People were also held in cages in separate premises designed for arrestees, for instance, in courtrooms, in particular: “In the commandant’s office in Dokuchayivsk I spent three days in a cage for prisoners in the courtroom. The cage was 1.5 by 2 meters in size” (C-25).

There was a widespread practice of using offices for holding illegally detained persons. The following examples confirm the above:





Photos 29-32. Conditions of detention at the basement of the State scientific research and design institute of nitrogen industry and organic synthesis products in Syevyerodonetsk.

“The cloakroom in the city executive committee was approximately 3 by 6 meters. There was a bedspring near the window, several sheets, a table, a chair, a magazine table, and three or four chairs. At first, there were seven people excluding me in the room. On the fifth day of my stay there, there were 27 people” (C-38).

“Premises of Vecherniy Alchevsk newspaper (Luhansk region, Alchevsk, 7 Leninhradaska str.). I was handcuffed to a radiator on the flight of stairs between the first and second floors” (C-40).

“They held me at the military enrolment office in Alchevsk. It was a basement, and it was not suitable for lengthy detention of people. It was cold and airless” (C-116).

The fact of forced placement of people in premises that are not suitable for detention, especially a long-term one, is a violation of generally accepted international standards regulating conditions for detainees.

“According to international standards, the cells have to be clean, and the space must be proportionate to the number of people detained foreseen to stay in the cell. They must have sufficient ventilation and access to natural lighting, as well as artificial lighting that provides a possibility to read. In addition, the cells must have places for rest, for instance a fixed chair or a bench. Overnight detainees must receive a clean mattress and a blanket. The detainees must have a possibility to fulfill their natural needs when necessary in clean and acceptable conditions, as well as use sanitary premises for washing. They must have regular access to drinking water and receive food in appropriate time, including at least one full meal per day (something more substantial than a sandwich). Long-term detainees (24 hours and more) must have the necessary hygiene items and, if possible, daily walks outdoors.”¹²

There were covert and open places depending on the motive of detention – an intention to “hide” and isolate a person, or, on the contrary, the need to keep the victim close to the place where s/he can be used for labor. According to the testimonies, basements and garages seem to be the most covert, and premises in administrative buildings, such as a cloakroom in the city executive committee in Kramatorsk, appear to be relatively “open.” However, these locations clearly are illegal places of detention with the lack of minimum necessary requirements for these types of premises.

Photos 33-34. Basement of the jewelry workshop used for illegal detention, Kramatorsk, Donetsk region



¹² Eric Svanidze. Combating ill-treatment and impunity. Rights of detainees and obligations of law-enforcement officials, Council of Europe. (2009). - p. 9.

These improper conditions also include detention of women and men in the same premises for long periods, as described below:

“Men and women here held together. There was no division into groups” (C-76).

“There was division into groups, however, during my detention there was a woman with us (men) for some time. When someone used the bathroom, the rest were in the same cell” (C-23).

In most cases, sanitary conditions, including accommodations for fulfilling natural needs in unequipped places (this was applicable to virtually all cases) were organized in the same manner – with the use of buckets or plastic bottles.

According to interviewees, they were taken to the bathroom once per day. Sometime, they were denied using the bathroom.

“I had not access to the bathroom. I demanded that they take me, but they ignored my request” (C-44).

“A five-month pregnant detainee was deliberately taken to the bathroom rarely. When she could not wait and fulfilled the need in the cell (it is very important to have immediate access to the bathroom), they used it as a reason to make her conditions worse” (C-111).

The described characteristics of the places of detention, predominantly garages, basements, or storage rooms, already indicate the lack of sufficient and proper conditions of detention of persons who had been illegally put in these places and deprived of liberty.

Fulfillment of vital needs, primarily access to water and food, is an important aspect of conditions of detention. The interview results show that there was unsatisfactory provision of food for persons held in the places of detention.

“When they detained me, there was a 1.5-liter plastic bottle with water in the basement, but it was half-full. They did not give any water during the following 4 days. I asked but they said it would be enough. So I had to drink the water from the floor, which was flowing from the pipes” (C-44).

“They gave us service water. Sometimes, a fire truck came, and we took the service water to drink” (C-27).

“[There were] containers with water, but there was not always a chance to fill them in case of need. One time, a division into portions was introduced because of the lack of water” (C-60).

“They fed me every other time. They could do it once in several days, and then – every other day. These were



Photos 34-39. Conditions of detention at the basement of Sloviansk city department of the SSU Directorate in Donetsk region used by the illegal pro-Russian armed forces as an illegal detention facility during occupation.



Photos 40-44. Conditions of detention at the basement of Slovyansk city department of the SSU Directorate in Donetsk region used by the illegal pro-Russian armed forces as an illegal detention facility during occupation.

disgusting spoiled noodles; some sort of thin broth. The bread was stale, and I broke my teeth eating it. Sometimes there was some water” (C-111).

“I received food only twice in five days – noodles with meat and porridge. I had to divide them into several portions” (C-35).

“In the basement, we received food once a day. They gave us Mivina noodles. One time there were potatoes” (C-57).

“Luhansk, SSU premises. They brought water. There were problems with food: there was one big rusty bucket 130-140 cm long where they poured the porridge. They did not give us anything to eat with, so everyone used what they could – either their hands or ‘spoons’ made from thick paper” (C-05).

“On the next morning (I cannot tell the exact time, I did not have a watch) they brought a plate of some porridge. It was the only time during my entire stay” (C-102).

“Once per day, they gave some porridge (for lunch) and bread. I think it was millet porridge” (C-61).

Communication with the world via phone is an important guarantee during detention, particularly an ability to inform family and friends about detention and keep contact with them during captivity. Almost in all cases, respondents talked about the lack of possibility to speak with family and friends on the phone during first days of detention. They could not inform their relatives and next of kin about the place of detention, grounds for apprehension, or affect the conditions of detention, receive medical assistance, necessary items or medication etc.

We should note that the perpetrators also put persons with disabilities in the same harsh conditions, including people who had lost extremities (hands, legs), or had a childhood disability (C-94, C-106, C-111).

“A doctor visited us in captivity. We called for her through the convoy staff. She said she could not help me

Photos 45-47. Conditions of detention and traces of blood on the walls in the basement used as an illegal place of detention by pro-Russian armed groups.

Private house, Slovyanks, 53 Roza Luxembourg Street.



since my ribs were broken, and it was necessary to use sheets for bandages, but they did not have enough sheets for their people” (C-05).

“There was even no mention of medical assistance in Yelenivka and Dokuchayivsk” (C-25).

“We did not receive medical assistance in Ilovaysk. One young man had a severe cold, and was taken to a hospital in Ilovaysk. He spent a week or two there. They were treating him for pneumonia. Then, he came back. He still had a fever. Almost everyone had fever all the time. Some people had severe toothache. I had an inflammation of the right eardrum. I lost hearing on that side” (C-73).

“I had gunshot wounds to the spine. During first two days after arrest, I was in the city hospital in Krasnodon. They provided the so-called help – took the bullet out with no anesthesia, applied bandages and fixed them with a plaster. There was no actual treatment” (C-52).

“People did not receive medical assistance after beatings. Perhaps, someone received help individually, but I have not seen medical personnel or medications” (C-54).

“I witnessed a man die on the third day after the beatings. I called for medical help, but they did not provide it” (C-116).

INVESTIGATION OF THE CASES OF ILLEGAL DEPRIVATION OF LIBERTY

Investigation of crimes committed by the paramilitary groups DPR and LPR is conducted by the MIA and only partially – the SSU. A large number of these crimes cause an overload of the law enforcement system. As a result, these investigations are characterized as having low quality. Therefore, there are no results in most investigations.

The inefficiency of investigation is also caused by the threat of disclosure of information about the victims in the territories outside of Ukraine’s control. This vulnerability of victims precludes their active participation in investigation.

The most important factors that cause poor investigation results of crimes is the lack of access of Ukrainian law enforcement to the sites of the crime. They have no possibility to conduct procedural actions on these territories or arrest the suspects.

The above circumstances are fully applicable to investigation of illegal deprivations of liberty. Therefore, this issue is becoming latent, and it is impossible to establish the scale of these crimes. Consequently, the chance of prosecuting the perpetrators decreases. This is one of the reasons why the victims were not motivated to complain to the law enforcement bodies, or were not



Photos 48-49. Premises of Slovyansk city council used by the pro-Russian armed groups as an illegal place of detention.

aware of the investigation progress even if they had applied.

“I did not report it to Ukrainian law enforcement bodies. I do not see the point” (C-116).

CHAPTER CONCLUSIONS

Conditions of detention in illegal detention facilities in the eastern regions of Ukraine can be characterized as cruel and failing to meet the standards for detention. The interview results include statements on the lack of vital conditions, for instance, medical care, access to water and food, minimum hygiene conditions, as well as detention in premises that were not suitable for the purpose due to their size, equipment, or facilities for sleep.



Photo 50. A bottle filled with urine. A typical toilet for the detainees. Former illegal place of detention at the bomb shelter of PrJSC “Lysychansk Glass Factory ‘Proletariy.’”

In many cases, there were testimonies about inhuman conditions of detention triggered by the intention to cause physical and moral suffering to the detainees.

Independent authorities and monitoring mechanisms shall exercise strict control over the condition of detention. There also has to be a possibility to challenge or change them.

The investigation of illegal deprivation of liberty is ineffective. Accordingly, the victims do not report to the law enforcement bodies for persecuting the perpetrators, and illegal deprivation of liberty is unpunished in most cases.

VII. TORTURE AND CRUEL TREATMENT OF DETAINEES

The analysis of interviews with people liberated from the unofficial places of detention on the territory controlled by illegal armed groups shows that 86% of military personnel and 50% of civilians (i.e. every other civilian) were subjected to torture and cruel treatment¹³. Consequently, we can state that there is a widespread practice of torture and cruel treatment of illegally detained civilians and military personnel on the territory of the so-called DPR and LPR. These actions are carefully organized, coordinated and taking place in all unofficial places of detention. This is a systemic and widespread phenomenon that demonstrates existence of a premeditated policy of torture and cruel treatment of detainees. Therefore, these are war crimes committed by illegal armed groups that require detailed investigation of each case.

A large number of interviewees mentioned that torture and cruel treatment were regular, namely 68% of military personnel and 71% of civilians. Numerous victim statements suggest that the torture was systemic: *“Every day could be different. They woke us up when they wanted, took us for a beating, and constantly conducted interrogations”* (C-56); *“Yes, there were contacts in the form of them beating us”* (C-48); *“[I had] a serious psychological trauma – in captivity, I wanted to commit suicide twice, the situation seemed hopeless”* (C-73); *“They would beat people who spoke Ukrainian”* (C-98). *Medical personnel on the occupied territories also confirm the facts of cruel torture: “There are known cases when ‘Vostok’ battalion would beat people, and the latter would die afterwards. I do not know names and details. They contacted me as a surgeon in a hospital”* (C-24).

Of those tortured interviewees, 65% of military personnel and 74% of civilians were crippled or sustained injuries of varying severity as a result of torture outside of “interrogations” (torture during interrogations will be describe hereinafter).

People who stayed in detention for a short period (from several hours to two days), persons with disabilities and women were subject to torture or cruel treatment less often. The following data stands to confirm this.

Categories of people that were less subjected to torture and cruel treatment:

- Persons who were detained for a short period (up to two days): 20% of military personnel and 31% of civilians;
- Persons with disabilities or those who were injured or crippled: 40% of military personnel and 5% of civilians;
- Elderly persons: 6% of civilians.

Were subjected to torture:

- 10% of military personnel and 21% of civilians detained for a short period (up to two days);
- 26% of military personnel and 12% of civilians with disabilities, or those who had been injured or crippled;
- The elderly – 7% of civilians (included into calculation if directly mentioned by the respondent in response to this question).

¹³ According to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>.

Figure 22. Use of torture and cruel treatment

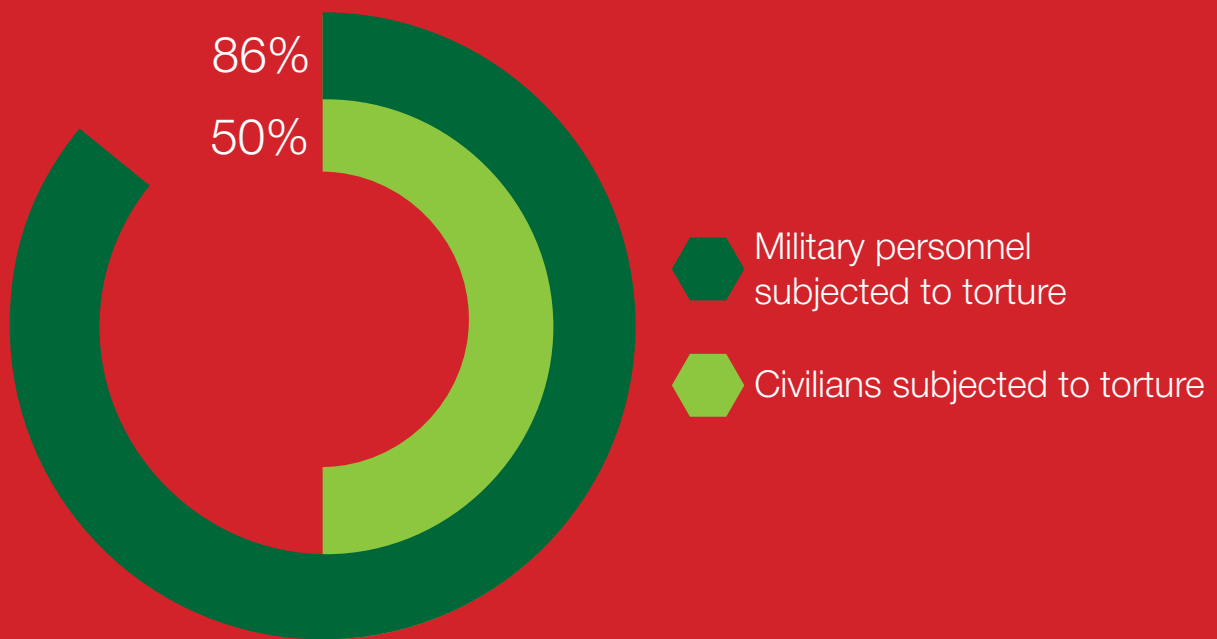
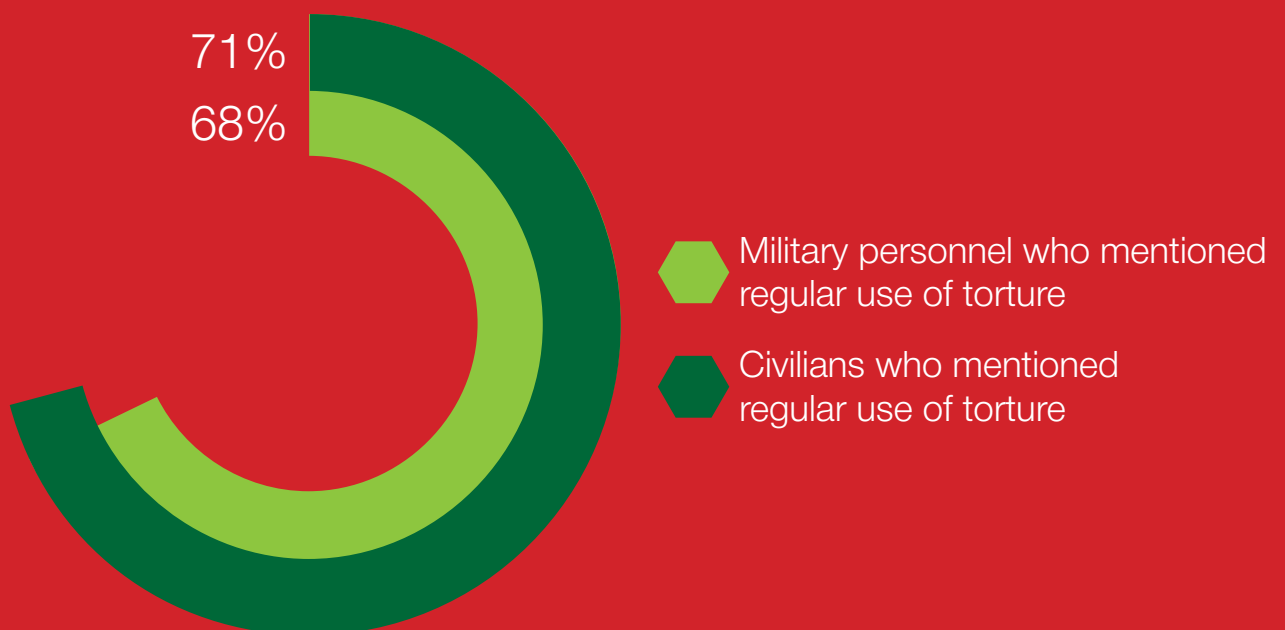


Figure 23. Systematic use of torture and inhuman treatment



Torture and cruel treatment was also used towards women who comprise 12% of all tortured civilians. Two of them were pregnant during interviews, and the members of illegal armed groups were aware of that. One of these women lost a child because of torture and assaults.

“I asked them not to hit me, and told them I was pregnant. They said it was good that ‘ukrop’ child would die. They hit us with everything, including stocks, feet, and bullet vests they found with us. They hit all parts of the body. They put cigarettes out on me. He tied my eyes with duct tape since I was looking and screaming when they hit the others. I was three-months pregnant, and started bleeding after the beatings. I lost consciousness [...]” (C-83).

We should note the role of Russian media. At least 3% of military prisoners and 2% of civilians mentioned that under the threat of torture and assaults they had to answer questions on demand of the members of illegal armed groups, as well as affiliated local and Russian journalists. The “wrong” answer could lead to torture. For civilians, this interview was one of the conditions for release.

“They were making us answer the journalists questions in a way they asked, under the threat of abuse. In October-November 2014, representatives of the Channel 5 from Saint Petersburg questioned me. They asked why Ukrainian artillery was targeting peaceful towns. They prohibited me from denying the fact so I explained that our artillery is only targeting places of dislocation of the militants. I have not seen this interview. I cannot tell who the journalists were” (C-32).

“... I had to give an interview. They said it was my ticket to freedom. They had to sit down with me and coach me what to say. They would write everything on paper. ‘We will write and we will tell you. You understand how important it is for people to know the truth about how bad Ukraine is and how great Russian and DPR are’” (C-100).

For better understanding, the description of torture and cruel treatment herein is classified into categories. Members of illegal armed groups often combine them so division itself is rather tentative. There is not enough data to establish the relation between the type of treatment and the category of detainees. At the same time, we can say that increased level of cruelty depended on one or several factors:

- political views in support of state sovereignty (“political”);
- status of a volunteer fighter (“volunteers”);
- certain military occupation or type of army (snipers, machine gunners, artillerymen);
- characteristics of the illegal armed group itself (described in a separate chapter), and;
- events of the military conflict (losses by the so-called LPR and DPR) etc.



Photo 51. A forced press conference of a prisoner Daryna Sokolova for the Russian media.¹⁴

It should be noted that specific guarantees related to a certain civilian profession did not mitigate the torture. For instance, there were recorded instances of cruel interrogation of journalists, priests and others.

The interviewees often witnessed torture of other people in their presence or in the audible/visible zone, which led to severe moral/psychological suffering (this was mentioned by 100% of military personnel, even those who had not been tortured according to their statements, and 46% of civilians). 33% of military personnel and 16% of civilians mentioned extrajudicial killings and deaths resulting from torture witnessed by the interviewees or their cellmates.

Sexual violence towards detainees is the least studied category of crime. For instance, none of the female interviewees mentioned that she had been raped. However, a range of testimonies of males indicates that they learned accurate information about the use of sexual violence towards female detainees either from these detainees, or from other men, or security guards.

Also noteworthy are the so-called “parades of war prisoners.” These parades are nothing else rather than a form of torture and cruel treatment of war prisoners with the purpose of inflicting physical pain and moral suffering. These parades include forced marches of the prisoners of war in central squares of cities accompanied by curses and aggression from the locals. The specifics of this form of treatment is its staginess and focus on media and public for additional humiliation of honor and dignity of persons, a large number of prisoners subjected to abuse, as well as turning captives into helpless targets for executions by aggressive locals to whom prisoners are presented as “those killing civilians.” Members of illegal armed groups film the parade of the prisoners of war and publish it on different video portals. At the same time, these videos

¹⁴ E-news. (2015, July 22). Eks-snaiper “Tornado” Darina Sokolova vernulas v Donetsk i zayavila, chto uzhe nikogda ne vozmet v ruki oruzhie [A former sniper of “Tornado” Darina Sokolova returned to Donetsk and stated that she would never hold weapons in her arms again]. Retrieved from: <http://www.e-news.su/politics/67383-ekssnapper-tornadodarina-sokolova-vernulas-v-doneck-i-zayavila-chto-uzhe-nikogdane-vozmet-v-rukioruzhie.html>.

leave out images of beatings and abuse that take place during these events mentioned by released captives.

Detailed examples are provided below. There is obvious impunity of such treatment. Few interviewees mentioned that superiors prohibited torture and abuse of captives, but they had no information about a single instance of punishment for such treatment (except for one case of punishment for rape, which was only applied to one of the member of the group of perpetrators (C-116)).

ASSAULT

“All security guards often assaulted the captives. In the basement, they would hit them mostly when bringing food and water. While in the corridor, I was constantly beaten, particularly when my extremities were sticking outside of the wardrobe where I hid them from blows” (C-2).

“Once, one of the militants came in drunk and started accusing me of working for the SSU. I explained he was wrong, and he started hitting me with a gun, hands and feet on my head. My head wound started bleeding. He threatened to shoot me, took me out of the cell and started shooting at my feet, but missed” (C-15).

“They were hitting [me] for 20 minutes and put a bag over my head. The men said that this ‘Botanik’ took a plate from the bullet vest and wanted to cut my head off. I do not remember this. I woke up already in the bunker. It lasted for about an hour. They put the gun into my mouth and hit me with a stock. ‘Botanik’ was screaming that he would take my scalp off, but they did not let him. I think he was ‘nuts’ as they tried to pull him away” (C-56).

PNEUMATIC WEAPONS

“I was tortured by terrorist named ‘Adrenalin.’ He shot me with a pneumatic gun to the left arm, back, and bone of the right hand. The bullets stayed in my body. After some time, my friend *** pulled them out since he had first-aid training” (C-48).

“I was tortured during detention at Donetsk SSU. The security personnel guarding us at the SSU building in Donetsk took us out and humiliated repeatedly. They hit [me] with a baton on my back and legs, shot with traumatic weapons from shoulders to fingers, and performed mock executions. My back and legs turned black from torture. Fingers on both hands were broken. I could not walk for several days” (C-32).

SUFFOCATION

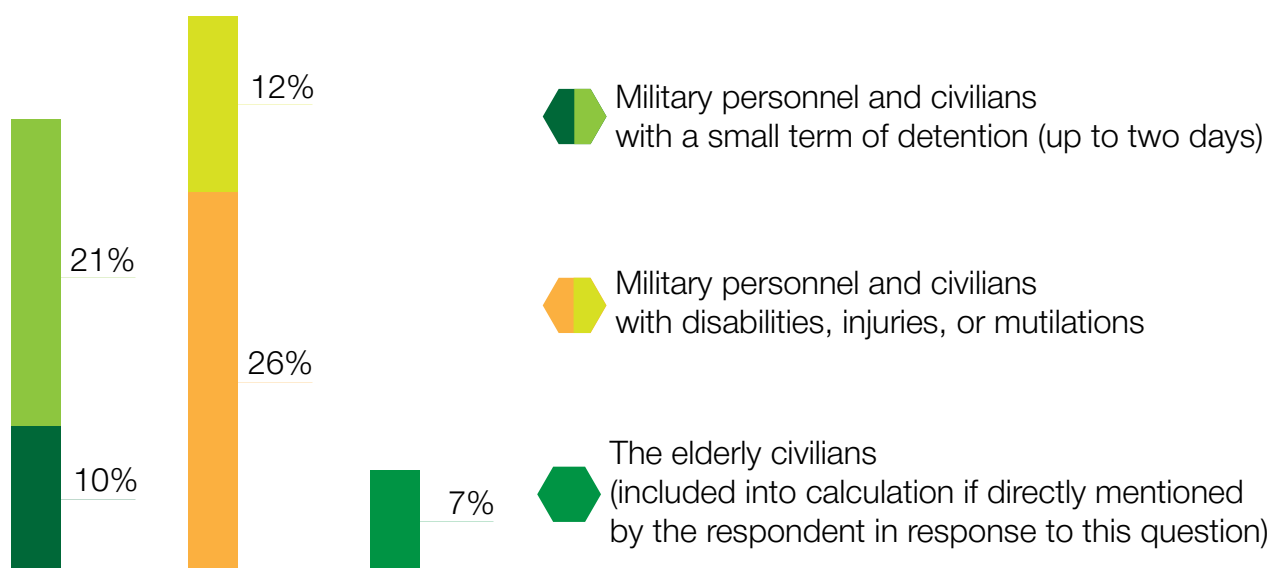
“They were severely beating *** during the first days. He is an elderly man who survived two heart attacks, very sick. He was not beaten to half-death, but for an elderly person it was severe, of course. He was called for interrogation and I thought he would not return, and there were reasons for that. When he returned from interrogations, he had cigarette scars (they put out cigarettes on him). They put a gas mask on him, blocked the airflow, and threatened him with long death” (C-49).

“[They] used suffocation. They used ‘the elephant’ – put a gas mask and blocked the oxygen flow, as well as hit with gun stocks” (C-1).

COLD STEEL ARMS AND OTHER MEANS

“They squeezed fingers with pliers, and cut the back with a knife. They intentionally pierced a leg with a knife causing severe bleeding. In addition, they were hitting

Figure 24. People who were subjected to torture and cruel treatment less often





Photos 52-55. Injuries from torture. Basement of the SSU Directorate in Donetsk, 62 Shchorsa Street, Donetsk¹⁵.

different body parts with an electric shocker. There is still a scar on the leg and a video evidence¹⁶” (C-49).

“Among these three held captive by the women’s battalion, two were castrated, according to them (one lives in Lviv now). The castration was demonstrative in front of other captives” (C-19).

“I know that *** was severely humiliated at the frontline. They cut a word ‘bendera’ on his chest and killed him. He died. He was lying not in a morgue for a long time, around two weeks. And then they exchanged him as ‘200’ with ‘Aydar’” (C-49).

“They had weapons. They used physical force towards us. They threatened with cold steel arms and firearms. They had a hunting knife with a blood fuller. However, I do not want to say what they were doing” (C-87).

“The maniac had a separate torture room. Accordingly, they tortured people there. There was a shield on the wall. I used to think it was a fire shield. It had different instruments for torture: pieces of plastic pipes, a hammer and an axe” (C-63).

THE USE OF WATER, ELECTRICITY FOR TORTURE

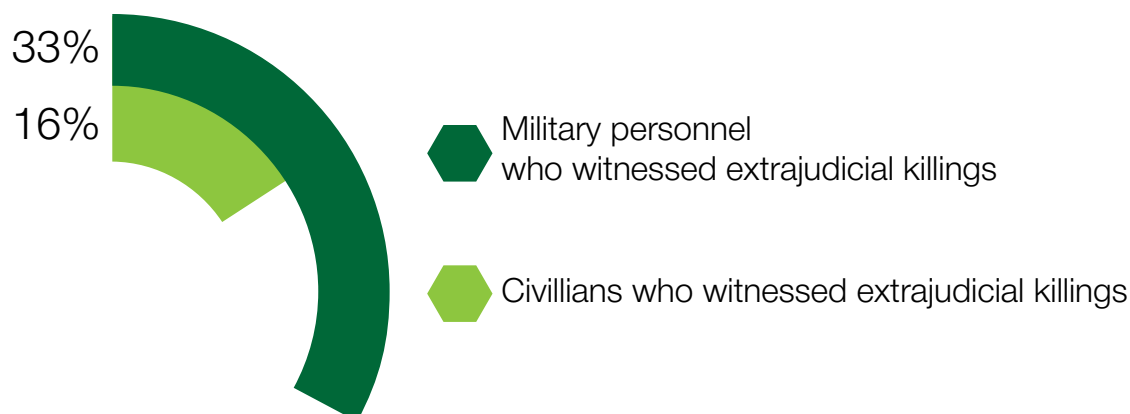
“They broke my ribs, and my body was all black. They beat me during and in between interrogations with hands, feet, and weapons. They tortured me with electricity. They handcuffed me to a metal bed, put wires on my hands and regulated the current. They touched my head and genitalia with a metal rod charged with electricity. They hit me with a ramrod. They hung me up to the ceiling, poured cold water in freezing temperatures. Everyone who stayed with me in Donetsk SSU – 42 people – were beaten and subjected to violence to some extent” (C-46).

“There were constant beatings. Sometimes they used the gunstock, sometimes – a computer cord. They undressed me and hit me on the back and legs causing the skin to break. They also hit me with their feet and hands, but this is nothing. On the second day, I think, they used electricity, but not the shocker – just bare wires. It happened once. I almost died, and they started hitting me

¹⁵ For more details see: Fakty. (2015, August 21). Donetskij plennik Dmitriy Kluger, “V kakoj-to moment podumal: pust uzhe poskoree dobjut” [Fakty. Donetsk prisoner Dmitriy Kluger, “At some point I thought, ‘I wish they would finish me sooner’”]. Retrieved from: <http://fakty.ua/204771-doneckij-plennik-dmitrij-kluger-vkakoj-tomoment-podumal-pust-uzhe-poskoree-dobyut>.

¹⁶ Russkaya Pravda. (2014, June 18). Broshenny svoimi ranenij natsgvardeets 18+ [A National Guard soldier abandoned by his fellows]. Retrieved from: <https://www.youtube.com/watch?v=y8qeFQvnX0Y>.

Figure 25. Extrajudicial killings and deaths inflicted by torture



with these wires. I think these were just two un-insulated wires and a plug in the socket. They touched my abdomen with these wires” (C-86).

USE OF VARIOUS TORTURE TECHNIQUES

“Everyone was beaten and physically assaulted. *** came to fight for the separatists, but they did not believe him and considered him an ‘ukrop spy.’ *** was also constantly beaten. There was very little space for two people. According to him and the separatists, they used a drill on his anus” (C-2).

“Around 11 May, two brothers from Alchevsk, *** and ***, were thrown into the corridor. They were accused of filming secret objects. One of them fell on me, and my handcuffs broke. *** was beaten with sticks into a box, and *** was watching the entire time. Then, the separatists took *** for a burial. We believed. At the same time, we were taken out for an execution but it did not happen. Later, it turned out he was alive since he was in the basement where they had brought us” (C-2).

“When they brought me to the THF, a man who interrogated me, ‘Dmitriy Sergeevich,’ made me take a pack of Validol and another six pills of Barboval for some reason. I think he somehow calculated it based on the weight. He asked me how my heart was. I said it had troubles sometimes. He said, ‘If you survive until tomorrow, we shall talk.’ Then he made me drink three liters of water and eat a loaf of bread. Thank God, there was a shooting, and the loaf was almost untouched. Dmitriy Sergeevich did not explain his actions” (C-93).

“There was one time when someone who was not a doctor (I knew all 4 doctors who were changing shifts) gave me an injection of something. I felt very bad afterwards. They told me, ‘We will inject you with a serum of truth.’ I have never seen this person afterwards” (C-90).

MOCK EXECUTIONS

“He made me take the radiators and safe box from the second floor to his truck. During this process, he stopped me and said he would shoot me giving me one minute for a prayer. Afterwards, he said it was a joke” (C-15).

“They used mock executions on us. We were in a room, and the officer on duty said ‘Out.’ They took us to the courtyard; put us facing the wall in front of 10-12 machine gunners in black balaclavas who were getting ready to shoot. Before the execution, a senior officer of the execution unit read our sentence from a paper, ‘By the name of Donetsk People’s Republic you are sentenced to execution by a firing squad’ and the last names. They were shooting from AK’s above our heads with live ammunition – the wall coating and bullet cases were falling. Then, they laughed. The first execution took place after interrogation of Zakharchenko so we were afraid that nobody needed us anymore. On the first day, there were three mock executions, on the second day – one in the evening, and on the third day – in the evening and in the morning. On the fourth day they called us but realized we were not afraid anymore so they cancelled” (C-19).

TORTURE OF CAPTIVES IN THE PRESENCE OR WITHIN AUDIBLE/VISIBLE AREA

“The place of detention was next to a torture room – one could hear the process of torture, and it affected the mental state” (C-26).

“Once I heard that two military prisoners arrived and were in the basement. I do not know what they were doing to them, but the prisoners screams were very loud. They arrived around 9 p.m. and until around 4 a.m. I could not fall asleep from their screams. Their screams made one’s hair stand on end. Then I heard that they took them out and brought them to our garage. I heard them discussing where to put them. They said ‘to waste’. As I understood, they were dragging them and I could hear the bodies falling. They put them in a car and took somewhere” (C-49).

“I heard others being tortured. One of them was handcuffed and blindfolded. I could see him a little bit through a half-open peephole. He had pot on his head. They were hitting the pot. He screamed, Kill me but stop hitting” (C-3).

“There were many cases when people in the basement of the military enrollment office (my estimates – there were 40-50 people there simultaneously, but they were rotating all the time) were regularly subjected to torture and beatings by the

Photos 54-57. Injuries from torture by the pro-Russian illegal armed groups at the occupied SSU Directorate in Luhansk region.



militants. During nighttime, I could not fall asleep because of the torture sounds. I managed to fall asleep around 6 a.m.” (C-116).

SEXUAL VIOLENCE

“They put a 23-year old *** in my cells. She complained that drunken militants regularly came to rape her at night. I complained to one of the more or less adequate guards. Later, the LPR militants arrested the rapist (one of them), they beat him up and put a sign over his neck ‘I am a rapist’ and took to the Lenin Square in Alchevsk”¹⁷ (C-116).

THREATS, HUMILIATIONS, AND PSYCHOLOGICAL PRESSURE

“Oplot entertained itself, for instance, by throwing a grenade to the captive’s room. It would not explode” (C-37).

“Every night the troopers would come (they lived on the floor), throw bottles, call us names, threaten with executions and say, ‘Bandera, come out, I will shoot you!’ Often, this could last until midnight and had a negative mental impact. They could not approach us physically as we were divided by a grid” (C-19).

“I stood under a retracted machine gun and could not do anything or move anywhere. They were threatening me with weapons, retracted the gun and put it to my head, or put a grenade in my pocket” (C-24).

“During shift change, everyone came and threatened to stop by, cut an ear off or something else. There were threats every day. In my papers, there were documents for two cars, and I offered them the documents so they would release us. They refused. Then I thought ‘An ear is not a big deal.’ I told them, ‘Take the ear and the cars, and we will go.’ They looked at me like I was crazy, hit me with a stock, and that was it” (C-3).

“I am Muslim, and there were additional assaults and humiliations in relation to this” (C-46).

SLEEP DEPRIVATION

“In the SSU basement, they did not permit sleep at all. The light was always on. If a person fell asleep, they would use sticks and electric shockers. In the future, if a detainee behaved well, he was allowed to have a bit of sleep” (C-7).

“In the SSU basement, they did not permit sleep at all. In the THF, they also did not allow it. They woke people up and prohibited lying down” (C-6).

FOOD AND WATER DEPRIVATION

“Among them, there was also *** whom I tried to feed at least a bit since Korniyevsky prohibited feeding him. He wanted *** to die of starvation” (C-83).



Photo 58. Treatment of the captured military personnel.¹⁸

TORTURE AS PUNISHMENT, COLLECTIVE RESPONSIBILITY

“They prohibited noise in the cells. One time, when there was a loud noise in the criminal cell because of the heat, the guards came in and fired a round from machine guns. I do not know whether anybody died” (C-1).

“Once, one terrorist did not like me, and they started hitting me harder than anyone else. In addition, terrorists forced us to do hard physical exercise – 200 squats, 100 push-ups, sit-ups. They forced everyone, including old and sick, and hit everyone who had refused with batons and stocks” (C-32).

“They came after the bed time if there was noise and used to hit detainees and use electric shockers. During the entire time, they used a shocker on me once when one of the newly detained made noise. The guards came and hit me with a shocker though I was lying on the table pretending to sleep” (C-33).

BLINDFOLDING, CUFFING, AND OTHER FORMS OF CRUEL TREATMENT

“There were four ‘captives’ in civilian clothes where I was held. They were cuffed to each other and a metal chain. We have not discussed how long they had been there or why they had been detained” (C-20).

“Eyes and hands were tied the entire time (for a month). We even ate with hands tied and eyes blindfolded” (C-7).

“I was cuffed so I could not move around the room” (C-3).

“In our cell, there were also young men captured by the Chechens in Stepanivka. For two days, they were kept standing in a pit and hit by rocks causing damages to the head and splits to eyebrows” (C-31).

¹⁷ UkrInfNews UkrInfoNews. (2014, September 25). Alchevsk, opolchentsy vyavili nasilnika [Alchevsk, the rebels found a rapist]. Retrieved from: <https://www.youtube.com/watch?v=zd40cVZGEjs>.

¹⁸ Bigmir.net. (2015, January 26). Obnarodovano video izdatelstv nad plennymi “kiborgami” [A published video of inhumane treatment of the “cyborgs”]. Retrieved from: <http://news.bigmir.net/ukraine/873398-Obnarodovano-video-izdatelstv-nad-plennimikiborgami>.

“People detained by the Chechens said they had been kept in a room half-bent the entire time” (C-19).

EXTRAJUDICIAL EXECUTIONS AND DEATHS INFLICTED BY TORTURE

“I witness a man die on the third-fourth day after the beatings” (C-116).

“When I was in captivity, after about a month, the men talked though there were guards everywhere. However, we started communicating when they did not see, and they said that there was a man nicknamed ‘Botanik’ who had killed a man from Svoboda. He spent 7 years in jail. He was from Zaporizhzhya, and when Maydan started rising, he was bragging about killing a man from Svoboda. I think the last name was Chernyakhivsky” (C-56).

“Fighters of ‘Donbas,’ *** and ***, told me that right after surrendering, terrorists made a ‘Donbas’ fighter from Donbas to dig himself a grave, and then shot him. I do not know who that fighter was or who shot him. The guards said that ‘Adrenalin,’ the chief of Donetsk SSU, tortured an AFU fighter who died in a hospital” (C-32).

“Around 20 August 2014, I heard screams from the neighboring cell. I found out later that a person was tortured to death. I do not know anything about him, and I do not know who tortured him. In the morning, they wrapped the body in a blanket. My cellmate *** told me that the body was buried on a city landfill near Aleksandriivsk town. I do not know the exact location. He (the priest – ed.) went to bury the tortured person” (C-55).

“During detention at the district department of militsiya in Snizhne I witnessed a murder. I had been in captivity for about a week. They brought a man to the territory at night. They were dragging him like a dog, by the rope tied to his feet. He was beaten up; almost unconscious. He was handcuffed. We thought he was ours. Then, the deputy chief came in, Syeryy... or Serhiy... He called us outside and told us to get in two lines. People

from the neighboring garage also came out. He pointed to the man and accused him of looting. They handcuffed the man to the cage where we were held the next day. They were hitting us. He lost consciousness. They left him handcuffed to the cage. They told us to go back to the barracks (garages). On the next day, we brought the man some water and food. He spoke Russian. However, they forbid us to approach him and threatened to do the same to us otherwise. On the third day after that night, the man died. We came back from work, and he was no longer there. The prisoners who had stayed there said he died” (C-80).

“PARADES OF WAR PRISONERS”^{20,21,22}

“However, when they brought us to the regional SSU building in Donetsk, Russian media from LifeNews (I have not seen this program) were waiting for us along with an angry mob that was hitting us and yelling. When they took us to the basement, they also hit us with hands and feet all over the body. I do not remember who was beating us at that moment. On the first night, they took us out alone or in groups, assaulted and threatened with execution. I do not remember who was doing that” (C-32).

“They woke us up at 4 a.m.; we stayed in the courtyard for about an hour – hour and a half. Then they put us into a bus and brought, I think, to the state regional administration. We stayed there for several hours and around 12 to 1 p.m.; the 53 of us were ordered into a column of three in a row and taken around the city. They took us to a place with a large crowd of about 3 thousand people who were screaming, throwing bottles, eggs, flour, and tomatoes. Though we were walking ‘in a box,’ and there were guards on the side, people still managed to break through. *** was hit with a knuckle brass in a chest and later there was blood in his urine. A bottle hit my leg. It was scary, and it seemed that people were ready to tear us apart. During this time, separatists started coming up to us, asking us who we were and where from. They accused us of shootings, were hitting and spitting at us, and making videos with cell phones. My ear was bleeding, lips were broken, and I had bruises. They broke *** ribs and *** second jaw. Each of us hit their head on the wall several times after the blows. When they learned I was a

Photo 59. “Parade” of the prisoners of war, Donetsk, August 2014.¹⁹



¹⁹ Lviv-redcross.at.ua. (2014, August 24). Ohlyad novyn, prysvyachenyh “Paradu polonenyh”, shchovidbuvsja u Donetsku syohodni [An overview of the news on the “Parade of prisoners” in Donetsk today, on 24 August]. Retrieved from: <http://lviv-redcross.at.ua/blog/2014-08-24-3983>.

²⁰ Phoenix News Novosti/Proisshestviya. (2014, August 29). Plennye ukrainskoj armii stoyat pered zhitelyami obstrelyannogo goroda Snezhnoe [Captives of Ukrainian army are standing before the citizens of Snizhne town attacked by fire] [video file]. Retrieved from <https://www.youtube.com/watch?v=aB1fyhrjENU>.

²¹ Hiroshima Nagasakiya. (2014, August 24). “Tvari, ubiytsy, - budte vy proklyaty!” – parad ukrainskih voynoplennyh v Donetske [Bastards, killers, - may you be cursed! – parade of Ukrainian war prisoners in Donetsk]. Retrieved from: <https://www.youtube.com/watch?v=b3Yc9OXHQJE>.

²² Dok. Filmy 2015. (2014, August 25). Donetsk. Plennyh Ukrainskih soldat uvozyat s “Parada”, 24 Avg. 2014. [Donetsk. The captured Ukrainian military are taken away from the “Parade”, 2014, August 24]. Retrieved from: <https://www.youtube.com/watch?v=4pRH08oaM8I>.

Figure 26. Persons subjected to interrogations

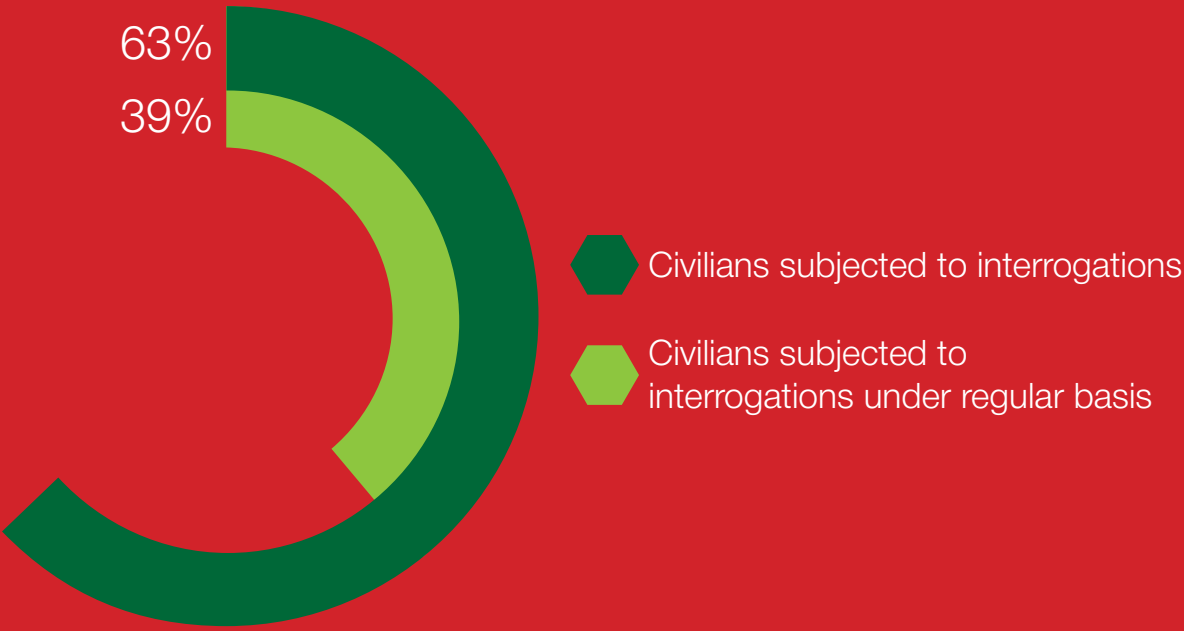
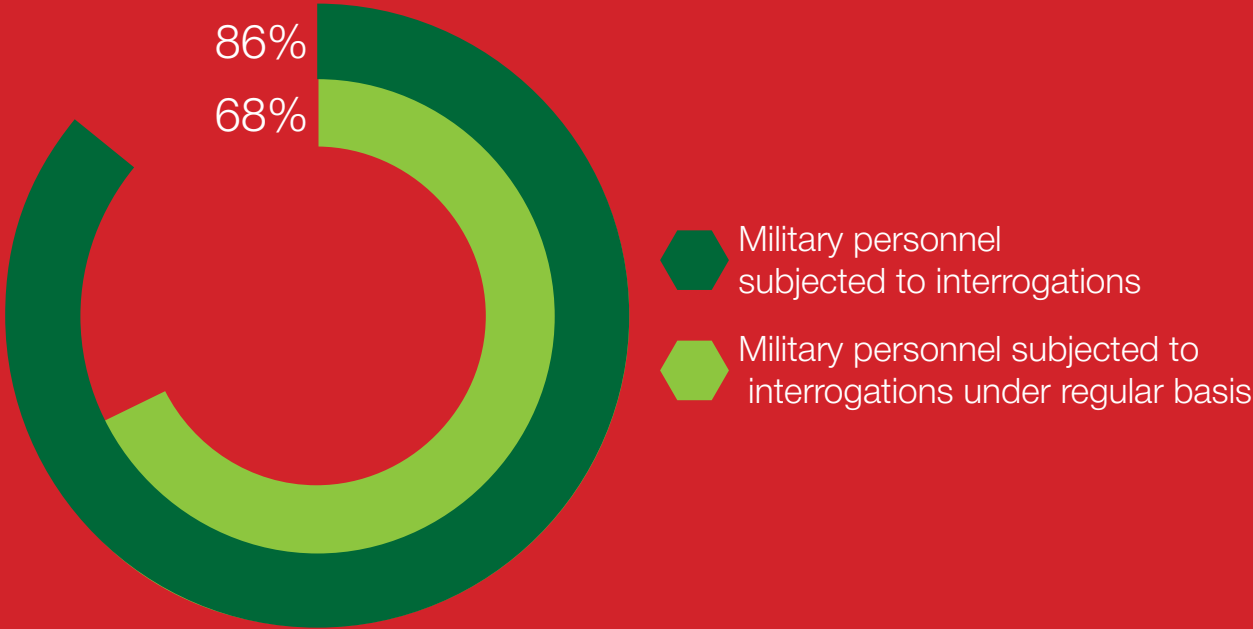
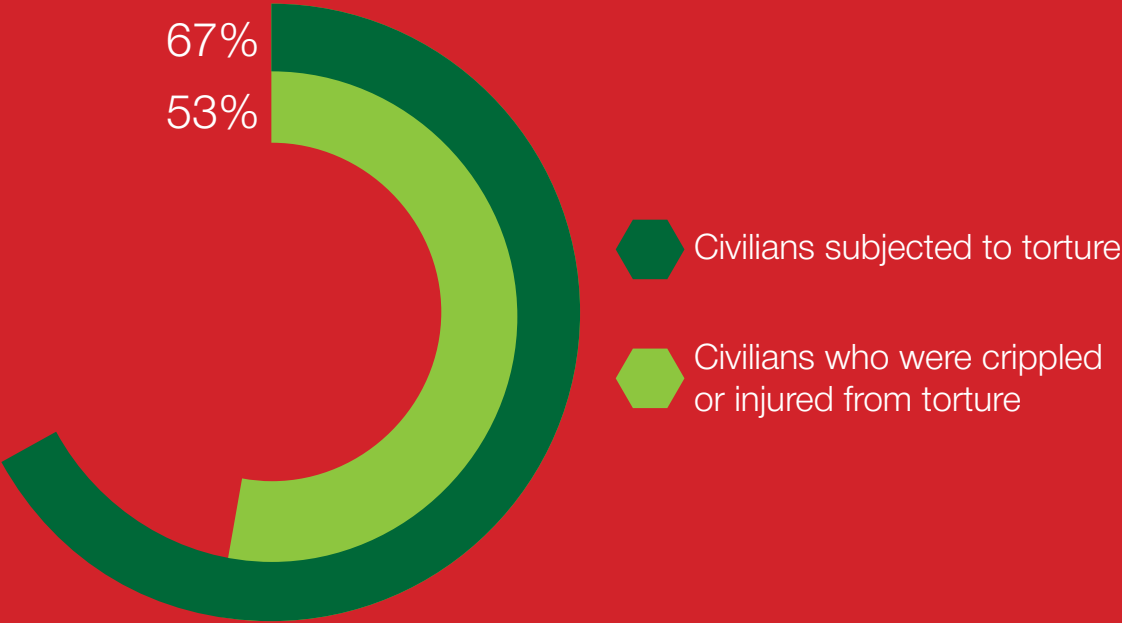
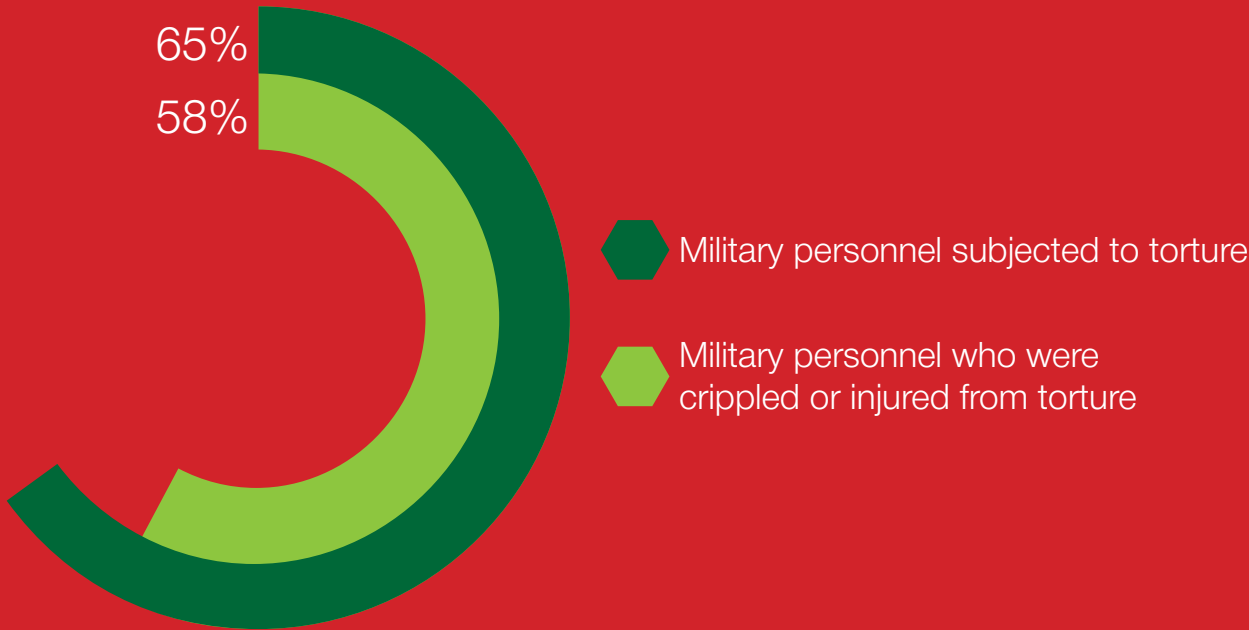


Figure 27. Persons subjected to torture



sniper, they started hitting me harder and wanted to cut out my eye, even put a knife to my pupil. They would have done it, but a man who walked out of the headquarters stopped them and chased them away saying they needed us alive and healthy. In the end, they tied our hands and took away the laces. After that, they kicked me in the tailbone. I have not seen executions, but I heard that they cut off a prisoner's head before the 'parade.' I cannot tell anything else about this incident" (C-31).

HUMAN TRAFFICKING

"After some time, they came to my cell and said they would take me for execution. They dragged me somewhere. It turned out that *** and I were taken for sale. *** said that, most likely, to Rostov region. They were driving us for a very long time – six hours. We crossed the border. *** and I were in a tall car with our hands and feet tied. We were also blindfolded. We were in a car with two Chechens and someone else as convoy. Chechens kept saying that 'even though she is ours (Muslim)..., we definitely have to kill her.' = I thought they were taking us for execution, but

²³ Ukr.media. (2015, January 22). U Donetsku terorysty vlashtuvaly novyj "parad polonenyh". Kiborgiv povedut na mistse sohodnishnoho obstrilu trolejbusa [The terrorists held a new "parade of war prisoners" today in Donetsk. The cyborgs will be taken to the site of today's shooting at the trolleybus]. Retrieved from: <https://ukr.media/ukrain/223034>.

²⁴ Dzerkalo tyzhnya. (2015, January 22). U Donetsku polonenyh "kiborghiv" provely "korydorom hanby" [The captured "cyborgs" were taken through the "corridor of shame" in Donetsk]. Retrieved from: http://zn.ua/UKRAINE/v-doneckeplynyhkiborghiv-proveli-korydorom-pozora-164769_.html.



Photos 60-61. "Parade of the prisoners of war," Donetsk, January ²³⁻²⁴.

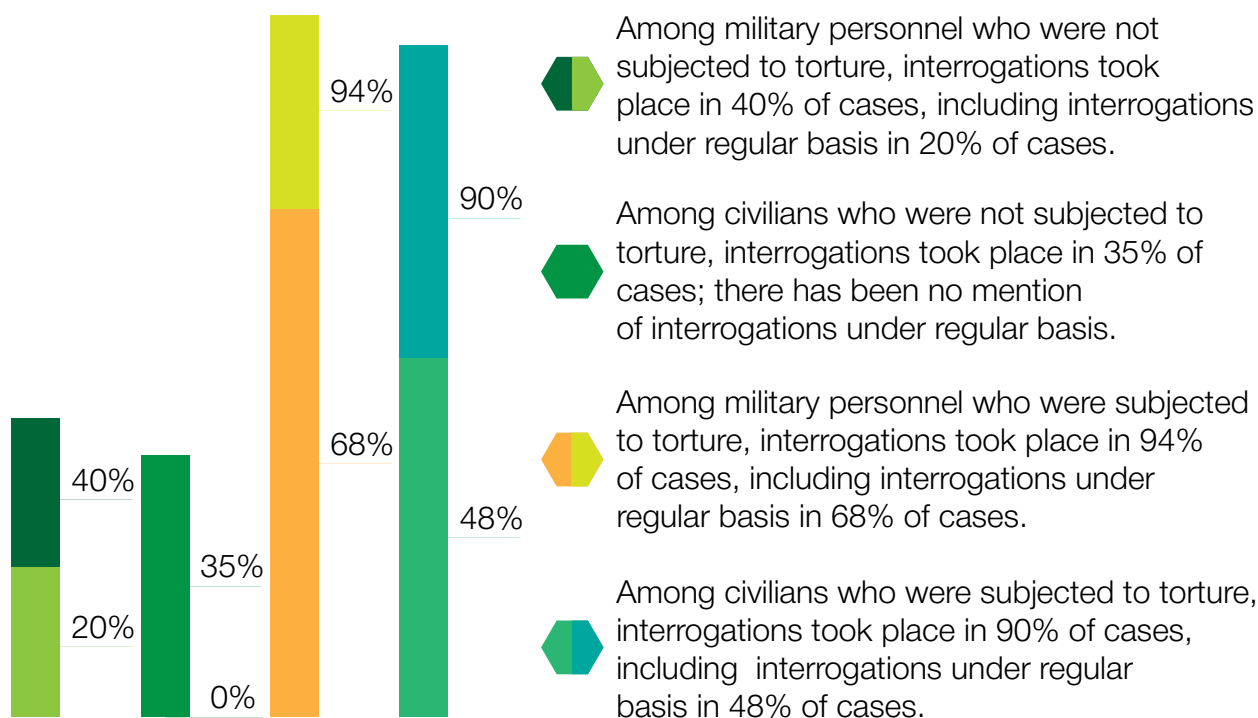
they wanted to sell us into slavery. However, the deal was off for some reason" (C-83).

INTERROGATION

Apprehended civilians and prisoners of war in captivity went through a procedure that can be rather tentatively called "an interrogation." These interrogations were used against 86% of interviewed military officers and 63% of civilians. Among them, there were 68% of military officers and 39% of civilians who had been subjected to regular interrogations, i.e. were interrogated more than twice.

Duration and frequency of interrogations are different. Interrogations could also have breaks. As a rule, interrogations were accompanied with beatings, torture

Figure 28. The use of interrogation among persons subjected/not subjected to torture



100%

OF MILITARY PERSONNEL AND
CIVILIANS STATED THAT THEY HAD
NO OPPORTUNITY TO RECEIVE
ANY LEGAL AID

and psychological pressure. Notable, torture during interrogation was mentioned by 65% of military personnel and 67% of civilians. Among them, 58% of military officers and 53% of civilians sustained mutilations and physical injuries of varying severity. Different methods were used during interrogations: assault, electric shockers, suffocation (“an elephant” – putting a gas mask and blocking airflow), shooting extremities and body parts, piercing wounds and stabs, mock executions, threats of torture, threats of harm to relatives and children etc.

Among all people who were not subjected to torture, interrogations took place in 40% of cases for military personnel and 35% of cases for civilians, including 20% of military personnel and 0% of civilians who were subjected to regular (more than two) interrogations. At the same time, the percentage of people subjected to torture among those interrogated is 94% for military personnel and 90% for civilians, including 68% of military personnel and 48% of civilians who were subjected to regular (more than two) interrogations.

All interrogations share the commonality that 100% of military personnel and civilians mentioned the lack of possibility of receiving any legal aid. It was also not provided for 100% of persons who were not subjected to interrogations.

“There was no trial. There was an NKVD tribunal. They were deciding whether to let me live or shoot to death. I was told later that the vote was 50/50. The tribunal comprised on the DPR headquarters, Vasilyevich, and the militants that I do not know” (C-81).

In a number of cases, interrogations were held with the sole purpose of torturing a person and no intention to receive any information. For instance, interviewees mentioned that questions pertained to general knowledge, and those interrogated were asked to say obvious nonsense about themselves.

There were recorded instances of blindfolding, the putting on of balaclavas and taping of the eyes during interrogations and beatings. The tape used for blindfolding left wounds on the eyes. Below are examples of “interrogations” from interview responses:

“The interrogation was rather harsh. Of course, they were beating me. They also cut my back with knives, took out the shocker and shot. I lost consciousness, and they resuscitated me, I woke up, and then lost it again. I remember these bright moments. They were exerting significant moral pressure. Everyone came and suggested certain actions – ‘Let’s do that,’ and left. Then, another person came, ‘Let’s do this.’ Some of these things were implemented. Then, one person said, ‘Let’s castrate him.’ They started taking my pants off, and later changed their mind. Then, another one said, ‘Cut his leg off.’ They stuck a knife into my leg, and I lost consciousness, there was severe bleeding” (C-49).

“They were hitting me during and after interrogation with hands, feet, and weapons. They used torture – handcuffed me to a metal bed, put wires on my hands and regulated the current. A bare wire was connected to my head, body, and genitalia. They touch my head and genitalia with a metal rod charged with electricity. They were beating my entire body with a ramrod. They hung me up to the ceiling by my hands. They poured cold water in freezing temperature” (C-46).

“At the onset of the first interrogation, they threatened me, telling how they would skin the girls I had seen in the basement (they showed them to me on purpose). They threatened to cripple my family and me. During interrogation, they were beating me with fists, elbows on my head, spine, and liver; they also kicked me and burnt with cigarettes. They assaulted me both during interrogations and in the cell. Many times, they ran in with machine guns and performed mock executions, and put me against the wall to intimidate” (C-1).

“They brought me to a journalist’s room. I remember that the room was covered with dry blood – its ceiling and walls. There were four of them hitting me over the entire body, particularly kicking into the chest. The red-haired one was drunk. He took off his boots and started hitting me with his heel on my left temple. I remember they were hitting me for about 15 minutes, and then I lost consciousness. I woke up in another room that used to be a fridge. The ceiling had tiles. I was lying on bare floor. The nurse came and cut the rubber clamps on my hands. The fridge was opened occasionally. Some people came, I do not know who they were exactly, and kicked me to check if I was alive. They did not feed me or give water, nor did they take me to the bathroom. The fridge was hermetically sealed, and there was enough air for few hours. There was no lighting. Turned out that I had two broken ribs on the right side, severe soft-tissue bruising of the head on the left, my right ankle was swollen. I spent three days like this” (C-55).

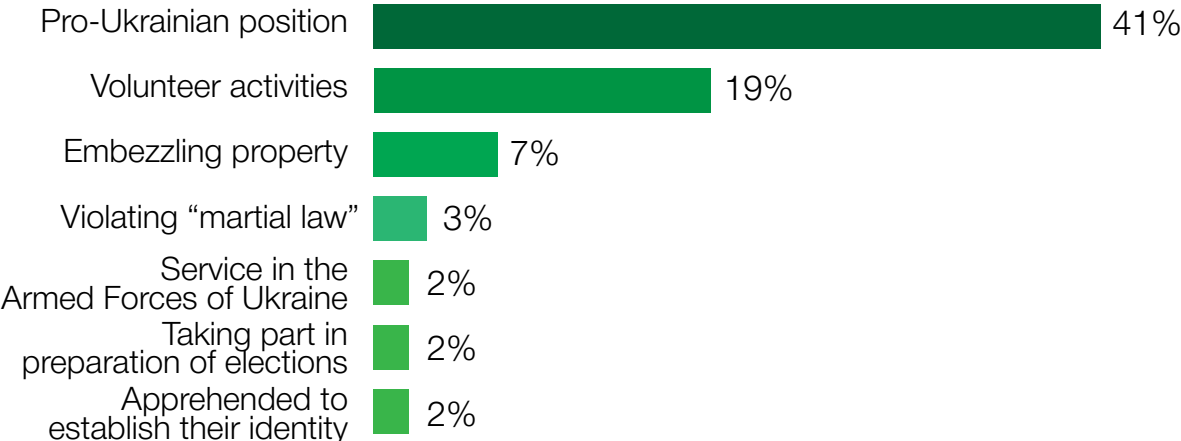
Detainees describe cases where people were beaten to death during interrogations.

“There was an online publication that pro-Ukrainian activists were arrested in Stakhanov, and things only got worse afterwards. Severe beatings started. The primary victims were the ‘political’ ones (supporters of Ukraine’s state sovereignty – ed.) and a fan of Zarya football club. One person sustained head trauma, and the other one, Oleksandr, was killed during interrogation since a flash drive with coordinates of the militants positions was found during search in his home. He was beaten to death during interrogation. I do not know exactly in what way. There are people who also know about this case, but I will not name them without their consent” (C-26).

“In my presence, a person was shot in the room next door in Luhansk. I do not know who s/he was. I only hear the shooting. They were shooting people at Oplot base at Poligrafichna. I do not know who the victims were” (C-46).

Figure 29.

Accusations against civilians during interrogation



The content of questions depended on the status of a detainee and reasons for detention. In practice, these included civic activity, local business, curfew violations, service in the Armed Forces of Ukraine etc. Military personnel were often asked about their identity, military unit, its command and weaponry of volunteer battalions and the Armed Forces of Ukraine. Treatment during interrogation depended on the type of military. The treatment of those belonging to volunteer battalions, snipers, and artillerymen was worse. Various methods of attempted recruitment of military personnel was also recorded.

"It depended on the grounds for apprehension. The worst treatment was for the pro-Ukrainian. I overheard that they had detained one entrepreneur who tried to send the money to Ukrainian army. They held him separately. They wanted to castrate him and tortured him. I saw his personal belongings in a puddle of blood. I have not seen him afterwards. I do not know what happened to him" (C-73).

"The same SSU building had one more prison in the basement (we called it 'the pit'). I know it because one of the prisoners (I do not remember the name) was there for several days. Conditions there were much worse. They were holding volunteers, in particular from 'Donbas' in the pit. They put this man with us, but they suspected that he was not a military officer but a volunteer so they took him downstairs. He returned in three days all blue. There was not a live spot on his body" (C-87).

"I was a regular soldier, and they did not beat me hard or ask important questions. They only asked about general personal data. They were hitting very hard those suspected of relations with the Right Sector, or whom they considered to be spies, grenade launcher operators and snipers. They tried to get important information from them. We all lied that we were medics, reserve soldiers, drivers. Nobody admitted since the consequences would have been worse. They would break our arms and legs" (C-73).

Requests for providing access to social networks and e-mail were a regular practice. There were recorded cases when meetings were arranged through hacked social networks and e-mail on behalf of the captive. In addition, there could be requests for certain information and things alike. Accusations of affiliation with nationalists, "Banderites," the Right Sector, intelligence officers or gunners, sabotage (not joining illegal armed groups, artificial creation of food deficit in the town to discredit "Prizrak" battalion etc.). Civilians engaged in civic activity were asked about the organization of peaceful protests for the unity of Ukraine and their participants, printing and dissemination of leaflets, connections with other activists, scholars, and journalists. They were collecting information about the location of checkpoints and their armament. There were also questions about funding and property of detainees (bank documents, money transfers, and bankcards), contacts of relatives who could pay ransom.

All the captured military personnel of the Armed Forces of Ukraine were accused of serving in the army. There were different charges against civilians during interrogations. For instance, 41% of civilians were accused of having a pro-Ukrainian stance, 2% - of service in the Armed Forces of Ukraine, 19% - of volunteer activities, and 3% - of violating "martial law" such as the curfew. Questions to 7% of civilians indicated the intention to embezzle property and money, whereas 2% of civilians were accused of taking part in preparing elections, and 2% were apprehended to establish their identity.

Other accusations can be divided into the following categories:

- prohibited activities: participation in Euromaidan, photographing strategic objects with a mobile phone – Donbas Arena stadium, a coffee shop;
- status of a person: "Baptist and a sell-out to the Americans," cooperation with the "Ukrainian regime," suspicion that a woman's husband was in the Ukrainian military, registration in Kyiv;

- support of state sovereignty: state treason under Article 58 of the Criminal Code of the USSR, teaching at the university in Ukrainian language, going out to the square with a Ukrainian flag;
- passive stance in supporting the illegal armed groups: obstruction of the DPR activities, actions against the LPR citizens, sabotage, failure to support “the defenders,” artificial creation of food deficit, defamation of “Prizrak” battalion;
- extortion: failure to pay the rent to the shareholders, suspicion of apartment raiding;
- working in the information sphere: providing an interview to the Ukrainian TV channel, checking a journalist for “normality” and the image of the “Russian journalism”;
- household denunciation: denunciation by relatives or neighbors, fight with a wife;
- involving in certain activities: identification of a person, needed for prisoner exchange with the Ukrainian side;
- no reason: the reason was not explained or fabricated.

Below are several detailed examples of accusations voiced during interrogation.

“I was chatting via V Kontakte with a Russian journalist from Nostalgia radio. I tried to convince him that the outskirts of village Luhanska were under fire from the Russian territory. Therefore, I marked on a Google map the sources of fire from Russian Grad. I made a screenshot and saved it on my desktop. The militants found this file and started asking why I needed this map, and accused me of being a gunner. They asked about the nature and target audience of information, and about my relation to the third power. I explained the situation but, of course, they did not believe me. They continued torturing me” (C-55).

“[He] asked a question as to why I was drinking beer at night during such difficult time for Alchevsk instead of defending my Motherland while they have to risk their lives so I could live well. I answered that I did not understand who I should protect my Motherland from, and my answer caused rage. ‘Oh, so you do not understand – we will explain tomorrow then’” (C-30).

“First of all, they asked how I was connected to the enemy’s press, who pointed [to me] and gave contacts. Personal information. First interrogation took place before the meeting with O. Mozhovyy. [They asked] how I understood who told on me about giving an interview to channel 112. People who detained me did not have the record of the interview at first; they had not seen it. During interrogation, they were searching for my interview online. They found it and went to show to Mozhovyy. Later, there was communication with Mozhovyy. He was asking, ‘How could you do that? We are fighting for you here. I was ready to tear you apart’ etc. He ordered to take me out of the room, and he would decide on what to do with me” (C-10).

“They asked why I had refused to cooperate with the new government and why I was not fighting on the side of the LPR. They accused me of sabotage, threatened with execution for concealing property that is needed for the LPR army and violating ‘the war-time laws’ that I did not know. During interrogation they were threatening to execute me in accordance with the martial law, take away all the property, and leave my children without a father etc. I am not familiar with the ‘martial laws’ referred to by the militants. I was not familiar with these norms, or who and when adopted them. I do not know why but it was implied that I should have known them” (C-38).

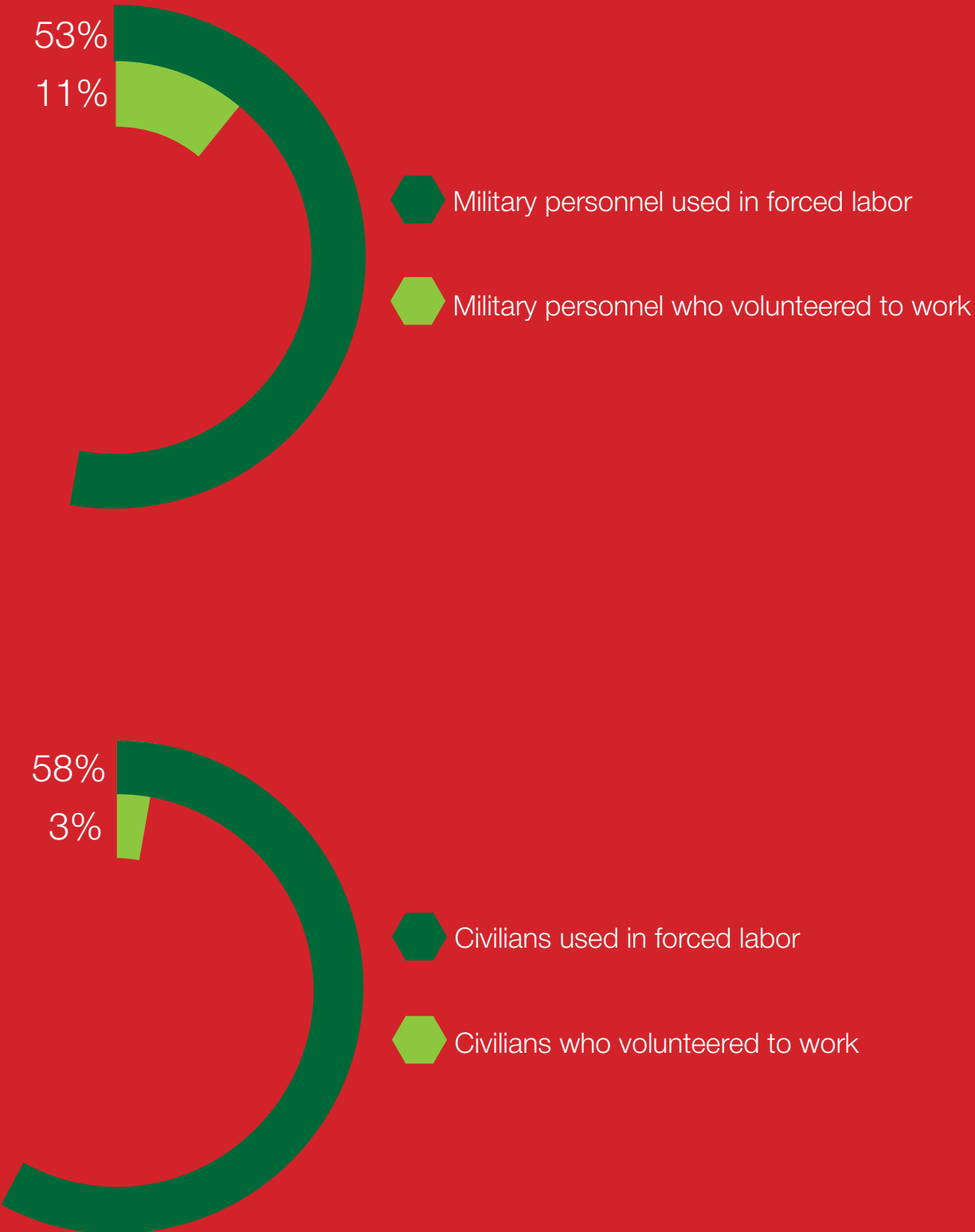
“They asked me several times for my registration address and asked whether there was an alarm in the house, who lived there, what I did at Maidan, who sent me there. They asked for contacts of people from Maidan. When I admitted that I was in ‘Batkiushchyna,’ they asked who was leading ‘Batkiushchyna’ in general and the election headquarters in particular. There were a lot of questions about the family that made me worried since my wife had an active pro-Ukrainian stance” (C-21).

There was a recorded case of an interrogation of a woman and her 6-year old child who were held captive for several days: *“[He] asked for the phone right away, started looking through contacts and photographs. He asked for my personal information and address. He was writing something down on a piece of paper. Then, he asked about my husband whether it was true that he had joined the AFU since the neighbors allegedly had said so. I responded that he left to relatives in search of a job. He did not believe and tried to clarify where exactly. I said that it was to Ukraine. He said, ‘We spill blood for them, and they run to the fascists.’ Then, the ‘Cossack’ said they would check information about my husband and decide what they would do to us” (C-60).*

The practice of recording interrogations varies. Often, interrogations were not recorded at all. 87% of military personnel and 54% of civilians stated that the interrogation (at least one of several) was recorded in some fashion (photo, video, in writing). However, it is noteworthy that in most cases there was no documentation of interrogation in the meaning of the criminal procedural law. Only few respondents pointed out that they had signed a report.

Often, the reports were written on regular paper or in the form of remarks in their notebooks. At the same time, the subject of interrogation had no opportunity to look at the contents of the records. Some people were forced to write an autobiography (several times) and fill out questionnaires with questions like “Are you against fascism?” or “If the rebels came to your town after liberation would you help them with what they needed?” These cases also include interrogations and assaults recorded on mobile phones or cameras, as well as the so-called “selfies” with the subjects of interrogation. As a rule, the whereabouts of these records are unknown.

Figure 30. Use of forced labor



“They interrogated me several times during arrest, detention and convoy to the place of permanent confinement, as well as at the place of detention at the garage and in the basement. During interrogation, they were constantly beating me. I fainted and regained consciousness repeatedly. During interrogations, they were asking me about well-known facts (where Aydar was etc.). It seemed to me that they did not know what to ask. They were filming me, but I do not remember how much time and what exactly they filmed. Parts of this footage were published online, as well as broadcasted on Russian TV²⁵” (C-49).

Members of illegal armed groups (identified by insignia and uniform), military of unidentified armed forces, and unidentified persons in civilian clothes conducted interrogations. Some introduced themselves as counter-intelligence forces of the so-called LPR. Certain interrogators could be identified through their presence in the media, for instance, Zakharchenko, Topaz and others. It is important to distinguish those who were identified by the respondents as members of the Armed Forces of Russian Federation. According to respondents, they either introduced themselves as officers of the Russian FSB could be identified through insignia of the Armed Forces of Russian Federation or through their conversations (they named their city in Russia), belonging to a certain nation (Buryats, Chechens, Ossetians) etc.

Some interrogators can be identified - with a high degree of certainty - as former officials of state law enforcement agencies in these localities, particularly, the police, SSU, and the prosecution service. In some cases, victims recognized them due to previous contacts. A detailed description is provided in Chapter V.

Noteworthy are the interrogations and torture of persons arrested in the territory of Ukraine, which took place in Russian Federation. In addition, these people could be held there for some time. Given a small number of questionnaires, it is not possible to reach an objective conclusion about the prevalence of such practice. At the same time, the available recorded instances do confirm a direct connection of illegal armed groups of the so-called LPR and DPR with state bodies of the Russian Federation.

*“When they brought us to Perevalsk DK to Kozitsyn on 23 July 2014, they recognized me because they saw me on Russian TV when I was at Maidan. They put a bag over my head, tied my mouth with a bag, tied my hands to my feet, and started to burn my feet and hit my ribs. They were hitting me with hands, feet, rifle stocks. They broke three ribs. Journalist *** and *** were sitting on the chairs and watching, and I was on the floor in the corner. It was at the entrance to the club. They were hitting me so hard that I pissed myself. The smell was terrible, and they were*

disgusted with beating me, so it helped. They burnt my feet with a lighter, hit me with a shocker, were pushing my eyes, and tearing my mouth, shoving a cross into my anus. They hit me hard, and then everyone walked in and considered it a privilege to kick me with his boots. I was in the corner on the floor for several days. Then they took me to Russia. They were also beating me in the back of the truck. Then, they were beating me at the interrogation at some district department of internal affairs. After 8 days of detention there, they put a bag on my head and took me to Luhansk, to the regional SSU. They met me there, assaulted me heavily and took me to the cell. They were dragging me like a cloth. There was a broken fridge in the cell. They threw me there so I would die. They kept me there in the dark, tied up and with a bag on my head. The militants pissed on it so ‘it would be easier for me.’ Once a day they came and kicked me to see if I was alive. I was. I pissed myself for 1.5 days. Then they came, and ordered to let me out of the fridge, and I was in the cell since then” (C-62).

FORCED LABOR

According to persons deprived of liberty, both civilians and military, there is a practice of using forced labor in unofficial places of detention in the so-called LPR and DPR. According to the interviews, 53% of military personnel and 58% of civilians mentioned engagement in forced labor. Only 11% of military personnel and 3% of civilians mentioned that they would do the work voluntarily, as it was almost the only way to find food or make their detention easier etc.

“Almost everybody had high fever. They still took the sick to do forced labor. They could leave you in case of severe pain. I even stayed couple of times. Some people had very strong toothaches” (C-73).

“They did not take me out. They took those who could move around somehow to work. To unload something or...” (C-89).

Among all the prisoners were certain number of persons who was not forced to perform the forced labor. They were:

- Persons who were detained for a short period (up to two days): 27% of military personnel and 50% of civilians;
- Persons with disabilities or those who were injured or crippled: 36% of military personnel and 8% of civilians;
- The elderly: 8% of civilians;
- Females: 12% of civilians.

However, a number of persons from these categories were also engaged in forced labor. This follows from the statements of 35% of military personnel and 7% of civilians who said it was hard to perform the tasks due to trauma or disability; 11% of civilians who were engaged in force labor despite short-term detention (up to two days), 3% of women, including pregnant women, and 3% of the elderly civilians (included into calculation if directly mentioned by the respondent in response to this question).

²⁵ Yuzny Front. (2014, June 19). Opolchentsy vzyali v plen vosem boitsov bataliona “Aydar” [The rebels captured eight “Aydar” fighters]. Retrieved from: <http://rutube.ru/video/da917c01602eade6f5883508fc667590/>.

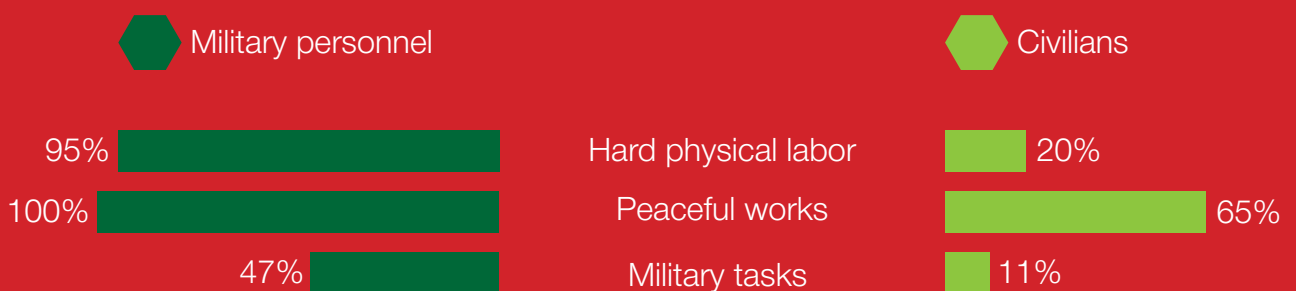
Figure 31. Use of the wounded and sick in forced labor



Figure 32. Categories of sick and weak civilians used in forced labor



Figure 33. Types of forced labor performed by prisoners



“They told us to load forty bags with sand. My legs are sore, and it was very hard to do. Then, a woman came and said she would help us. The gunmen in masks tried to make her leave, but she still wanted to help. We were able to load those forty bags only with her help. If not for her, they would not have let us out” (C-76).

Captives performed various types of work. They were digging trenches, rebuilding houses, cleaning streets, moving cargo, unloading the so-called “Russian humanitarian convoys” with weapons. For instance, 95% of military personnel and 20% of civilians noted that they performed hard physical labor. In addition, 100% of military personnel and 65% of civilians were often (often in parallel) performing peaceful tasks, and 47% of military personnel and 11% of civilians took part in military works. Noteworthy here is the coercion of people lacking relevant skills to perform demining. In addition, prisoners were forced to conduct exhumations, unearth and bury the dead. This work caused moral/psychological suffering and had a negative effect on the physical condition.

“Usually, it was hard physical work, including construction (repairs of houses of local population and the shop), collecting metal scrap for one of the security guards and taking it to a reception point. On Sundays, captives were usually forced to unload the ‘humanitarian load’ from white trucks – shells for ‘Grad’ systems. On one day, we could unload 10-15 tons of ‘humanitarian aid’ – shells (THF, Snizhne)” (C-37).

“They took us to work. In the building of the state regional administration (in different offices, I do not remember which ones) we were loading documents about the Party of Regions into bags and taking them to the courtyard. In the courtyard, we burnt them. Each day I took out around 100 bags. In the courtyard of the regional state administration, we were unloading boxes with arms and bullets. (I do not know what exactly was there), but the boxes were very heavy. They took us to Imperial hotel (I do not know the address) located near Hostra grave. We were loading the furniture and equipment into a truck. These things were taken to the regional state administration where we unloaded them and put into offices. In this manner, the militants arranged their workplaces. In the courtyard of the state administration, we unloaded boxes with arms and bullets. (I do not know what exactly was there), but the boxes were very heavy. I think it was in the second half of August 2014” (C-55).

*“As I mentioned before, two girls, *** and ** were forced to wash the blood from the bus where they transported the bodies. I know that ‘Kubrak’ cut these girls with a knife. I know for sure they had cuts on their necks, but there were probably cuts on the back (I cannot describe in more detail). *** told me about this” (C-21).*

“They regularly took us for community work to Ilovaysk (cleaning trash, digging graves at Ilovaysk cemetery for deceased separatists, construction work).

In addition, there were domestic tasks upon requests of people in Ilovaysk (they promised to feed us in exchange for work). Locals could submit a request to Ilovaysk commandant indicating the type of work and necessary number of people. They would send us there with a convoy” (C-40).

“They took us to Debaltsevo to collect an ammunition load. It was 9-11 March. I saw checkpoints, [we were] collecting shells, mines, bullets. We went to a stop. There were 27 boxes of tank shells (54 units). Our army left a lot of equipment while retreating. I saw an excavation machine driven by the rebels, and an abandoned armored vehicle. They also took us to Donetsk airport in groups of twenty. We were taking the bodies of ‘cyborgs’ from under the debris. In my presence, one body and several fragments were found. I was reading prayers over the place. I conducted a burial service and read a funeral prayer” (C-67).

The frequency and number of hours dedicated to forced labor depended on the place of detention. Attitudes towards prisoners depended largely on the security guards, sometimes on the particular shifts. The testimonies of released persons contain multiple references to beatings and cruel treatment during work. In particular, 42% of military personnel and 11% of civilians were forced to work mentioned the above.

“There was always supervision over the working captives, but strictness of control depended on the guard’s personality. At first, they were watching everything very carefully, and then when they realized there were no escape attempts they loosened control, i.e. the guard did not always have his finger on the trigger pointing at the workers, but could move few meters away and rest while watching prisoners. The captives were not trying to escape since they had been informed that 10 prisoners would be executed for one fugitive. This had happened in the neighboring Torez, so they could not take such responsibility for the lives of their friends” (C-37).

“There were 3-4 persons guarding us with RPK, SKS, and AK-47, young men of 15 years old. One was cruel and hit with a stock every time we stopped to rest for few minutes. They took away the gun from him and gave him a baton. With others it was fine – when tired, you could sit down and smoke” (C-98).

“Several times, there was work at the border with Russia in Maryinka. It looked like a show since many prisoners were doing pointless tasks like carrying bricks for 10-120 meters but in a way that military and civilians entering Ukraine from Russia could see the humiliation of captives for their battle spirit to rise” (C-37).

“The investigator transmitted them with a convoy, saying that They are ‘ukrops’ (ukrop – in the terms of the hate speech means a person, belonging to Ukrainian side, supporter of Ukrainian military forces – editor note) and you can do

anything with them.' They tied their hands, put them face down into the car, and returned with their hands tied. They made [us] – take the concrete poles and run..." (C-93).

"The work was more difficult since every public transport stop had speakers loudly broadcasting patriotic songs, and on Saturdays – childrens songs. It affected our mentality as we had an impression of being lost and living in the USSR" (C-37).

CHAPTER CONCLUSIONS:

There is a widespread practice of torture and ill-treatment of illegally detained civilians and prisoners of war on the territories of the so-called DPR and LPR. These actions are premeditated, connected, and take place in all unofficial places of detention. This is a systemic and widespread phenomenon that demonstrates existence of a premeditated policy of torture and cruel treatment of detainees. This all withstanding, these are war crimes committed by illegal armed groups that require detailed investigation of each case.

The majority of apprehended civilians and prisoners of war went through a procedure that can be rather tentatively called "an interrogation." Often, interrogations were accompanied by beatings, torture and psychological pressure. Different methods were used during interrogations: assault, electric shockers, suffocation ("an

elephant" – putting a gas mask and blocking airflow), shooting at extremities and body parts, piercing wounds and stabs, mock executions, threats of torture, threats of harm to relatives, in particular children etc.

Civilians were usually accused of having a pro-Ukrainian stance, service in the Armed Forces of volunteer activities, violating "martial law" such as the curfew, and a passive stance in relation to supporting the illegal armed groups etc. A number of questions indicated that the representatives of illegal armed groups simply intended to embezzle property and money of the detainee. All military personnel were officially accused of service in the Ukrainian Armed Forces, as well as work in the internal affairs bodies.

According to persons deprived of liberty, both civilians and military, there is a practice of using forced labor in unofficial places of detention in the so-called LPR and DPR. Detainees are forced to dig trenches, restore houses, clean the streets, carry cargo, and unload the so-called "Russian humanitarian convoy" with weapons. There is a practice of compulsory hard physical labor and military tasks. Some prisoners are forced to perform exhumations, unearth and bury the dead. The treatment largely depends on the security guards, sometimes – on the particular shifts. The released detainees often mentioned beatings and cruel treatment during work.

CONCLUSIONS

Following the examination of different sources of information, including victims' testimonies, it is concluded that there is no respect for any legal system of norms on the territory controlled by the so-called DPR and LPR. Apprehensions, entry into private homes and other restrictions of human rights are widespread and take place with no authorizations or procedures foreseen by either national legislation or by international norms. There are widespread instances of torture, cruel treatment, and unjustified use of restraint and weapons.

Militants of illegal armed groups and representatives of quasi-state agencies (security service, police, commandant's offices etc.) are particularly cruel towards civilians. Multiple instances have been recorded where women, including pregnant women and the elderly, were apprehended and humiliated.

This study provides information about 79 places of detention on the territory outside of Ukraine's control in the Donetsk and Luhansk regions. It was possible to identify these places by address or detailed description. However, according to the victims, there is a much broader network of illegal places of detention. There have been at least 2763 persons whose release from these places was recorded by the Ukrainian authorities by 1 October 2015.

Military personnel and the fighters of volunteer battalions make up a separate category in the unofficial places of detention. The majority of them were captured with the direct involvement of the Russian armed forces. During convoy, they were subjected to cruel treatment.

Being held in unofficial places of detention automatically deprives an individual of all safeguards against ill treatment due to the lack of any external control.

In most cases, these places are not suitable even for short-term detention (basements, sewage wells, vehicle sheds). Testimonies of respondents attest to widespread and systemic violations of the rights of detainees, including the following:

- Lack of natural lighting in places of detention;
- Lack of functioning toilets in places of detention, large numbers of detainees held in small rooms,
- Lack of sleeping places (sleeping arrangements were made on concrete floor, planks etc.);
- Walls and roofs in places of detention have holes, which causes flooding during rain;
- Lack of separation of men and women in detention;
- Lack of or insufficient quantities of water and food;
- Widespread practice of torture and cruel treatment of detained civilians and military personnel.

Accordingly, the fact of detention in these conditions constitutes cruel, inhuman, or degrading treatment under the European Convention for the Protection of Human Rights and Fundamental freedoms, as well as the case law of the European Court of Human Rights.

The majority of apprehended civilians and prisoners of war went through a procedure that can be rather tentatively called "an interrogation." Often, interrogations were accompanied by beatings, torture and psychological pressure. Different methods were used during interrogations: assault, electric shockers, suffocation ("an elephant" – putting a gas mask and blocking airflow), shooting extremities and body parts, piercing wounds and stabs, mock executions, threats of torture, threats of harm to relatives, in particular children, and so on..

Civilians were usually accused of having a pro-Ukrainian stance, service in the Armed Forces of volunteer activities, violating the "martial law," such as the curfew, and passive stance in relation to supporting the illegal armed groups etc. A number of questions indicated that the representatives of illegal armed groups simply intended to embezzle property and money of the detainee. All military personnel were officially accused of the service in the Ukrainian Armed Forces, as well as work in the internal affairs bodies.

In 44% of cases, regular servicemen and mercenaries from the Russian Federation played a leading role in the organization of interrogations and security of places of detention.

86% of military personnel and 50% of civilians were subjected to torture and cruel treatment, which shows a widespread practice of torture and cruel treatment of illegally detained civilians and military personnel on the territory of the so-called DPR and LPR. These actions are carefully organized, coordinated and taking place inside all unofficial places of detention. This systemic and widespread phenomenon demonstrates existence of a premeditated policy of torture and cruel treatment of detainees. Thus, it is possible to assert these are war crimes committed by illegal armed groups that require detailed investigation of each case.

According to persons deprived of liberty, both civilians and military, there is a practice of using forced labor in unofficial places of detention in the so-called LPR and DPR. These include mostly military hard labor, such as digging trenches, unloading the so-called “Russian humanitarian convoy” with weapons, performing exhumations, and burying bodies to conceal consequences of hostilities. The treatment largely depends on the security guards, sometimes – on the particular shifts. The released detainees often mentioned beatings and cruel treatment during work.

There are people with military or law enforcement training among the “staff” of the places of detention. However, the staff did not manage to ensure compliance with the international humanitarian law, European Prison Rules, as well as the Standard minimum rules for the treatment of prisoners. Some witnesses also stated that there were underage boys and girls working as security guards in the illegal places of detention on the territory of the so-called DPR.

The medical personnel involved by the illegal armed groups of the so-called DPR/LPR for provision of medical care to detainees and prisoners of war are absent in 2/3 of places of detention. The rest do not have relevant qualification or necessary authority and resources for assigning comprehensive treatment. This constitutes a violation of the requirements of the European Prison Rules (2006) and Geneva Conventions. There were recorded instances when medical personnel exhibited cruel treatment of detainees and prisoners.

In consideration of the above, and in the light of recognition of the jurisdiction of the International Criminal Court over crimes against humanity and war crimes committed in the territory of Ukraine since 20 February 2014, the findings of this report should be considered in relation to the following recorded violations of international humanitarian law:

- Use of unjustified force during arrests of civilians;
- Use of excessive force and excessive cruelty towards certain categories of detainees;
- Use of weapons for inflicting blows during arrests of civilians;
- Excessive force and cruelty during convoy;
- Failure to observe any procedural guarantees provided by the national legislation and international law;
- Failure to provide necessary medical assistance;
- Torture by medical personnel;
- Torture and unpunished arbitrary killings.

RECOMMENDATIONS

TO THE STATE OF UKRAINE

1. To the Verkhovna Rada (Parliament) of Ukraine – to adopt draft law No. 1788 dated 16 January 2015 that foresees amending Article 124 of the Constitution of Ukraine with the following provision: “Ukraine can recognize the jurisdiction of the International Criminal Court pursuant to the Rome Statute of the International Criminal Court.”

2. To the Verkhovna Rada (Parliament) of Ukraine – to amend Chapter 20 of the Criminal Code of Ukraine “Crimes against peace, humanity and international legal order” and harmonize it with international criminal law.

3. To the Verkhovna Rada (Parliament) of Ukraine – to consider ratifying the European Convention on the Compensation of Victims of Violent Crimes (ETS N 116, 1983).

4. To the Presidential Commissioner for the peaceful settlement of the situation in the Donbas – upon receiving the study report, provide the information on the places of detention to the Tripartite contact group for the settlement of the situation in the Donbas, as well as consider the issue of releasing detainees during negotiations.

5. To the Ministry of Foreign Affairs of Ukraine – to use the study report during negotiations and international meetings on all levels on the settlement of the situation in the Donbas to strengthen Ukraine’s position and increasing pressure on the Russian Federation and the leadership of the so-called DPR and LPR in relation to release of detainees.

6. To the Government of Ukraine – to create an interagency working group for the monitoring of the observance of international humanitarian law and international human rights law on the temporarily occupied territory of Ukraine in the ATO area. The working group should include state authorities, law enforcement agencies, and representatives of international organizations.

7. To the State Security Service of Ukraine in cooperation with the Ministry of Defense, the Office

of the Prosecutor General, the Military Prosecution Service, the Ministry of Internal Affairs, the Ministry of Justice, the Ministry of Foreign Affairs – to organize the process of collecting and recording the necessary evidence of crimes against humanity and war crimes; to create a coordination group responsible, among other tasks, for preparing a submission to the International Criminal Court on commission on the territory of Ukraine of crimes against humanity and war crimes by the organized armed groups controlled by the Russian Federation.

8. To the coordination group (mentioned above) – to review all the criminal cases that may have the elements of crimes falling under crimes against humanity and war crimes, in particular, to examine all reports in relation to the events in Crimea and Eastern Ukraine from February 2014 that have not been recorded in the Integrated Registry of Pre-Trial Investigations; to examine all missing persons reports in these regions; in relation to these cases, to use the same rules that provide for a special investigation and informing the coordination group. Based on this information, to provide regular substantiated and confirmed reports on the recorded crimes against humanity and war crimes to all state stakeholders and the international community.

9. To the State Security Service of Ukraine in cooperation with the Office of the Prosecutor General, the Military Prosecution Service, the Ministry of Internal Affairs – to organize effective investigation of kidnappings and illegal deprivation of liberty on the territory temporarily outside of Ukraine’s control; as well as to develop an effective course of action for the release the hostages from the territory temporarily outside of Ukraine’s control.

10. To the State Security Service of Ukraine in cooperation with the Office of the Prosecutor General, the Military Prosecution Service, the Ministry of Internal Affairs, the Ministry of Justice – to develop an action plan to prevent recruitment and use of children in military action, including legal regulations providing for enhanced liability for recruitment and use of children in military action.

11. To the Ministry of Health – to solve the issue of assistance to the civilians and military personnel released from captivity by developing an order of the Ministry of Health on free examination and medical care for these persons in Ukraine. To create a system of psychological assistance service to provide psychological assistance to persons and the families of those who suffer from psychological trauma and physical mutilations following captivity.

12. To the Ministry of Social Policy in cooperation with the Ministry of Health, Ministry of Internal Affairs, the State Security Service of Ukraine – to develop and submit to the Cabinet of Ministers a draft law on protection of the rights and freedoms of civilian prisoners and their family members.

13. To the Ministry of Justice in cooperation with the Ministry of Internal Affairs, the State Security Service of Ukraine – to ensure the provision of legal aid to persons who have been in captivity, for the preparation of complaints to international institutions for the proper investigation and prosecution of perpetrators, including physical safety measures for former hostages and prisoners.

14. To the Ministry of Information in cooperation with the Ministry of Foreign Affairs – to provide comprehensive information to the international community and the diplomatic corps on the need to immediately release civilian hostages and prisoners of war from the illegal places of detention of the so-called DPR and LPR.

TO OTHER STATES AND INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

1. To recognize the organized armed groups of the so-called LPR and DPR as terrorist organizations particularly as it pertains to their use of systematic violence, including lethal force, against civilians as a key method of warfare.

2. To use all possible diplomatic and economic means of influence in order to stop the Russian Federation in its conduct of the hybrid war in Donbas and its support of the illegal armed groups of the so-called LPR and DPR.

3. To constantly demand from the representatives of the armed groups of the so-called LPR and DPR, as well as the Russian Federation, compliance with the Minsk Agreements in relation to the exchange of “all for all”; to publicly condemn the disgraceful practice of taking civilians hostage, torture, cruel and inhuman treatment of hostages and prisoners of war.

TO THE INTERNATIONAL ORGANIZATIONS WITH ACCESS TO THE TERRITORIES OUTSIDE OF UKRAINE’S CONTROL (THE OSCE SPECIAL MONITORING MISSION, THE UN MONITORING MISSION IN UKRAINE, AND THE RED CROSS IN UKRAINE)

To conduct immediate visits to all places of detention identified during the study in order to verify information about detention of people in these places and provide prisoners with necessary assistance. There has to be a detailed inspection, categorization and assessment of all the indicated places of illegal detention for the purpose of documenting the crimes committed by the illegal armed groups in Ukraine.

TO THE RUSSIAN FEDERATION

1. To immediately stop the financial, political, technical, and military support to all the armed groups of the so-called LPR and DPR and withdraw all its regular army and equipment from Ukraine.

2. To stop gross violations of the State border of Ukraine and rules of crossing, as well as discontinue the illegal movement of cargo, equipment of persons across the border, and unilaterally changing of the rules of crossing.

3. To investigate all instances of issuing illegal orders to dispatch Russian military personnel for military missions in Ukraine and prosecute those responsible.

4. To conduct effective investigations and to prosecute Russian citizens for kidnappings, assaults, torture, and political murders of participants of peaceful protests for the unity of Ukraine, Ukrainian military personnel, leaders of local Euromaidan, public activists, and journalists etc. (in particular, prosecute the leader of illegal armed groups, Russian citizens, Igor Girkin, nickname “Strelkov,” Igor Bezler, nickname “Bes” and others).

5. To immediately release all military personnel and civilians kidnapped from Ukraine and held in the Russian Federation on politically motivated criminal charges, in particular Nadiya Savchenko, Oleh Sentsov, Oleksandr Kolchenko, Mykola Karpyuk and others.

6. To use its control over the organized armed groups of the so-called LPR and DPR for the immediate release of all civilians illegally detained by these groups in the territory of Donbas under their control, as well as the transfer of Ukrainian prisoners of war.

7. To publicly condemn the organized system of mass kidnappings and torture of civilians conducted by the organized groups of the so-called LPR and DPR to establish control in the region, as well as torture and inhumane treatment of the prisoners of war.

Information about the Coalition of public organizations and initiatives “Justice for Peace in Donbas”

The Coalition is an informal association of 17 human rights organizations and initiatives, the majority of which come from the Luhansk and Donetsk regions. It was established with the aim of coordinating efforts of the association members in the field of documenting human rights violations during the armed conflict in Eastern Ukraine. The Coalition was established on 29 December 2014.

Its principles engraved in the Memorandum are voluntary nature, commitment to cooperation, equality of members, objectivity and accuracy in collection and dissemination of data, legality, prioritization of security of the victims and witnesses of human rights violations.

The Coalition is working together with its official partners, including the UNDP and the International Renaissance Foundation, which is a part of the Open Society Foundations Network. In the last year, the Coalition has expanded cooperation with governmental institutions and international partners.

Members and partners of the Coalition work to ensure improved access to justice for those who had suffered the most as a result of the conflict. Coalition members are creating a database with information about human rights violations during military conflict in the East of Ukraine. Information from the database will be used for more effective legal protection of violated rights and compensation of damages (in particular, through applications to the European Court of Human Rights, mechanisms within the

international humanitarian law, and the domestic criminal and civil court proceedings) for the victims, many of whom are internally displaced persons or belonging to other vulnerable categories.

Combating impunity of perpetrators of gross and systemic human rights violations during the military conflict in Donbas is an important task for the Coalition. Coalition members provide crucial support to the people who had suffered the most as a result of this conflict, as well as facilitate their reintegration into the Ukrainian society. This work is our contribution to restoration of peace and reconciliation.

One of the first joint initiatives of the Coalition members was the project supported by the Helsinki Foundation for Human Rights (Warsaw). Within the framework of this project, member organizations conducted joint activities to collect testimonies of former detainees of the illegal places of detention controlled by the so-called Luhansk and Donetsk People’s Republics. On the basis of collected data, members of the Coalition prepared a monitoring report on human rights violations in illegal prisons, as well as recommendations aimed at stopping the identified human rights violations; directing the attention of international community to these issues, as well as supporting the prosecution of the perpetrators.

For more information please visit the Coalition’s website <http://jfp.in.ua>.

**This report was prepared by
organizations-members of the Coalition
“Justice for Peace in Donbas”:**

- Alchevsk Human Rights Analytical Center
- Center for Civil Liberties / Euromaidan SOS
- Donetsk “Memorial”
- Eastern-Ukrainian Center for Civic Initiatives
- Ecological and Cultural Center “Bakhmat”
- Human Rights Center “Postup”/Vostok SOS
- Kharkiv Human Rights Group
- Luhansk Regional Human Rights Center “Alternative”
- Public Committee for Protection of Constitutional Rights and Freedoms of Citizens
- Public Movement “Ochyshchennya”
- Public organization “Mirny Bereh”
- “Social Action” Centre NGO
- Starobilsk district public human rights women’s organization “Victoria”
- Starobilsk public organization “Volya”
- Ukrainian Helsinki Human Rights Union

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