

SURVIVING HELL:

A photograph of a severely damaged and dark interior room. The walls are covered in peeling paint and debris. A window in the background shows a view of green trees outside, but the window frame is broken and has red splatters on it. A bed with a stained mattress is visible in the foreground on the right. The floor is covered in rubble and debris.

Testimonies
of Victims on Places
of Illegal Detention
in Donbas

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

Kyiv

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Foreword

Events in Luhansk and Donetsk regions caused by the aggression of the Russian Federation, undermined the security of everyone remaining at the territories outside of Ukrainian control. There are no functioning legal systems, laws, or legal governance structures on this territory. 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 grey zone, the power of law does not exist and only the law of power works. The legal vacuum fosters impunity and arbitrariness of those attempting to maintain occupied Ukrainian territories in Donetsk and Luhansk region by force. In fact, it leads to brutal violations in the form of illegal detentions in Luhansk and Donetsk regions that are the subject of the to research in the framework of this report.

Testimonies of captured and detained victims describe the outright neglect of fundamental requirements for treatment of detainees, thus detention in such conditions amounts to torture or cruel and inhumane 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. Reported data illustrates the scale and seriousness of violations of rights of those illegally detained on the territory outside of Ukrainian control.

The study included 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 engaged in the practice of illegal detention; and there are confirmed cases to support these claims. In both instances, there have been gross violations of human rights, yet there is 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 with no punishment, investigation or even prospects of inquiry. The victims have no remedy against these criminal acts. Accordingly, impunity causes increases in the scale of crime, and the practice of arbitrary detention has become an inherent feature for territories outside of control of Ukrainian authorities. The project team comprised of representatives of human rights organizations-members of the Coalition “Justice for Peace in Donbas” considered its primary task was to collect and present information about violations in relation to which there are no prospects for investigation in current conditions due to 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, comes under investigations. In addition, perpetrators are prosecuted in accordance with Article 146 of the Criminal Code of Ukraine. The situation is subject to monitoring by human rights organizations, the Office of the Ukrainian Parliament 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 of Aydar and Tornado volunteer battalions accused of illegal deprivation of liberty as well as other associated charges.

The next aim for the project team will be investigation of illegal deprivation of liberty on the territory subject to Ukrainian control appreciating that 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 make reliable findings difficult.

I. Research methodology

The aim of this study is to document human rights violations in connection with illegal detention in the area of the armed conflict in Eastern Ukraine to enable further investigation by national authorities and institutions within an international legal framework.

Accordingly, the following research objectives were identified:

- Description of the places of detention in the area of the anti-terrorist operation (hereinafter – ATO), assessment of the actual scale of detention in unofficial places of detention;
- Identification of conditions of apprehension and release of different categories of detainees;
- Assessment of conditions of detention and treatment in places of detention;
- Development of the set of recommendations for international and domestic bodies on oversight over places of detention in the ATO area; provision of social and legal support for victims of cruel treatment.

The research methods included comparative analysis of legal sources, content analysis of online resources, as well as interviews with persons who had been subject to detention as illegally detained persons or prisoners of war.

The key instrument was the questionnaire developed with the use of previous experience of Witness (USA), Norwegian Helsinki Committee, Natalia Estemirova Documentation Centre (Norway), Centre for Civil Liberties (Ukraine), Documenta Center (Center for Dealing with the Past, Croatia).

Additionally, the following support documentation was developed:

- A guarantee letter for information protection;
- A template of a consent form for the processing of personal data for the purpose of documenting human rights violations in the military conflict area and informing international organizations on instances of human rights violations.

Information sources also included specific clusters of online resources, statistics and official data of state authorities, reports of international missions and organizations, and personal archives. The research included use of databases of volunteer organizations providing assistance in the ATO area, information resources of the Ombudsman's office and negotiation groups working on prisoner exchange.

STUDY PARTICIPANTS AND THEIR QUALIFICATION

A group of five professional analytical experts 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 the analysis of the questionnaires and the entry of information into the database. Selected interviewers have received training on methods of recording victim testimonies, establishing psychological contact and information security.

PRELIMINARY FINDINGS

The work of interviewers resulted in collecting 100 formalized questionnaires processed by a group of experts-analytics and entered into MEMEX Patriarch information platform used by Ukrainian NGOs to create a database of crimes committed during the armed conflict in Donbas. Quantitative data was complemented with the results of content analysis of media and online resources.

The findings reflect the general characteristics and issues related to the detention of illegally apprehended persons in places of detention in ATO area. The report provides the most characteristic qualitative data in quotes for clearer illustration of quantitative results.

Further analysis allowed for qualitative and substantial generalizations and the development of recommendations for international and national bodies that will work on assistance to victims of illegal treatment in places of detention in ATO area.

II. Course of events during the military conflict in Donbas

Events that started in Luhansk and Donetsk regions in 2014 are the direct consequence of consistent and planned actions by the Russian Federation. The latter used its army to occupy Crimea and provoke an armed conflict, practically a war, in two eastern regions of Ukraine with high numbers of casualties, predominantly civilians, displacement of over a million people, refugees, and deprivations of liberty.

On 1 March 2013, Vladimir Putin filed a request with the Federation Council of Russia to use 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 constitutes a public proclamation of intent of the aggressor to imitate military action in the territory of Ukraine and amounts to an international crime against security of humankind.

Illegal armed groups have entered two eastern regions of Ukraine from Russian territory with its active military support. Local support for these groups included paramilitary groups, the so-called “titushky”, unions of the Don Cossacks, and in some locations - veterans of the Soviet army that have participated in the military international conflicts who had been used by the previous authoritarian regime to suppress peaceful protests at Euromaidan. With the support of local authorities and neglect by law enforcement agencies, these paramilitary units, in cooperation with local law enforcement bodies, violently dispersed gatherings in support of Ukraine’s unity in cooperation with local law enforcement bodies. These groups assaulted and beat participants regardless of age or sex or conduct, using batons and reinforcement bars, throwing stun grenades and smoke flares, as well as tear gas and cold steel arms. A 22-year old man named Dmytro Chernyavsky died from stab wounds sustained in one of these attacks during a peaceful assembly in Donetsk on 13 March 2014. Already at that time, they had not only St. George’s ribbons, which are the main symbols of the state-organized Antimaidan assemblies, but also Russian flags.

Illegal armed groups started to take over buildings that belonged to the 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 2013. Similar to the prior events in Crimea, Russian propaganda denied any military involvement in Eastern Ukraine (in particular, the presence of thousands of “green men” who were in fact Russian soldiers in Crimea) while using the cover of “rebels”, “miners”, “tractor drivers” for their military. At the same time, it was difficult to oppose the criminals as local law enforcement authorities were demoralized, in part due to a significant number of personnel who switched to serving the enemy. The lack of proper military and law enforcement structures, inspired propaganda campaigns and military intervention were the causes of active Russian intervention in the territory of Donbas since April 2014 and development of current conflict.

Since late February – early March 2014, instigation actions aimed at attacking and taking over state buildings, which were planned by Russian special forces, began to take place in eastern Ukrainian towns. Separatist views in Eastern and Southern Ukraine were also largely triggered by Russian propaganda. The Russian media created a perception among part of the population of the new Ukrainian government as “illegitimate and neo-Nazi” fear of “fascists and banderivtsi” who would “massacre Russian-speaking population” caused a wave of instigated violence in response to any manifestations of Ukrainian patriotism in Eastern Ukraine.

This time marks the beginning of a series of crimes related to illegal detention by representatives of illegal armed groups. Different categories of citizens were captured and deprived of liberty, including military personnel, law enforcement officials, and civilians. The use of torture and

murders, which is typical for criminal activities, is also typical for actions of illegal armed groups in Eastern Ukraine.

The first phase of conflict included the takeover and establishment of 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. The Russian Federation actively provides assistance to these groups, including funding, arms and fuel supplies, and the concealed, direct involvement of Russian soldiers and entire units of the Armed Forces of Russian Federation in this conflict.

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) must play a key role in any legal analysis of the situation in Donetsk and Luhansk regions. IHL provides for the qualification of armed conflicts, regulates protection of the victims of war, 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 humanitarian 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 the case of *Duško Tadić*. 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 *Tadić* case 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 whenever there are protracted confrontations between governmental authorities and organized armed groups or between such groups within a State.

International and non-international armed conflicts are regulated by 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 regular norms of international humanitarian law apply to international armed conflict.

Common Article 3 to the 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.

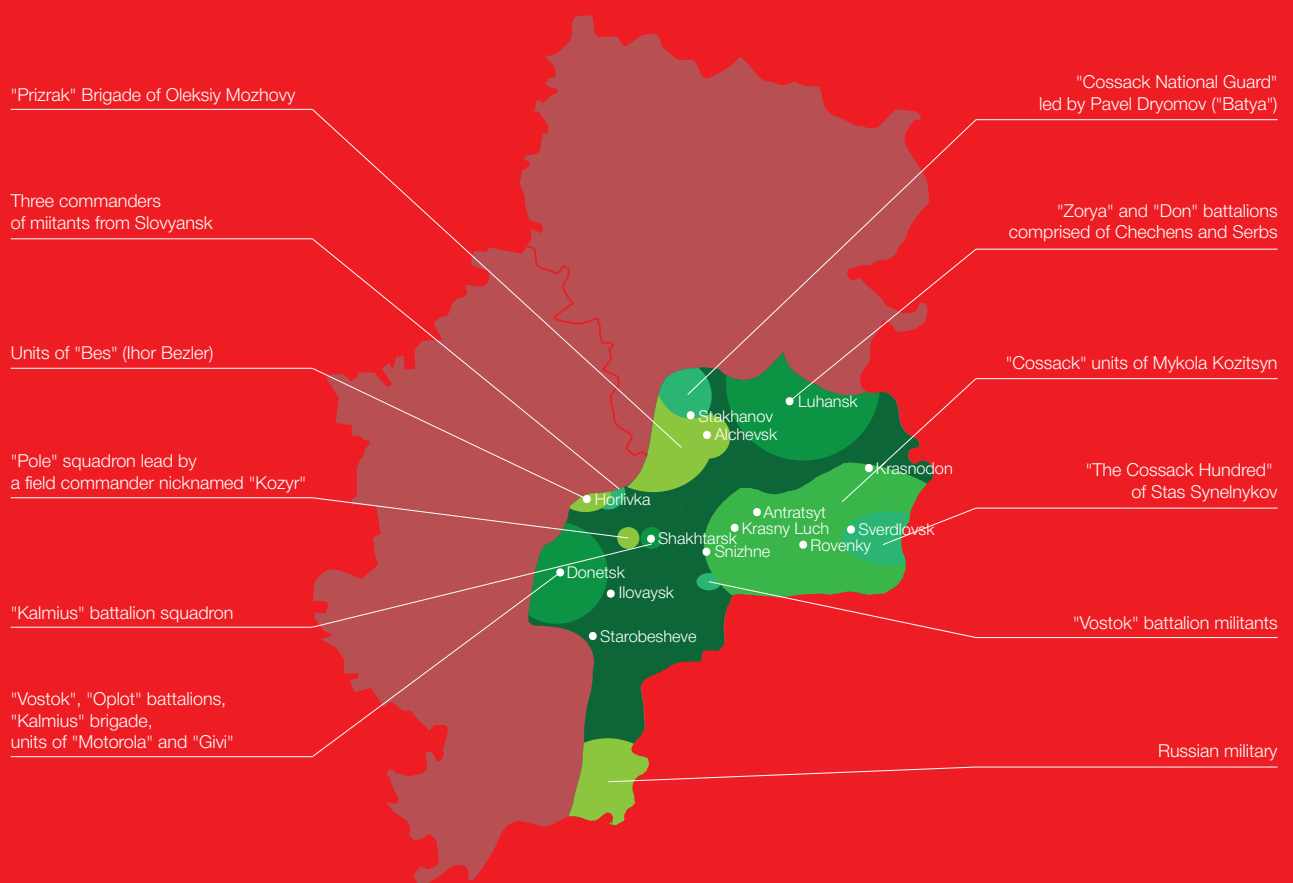
Therefore, it appears there are likely to be two separate legal regimes applicable to the military conflict in Donbas. The conflict appears to have elements of both international and non-international conflicts e.g. there may be a non-international armed conflict between the Armed Forces of Ukraine and other military groups in Ukraine on one side and organized anti-government armed groups of the so-called “Donetsk people’s republic” and “Luhansk people’s republic” (hereinafter – “DPR/LPR”) on the other side; and the international military conflict between the Armed Forces of Ukraine and other military groups of Ukraine on one side and separate units of the Armed Forces of Russian Federation on the other side.

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 apply provisions of the Common Article 3 to the Geneva Conventions of 1949 and Additional Protocol II.

Conversely, 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 may 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” may have different legal status and scope of rights and guarantees during apprehension by the Armed Forces of Ukraine. Accordingly, Ukrainian soldiers may 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. As to the responsibilities of all sides of military conflict during arrest of civilians – they are universal for all types of armed conflicts.

On 7 April 2014, there were attempts to takeover administrative buildings in Kharkiv, Donetsk, and Luhansk.



Location of illegal armed groups in the ATO zone

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

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, Yenakiyevo, 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 when armed criminals were arbitrarily seizing property, persecuting supporters of the country's

unity, robbing and destroying the property of those who had left these territories. An organized 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-July, 2014, Ukrainian forces cleared the territories of illegal armed groups and liberated a number of areas, including Mariupol, Slovyansk and Krasny Lyman. In July, Rubizhne, Dzerzhynske, Soledar, Severodonetsk, Lysychansk, Kirovsk, and Popasna were also liberated.

In reality, there were full-scale military actions with significant casualties and abductions by both sides. Illegal armed groups treated 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 victims suffered ripped abdomens.

Since 1 July 2014, there has been a large-scale liberation of territories captured by illegal armed groups. During military operations by the Armed Forces of Ukraine, Kramatorsk, Druzhkivka, Konstantynivka were liberated, and Artemivsk, Maryinka, and Sloviansk districts of Donetsk region were partly liberated in full.

In mid-August, the number of participants of illegal armed groups fighting against Ukraine in ATO area significantly increased as they were arriving from the RF with additional weapons and ammunition and thus proving the suggestion that Russia initiated and inspired mass human rights violations and war crimes in Luhansk and Donetsk regions.

On 10 August, the battle of Ilovaysk started. It led to the encirclement 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 both 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 near Volnovakha.

In February 2015, there were difficult battles for Debaltsevo that was under the attack of pro-Russian illegal armed groups despite the ceasefire. In Debaltsevo battles, a small number of Ukrainian soldiers were captured. This situation was the second time (after Ilovaysk) when Ukrainian forces were encircled and some of them were captured by criminal groups.

After February 2015 until summer 2015, there were trench battles with neither significant changes in dislocation and movement of forces on both sides, nor 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 have been killed (civilians and military) and at least 17087 people had been wounded in the conflict zone of Eastern Ukraine. These figures include 298 victims of the Malaysia Airlines flight crash¹.

It is necessary to define the legal status and guarantees for individuals arrested during an armed conflict in Donbas. Subject to the qualification above, members of the armed forces of one state captured during armed hostilities by

members of the armed forces of another state shall likely be treated as prisoners of war. A prisoner of war is not considered a criminal since military personnel belonging to the state during armed conflict against armed forces of another 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. Legal status of prisoners of war is available only in international armed conflicts (armed conflicts between states).

Subject to the qualification above, members of organized armed groups arrested by the military personnel of armed state forces during armed clashes may 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. There are less rights and guarantees for detainees in comparison to prisoners of war. Military of state 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.

The two key guarantees for detainees under international humanitarian law are humane treatment and the right to fair trial. These overriding guarantees consist of a number of specific guarantees for detainees, including:

- 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;

1. BK-Ukrayina. (2015, July 29). Chyslo zhertv konfliktu na Donbasi perevshchlyo 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>.

- 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 or, depending on the circumstances may

amount to other international crimes such as crimes against humanity or genocide. 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 does not define what places of detention are illegal, and neither does it tell a party to an armed conflict what premises or buildings can be used for detention. However, international humanitarian law requires that parties to an armed conflict observe its principles and norms that provide rights and guarantees for detainees regardless of the particular place of confinement.

III. Places of detention in ATO zone

By 22 July 2015, there have been 2763 persons released from places of detention in “DPR” and “LPR”. The diagram in this section provides a classification of released persons.

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 map includes markings of 7 localities in Donetsk and Luhansk regions with 26 places of confinement of captured military personnel and civilians.

Analysis of research data suggests that the number of places of detention in the territory of the so-called “DPR” and “LPR” is significantly higher than 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 the control of Ukrainian government in Donbas.

Given the status of these “republics” all places of detention in their territory 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 61 place of detention that can be identified by either address or detailed description provided by former detainees. Importantly, there were several places of confinement used in certain places of detention. The map illustrates the distribution of places of detention across localities in “DPR” and “LPR” 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 (diners, cafes, restaurants);
- Industrial enterprises (plants, factories);
- Auxiliary buildings (hangars, vehicle sheds etc.);
- Other (for instance, sewage wells, cages).

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.

In addition, as illustrated for the graphics herein, 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).

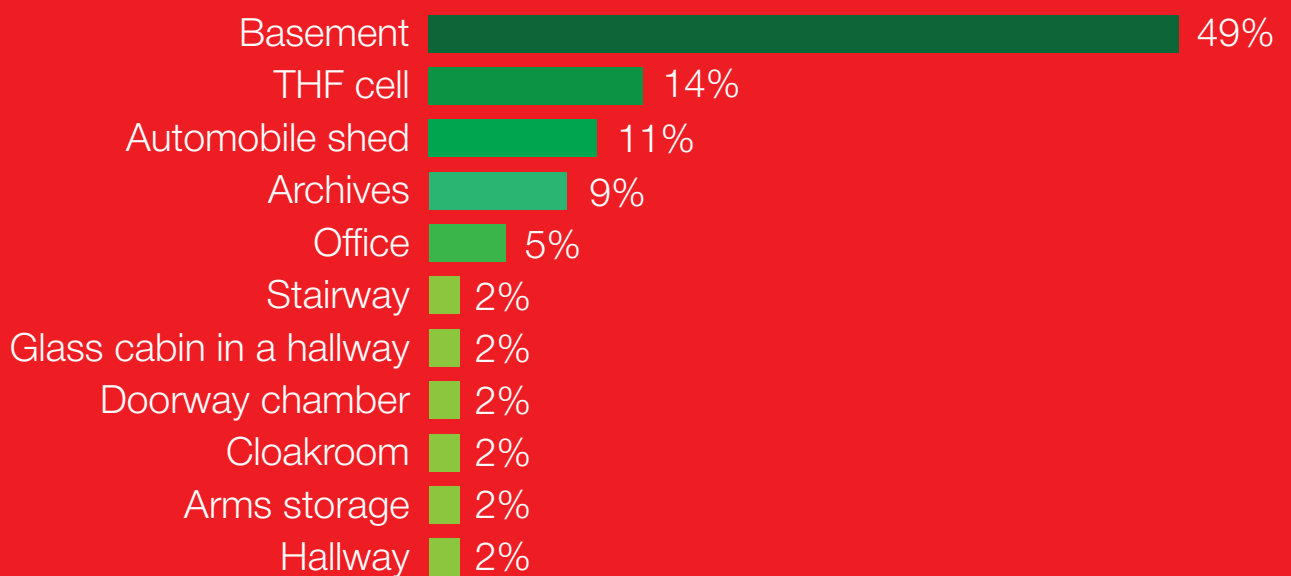
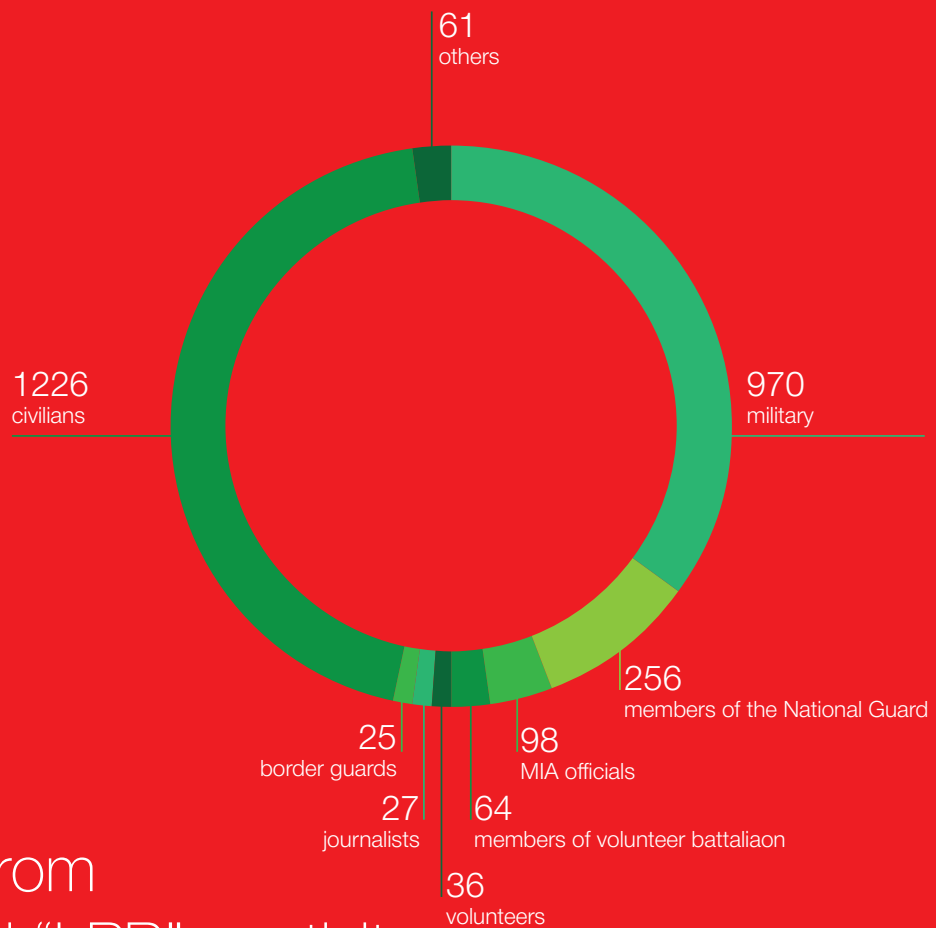
Almost half of all detainees stayed in basements, and many of them were held in vehicle sheds or archive premises that lacked even minimum conditions for the accommodation of people.

In reality, the only premises in conformity with the standards of detention were cells of temporary holding facilities of internal affairs bodies and remand prisons of the State Penitentiary Service, i.e. the specialized facilities for lengthy accommodation of detainees.

2. UNIAN (2014, October 03) SBU pokazala kartu zlochniv 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-zlochniv-proti-lyudyanosti-skoenih-boyovikami-na-donbasi.htm>.

2763

persons
released from
“DPR” and “LPR” captivity
(by 22 July 2015)



Places of confinement



Distribution of places of detention by localities (“DPR”, “LPR”)

IV. Circumstances and the procedure of apprehension

Research data undoubtedly proves that deprivation of liberty on the territory 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 system.

In addition to abusive use of force and cruelty, there is 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 apprehension;
- detainees are not advised on their rights and obligations;
- detainees do not receive explanation on the grounds of apprehension and the nature of suspicion or accusation;
- third parties are not informed about 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 and persons in captivity;
- there is no judicial review of the grounds, duration, and lawfulness of detention.

Apprehension of civilians who are temporarily present in combat zones usually take place at checkpoints of illegal armed groups (C-05)³.

3. Hereinafter: identification C-05 is a coded case number of the interviewed victim. Case files are stored in the Coalition’s archive and can be submitted to international judicial bodies upon the victim’s consent.

Circumstances of apprehension of civilians residing on the territory under the control of illegal armed groups vary. Usually such apprehensions takes places in places of public gatherings (C-61), places of residence (C-15; C-71; C-77), workplaces (C-54; C-68) and in localities outside of places of residence (C-44; C-45; C-60).

We also note the use of provocations by militants of illegal armed groups during the detention of civilians. Provocateurs call for help pretending to have come from the territory outside of control of the so-called “DPR”, “LPR” (C-65), or attempt to make individuals leave their houses under any pretext (C-16) etc.

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.).

Research data suggests that militants of the following illegal armed groups conduct the majority of the detention of civilians:

- “Prizrak” battalion of “LPR” illegal armed group (C-40; C-66; C-77);
- Platov Cossack regiment (leader – Pavlo Dryomov) of LPR illegal group (C-54; C-60; C-68; C-71);
- “Oplot” battalion of “DPR” illegal armed group (C-05);
- “Vostok” battalion of “DPR” illegal armed group (C-12).

Representatives of the following quasi-state power structures are usually responsible for apprehensions of civilians:

- Security forces of “LPR” and “DPR” illegal armed groups (C-02; C-05; C-65);

- Commandant's offices of "LPR" and "DPR" illegal armed groups (C-24; C-61);
- Police of "LPR" and "DPR" illegal armed groups (C-16; C-37; C-38).

Systemic detention of civilians are also performed by militants of armed groups that have not been identified during this research and subject to further identification (C-15; C-35; C-44; C-45; C-79).

As a rule, persons conducting detention or their commanders decide on further detention of illegally apprehended civilians (C-05; C-24; C-37; C-40; C-44).

Militants of illegal armed groups and representatives of quasi-state agencies manifest particular cruelty during illegal detention of civilians. Detained persons are subjected to lengthy beatings with the use of hands, feet and gunstocks with blows to all body parts, including the head. They are transported in trunks of vehicles; their fingers and toes are damaged with pliers, they sustain bullet wounds from small-caliber weapons, injuries from piercing and bladed objects. In addition, other methods of torture and cruel treatment are used (C-05; C-44; C-45; C-54; C-68; C-79).

During illegal detention, civilians are handcuffed, tied with ropes or rubber straps, and have bags put over their heads (C-02; C-35; C-65; C-44; C-60; C-15; C-54).

As a rule, persons who conduct arrests also convoy illegally detained civilians from the place of actual apprehension to the location of further detention. In majority of cases, these are members of illegal armed groups and representatives of quasi-state power groups (C-02, C-12, C-40, C-60, C-61, C-65, C-66). In addition, militants also use excessive force and cruelty towards civilians during convoy transfers. They sustain unwarranted force, including with the use of stocks, the infliction of bodily injuries with piercing and stabbing objects, and threats with firearms (C-35, C-44, C-45, C-61, C-65).

When analyzing the capture of the AFU military and members of volunteer battalions, we should emphasize that these captures follow military confrontation with direct involvement of the armed forces of Russian Federation in the majority of cases (C-26, C-27, C-46; C-53). According to former detainees, the capture of most ATO members was carried out by Russian military personnel (C-26, C-27, C-50, C-53, C-72).

The study materials also include information on the capture of the AFU military and members of volunteer battalions by fighters of illegal armed groups, in particular Kalmius battalion comprised of contracted soldiers from Russian Federation (C-74) and fighters of unidentified military groups (C-11, C-23, C-62; C-64).

Testimonies of military personnel who had been captured and detained describe certain specifics of decision making in relation to further detention of the AFU military and

members of volunteer battalions captured by the military of Russian Federation. Sometimes these decisions are made directly by representatives of Russian armed forces (C-53, C-50, C-72). However, in the majority of cases, military personnel of the RF delegated the power to decide on further detention to the leaders of illegal armed groups, the so-called "LPR" and "DPR" (C-26, C-62, C-27).

Study materials suggest that fighters of Kalmius armed group (C-74) and representatives of quasi-state power groups – the security service of the so-called "LPR", "DPR" – demonstrated particular cruelty and excessive violence (physical abuse, mutilation, humiliation etc.) towards AFU military and members of volunteer battalions in captivity. In practically all cases, there were plastic clamps, wire, belts and duct tape used on the AFU military and members of volunteer battalions. They were also blindfolded for long periods of time (C-23, C-26, C-27, C-53, C-62, C-64).

The specifics of convoy transfers of captured AFU military and members of volunteer battalions suggest that the process is of a substantial length (often lasting over a day) and changing of persons in charge. Research data includes information on numerous instances when units of the armed forces of Russian Federation began the transfer, and fighters of illegal armed groups continued the process (C-27, C-46, C-50, C-53, C-62).

Research also shows data about cases of convoy of captured AFU military and members of volunteer battalions being transported to the place of detention directly by the military of the Armed forces of Russian Federation (C-26, C-72).

In almost all cases, captured AFU military and members of volunteer battalions were transferred in inhumane conditions by vehicles that were not designed for transporting people (C-26, C-27, C-53). They were also transported over long distances during long periods, including the wounded; sometimes the convoy was on foot (C-46, C-72, C-74).

The following quotes from testimonies confirm cruel treatment of the captured AFU military and members of volunteer battalions during convoy to the place of further detention:

"... We were standing on our knees for about 2 hours... They started beating us, spitting and making videos with their phones. I was bleeding out of my ear and had torn lips and bruises. They broke the ribs of other guys (Yuriy), and broke Valeriy's second jaw. Each of us hit the wall several times after the blows. When they learned I was a sniper, they started hitting me harder and wanted to cut out my eye, even put a knife to my pupil... After that they hit my tailbone" (C-74).

"During breaks in the process of convoy, they were beating with their hands, feet and stocks. They tried to cut off the toes with an axe; they were squeezing fingers with pliers, and shooting next to the head" (C-23).

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

Severodonetsk



Lysychansk



Stakhanov



Alchevsk



Perevalsk



Slovyansk



Kramatorsk



Druzhkivka



Konstantynivka



Dzerzhynsk



Horlivka



Yasynuvata



Donetsk



Dokuchayevsk



 Law enforcement bodies
(police, SSU, 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)



Luhansk



Krasny Luch



Antratsyt



Krasnodon



Verkhnyoshevyrivka



Rovenky



Sverdlovsk



Makiyivka



Snizhne



Shakhtarsk



Ilovaysk



Dzerkalne



Starobesheve



Novokaterynivka

V. “STAFF” OF THE PLACES OF DETENTION

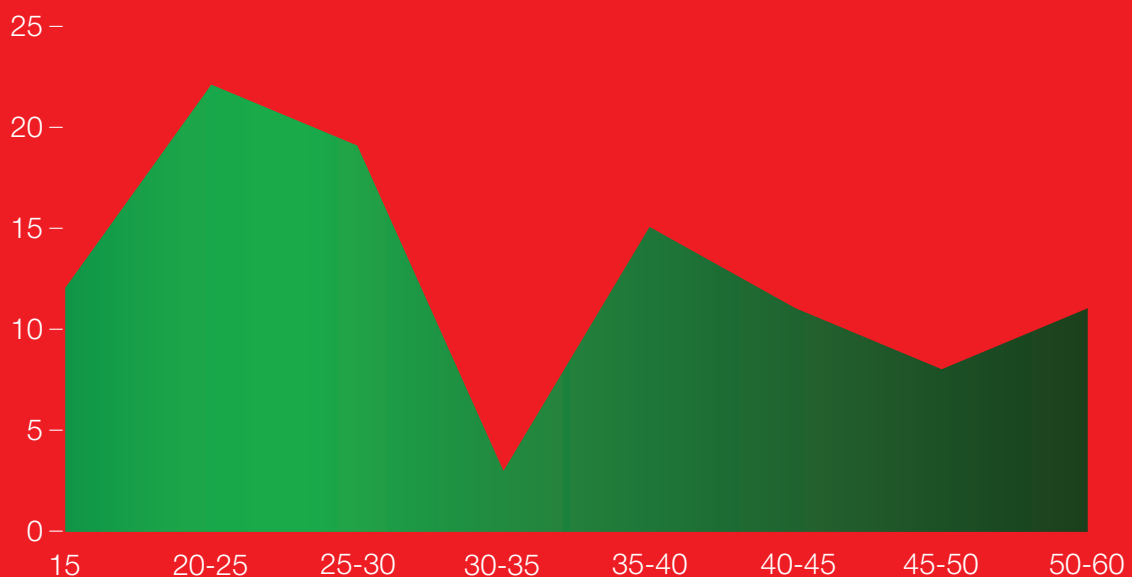
Testimonies of illegally detained civilians and military personnel confirm that in majority of cases there was no basic distribution of functions among the so-called staff of the places of detention. For instance, same people were responsible for convoy and security in 59.5% of cases. In addition, these people were also conducting interrogations in 14% of cases. Such a picture was noticed rather proportionately in the territory controlled by the so-called “LPR” (26%) and “DPR” (33%).

Accordingly, these facts cast serious doubt on the possibility of impartial, human, non-discriminatory treatment of the majority of persons in places of detention.

Statistics on the use of torture and cruel treatment also supports this argument – 69 percent interviewees reported experiencing physical abuse during captivity and interrogation in places of detention.

Majority of security guards described in detail are persons below 30 (53%)

We should point out the engagement of at least four 15-year old men in these functions in Snizhne (Donetsk region). They are armed with AK-47, Kalashnikov hand-held machine gun (RPK), and Simonov SKS carbine (C-26). The video with underage participants of illegal armed groups was



Age characteristics of security personnel in places of detention (%)



Use of children in military groups. Vostok battalion. Donetsk, June 2014.

published online⁴. One of the leaders of the quasi-republic, Oleksandr Zakharchenko, made public statements about involvement of children in military action on the side of the so-called “DPR”⁵.

Interviewees mentioned medical personnel working as support staff in Donetsk, Snizhne, and Makiyivka (Donetsk region), and Luhansk. The medics had practically no possibility to affect the status of prisoners thus there were almost no releases or transfers on health grounds.

Despite basics of medical ethics, not all medics followed the principles of urgent care for civilians and military personnel. Authorities of Krasnodon city hospital, for instance, reacted negatively to the need for providing assistance to captured Ukrainian military and inflicted intentional pain during post-surgery procedures (C-52). According to witnesses and victims, the staff of Smersh armed group of the Ministry of state security, which was located in Luhansk in the summer of 2014 (Heroyiv Velykoyi Vitchyznyanoi Viyny Square, 10) included 2 Russian medics – nurses with nicknames Pal Palych and Kakha (Valeriy Ivanovych Kalinin from Krasnodar). The former conducted torture using medical tools, and the latter displayed particular cruelty when arrestees came to him (C-65).

There were isolated cases of involving priests to solve problems of persons in places of detention of the so-called “LPR” and “DPR”. These facts are known only in relation to

4 Ylemoscova (2014, July 29). ANDREY DONETSK [video file]. Retrieved from https://www.youtube.com/watch?v=Z6_Z0a7sTyI.

5 TASS. (2014, October 1). Premier-ministr DNR: v Donetske poyavyatsya Suvorovskoe i kadetskoe uchilishcha [There will be Suvorov and cadet colleges established in Donetsk]. Retrieved from <http://tass.ru/mezhdunarodnaya-panorama/1478603>.

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

the basement of the state regional administration in Luhansk region where a group of hostages was held.

“A priest in camouflage T-shirt and trousers came. He was short, round-faced, and had very short haircut, aged below 40, and without a beard. He said I would be executed in the morning” (C-44).

In the framework of this research, it is particularly difficult to characterize other staff supporting accommodation of prisoners in places of detention. First, these places usually have unofficial status thus the so-called “LPR” and “DPR” armed groups did not have the need to ensure normal conditions of detention. Consequently, security guards or detainees were responsible for preparing meals. Only in isolated cases, locals, predominantly women, were involved for the purposes of preparing food (C-02, C-15, C-30).

Women were rarely among the staff of places of detention. In particular, there are only two reported cases:

1. Investigator of “LPR” police, Alchevsk – a woman, approximately 30 years old, with blond hair, who worked at the city “police” unit (C-37).

2. “Bagira”, a member of “DPR” military group, Snizhne (Donetsk region) – a 30-year old woman, short blond hair, average height, strong-built, wearing camouflage military uniform, armed. She took part in interrogations together with the Russian military (C-41, C-74).

The staff of places of detention usually comprised of locals. However, 31 percent of interviewees mentioned personal contact with at least 32 mercenaries from Russian Federation, as well as regular servicemen from Russian Federation who were taking part in interrogations and security of places of detention. These cases were recorded

Buryat with a nickname «Vakha» during military action in Donbas. 17/03/2015⁶





Mercenaries from Northern Caucasus.
Donetsk, June 2014.⁷

in Luhansk, Krasnodon and Stakhanov (Luhansk region),
Donetsk, Snizhne and Slovyansk (Donetsk region).

“Lisa”(“Fox”) 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).

“These were soldiers from Russian Federation with Russian uniforms and insignia. They also had Russian equipment with a marking – a white circle with a triangle inside” (C-53).

“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).

⁷ 62.ua. (2015, July 31). Kadyrov zayavil, chto vse chechenskie “khufigany”, 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.

VI. Conditions of detention

According to information above, by 30 September 2014, there were 26 documented facilities in the territory or near seven localities used as places of detention. Places of detention of the AFU military, members of volunteer groups, volunteers or other civilians, can be divided into two types – first type with certain conditions of detention and equipped for these purposes (as a rule, these are temporary holding facilities (THF) in occupied cities, premises of law enforcement bodies (MIA, SSU, courts) used for detention. However, almost all interviewees were held in the second type, namely maladjusted locations, including premises of administrative or even private buildings, basements, garages, sheds, pits and even outdoors.

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 for detention. Interviewees testify 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. 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 or during nighttime when these criminals introduced a curfew and prohibited

people from waking freely in the streets. People were also apprehended in a state of alcohol intoxication or even following a denunciation. These informal places of detention were generally regarded as having more severe conditions; nobody was formally responsible for their operation, and treatment of prisoners depended on the will of criminals who detained people arbitrarily and administered additional physical and moral suffering through cruel treatment or torture. We should note that the majority of persons deprived of their liberty were held in these “makeshift” informal places of detention used by members of armed groups. Consequently, 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 for these criminals, especially in relation to information obtained concerning the victims of Lyuty in Bryanka. According to this information, pro-Russian separatists held in captivity, committed unpunished arbitrary murders in Bryanka and Alchevsk.⁸

Often, detained 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 Severodonetsk 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).

The most vivid accounts of conditions of detention are in victims’ testimonies:

“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 accommodated. 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).

Places of detention in the basement of Severodonetsk unit of the State Institute of Nitrogen Industry



8 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-V-Bryanke-naydeny-17-tel-zhertv-bandita-Lyutogo-94009.html>.



Place of detention in the basement of Slovyansk city department of the SSU in Donetsk region

“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 we 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 no ventilation” (C-44).

“Severodonetsk, Vilesova Street, 1, a basement of Severodonetsk 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).

“Kramatorsk, Donetsk region, Shkadinova Street, 14, jewelry factory. 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, Leninhadska Street, 41. 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 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).

“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 395 Shakhtarskoyi Dyviziyni Street, 48 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).

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 Dokuchayevsk I spend 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 two examples confirm the above:

“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 7 people excluding me in the room. On the fifth day of my stay there, there were 27 people” (C-38).

Plastic bottles and bottles were used for fulfilling natural needs in places of detention. Place of detention in the abandoned bomb shelter at the territory of CJSC «Lysychansk Glass Factory ‘Proletariy’»



Place of detention in the abandoned bomb shelter at the territory of CJSC «Lysychansk Glass Factory ‘Proletariy’»

“The newsroom. I was handcuffed to the radiator on the stairs between first and second floors” (C-40).

There were covert and open places depending on the motive of detention – an intention to “hide” and isolate a persons, or, on the contrary, the need to keep the victim close to the place where s/he can be used for labor. According to provided 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 no proper conditions for accommodation of persons.

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

“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 (as a rule, practically in all instances) 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).

Access to water and food is also crucial for assessment of treatment of detainees. Evidence provides a generalized description of the state of provision of potable water and food to captured and detained persons.



Place of detention in the basement of Sloviansk city department of the SSU in Donetsk region

“When they detained me, there was a 1.5-liter 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 firetruck 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).

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

“Luhansk, SSU premises. They brought water. There were problems with food: there was one big rust 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).

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, which rendered these persons kidnapped and illegally detained in secrecy. They could not inform their relatives and next of kin about the place of detention, grounds for apprehension, or affect the inhuman and harsh conditions of detention. In addition, they had no access urgent medical assistance that was denied to the majority of interviewees.

“A doctor visited us in captivity. We called for her through the convoy staff. She said she could not help me 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 Dokuchayevsk” (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 2 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).

VII. Torture and cruel treatment of detainees

There is a widespread practice of torture and cruel treatment of illegally detained civilians and military personnel in the territory of the so-called DPR and LPR. There are carefully organized and interrelated acts taking place in all unofficial places of detention. These are systemic and large-scale phenomena proving the existence of a deliberate policy of torture and ill-treatment of detainees, which confirms the commission of crimes by illegal armed groups. There is a need for separate investigation of each instance and episode.

The systemic character of torture is also described by numerous testimonies: “Every day could be different. They woke us up when they wanted to, took us to the beating, and conducted constant interrogations” (C-56); “Yes, there were contacts. Their point was for us to be assaulted” (C-48). Medical staff from the occupied territories also confirm the cruelty of torture, “There are known cases when members of Vostok battalion beat people to death. I do not know last names or details. They contacted [me] as a surgeon in a hospital” (C-24).

Torture and cruel treatment is also used towards women. Two interviewees were pregnant during interviews, and 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 note the role of Russian media. Detainees mentioned that after beatings they had to answer questions on demand

of the members of illegal armed groups, as well as local and Russian journalists. The “wrong” answer could lead to torture.

“They were making us answer the journalists’ questions in a way they asked, under the risk of abuse. In October – November 2014, representatives of the 5th Channel 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 tell. They would write everything on a 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).

Description of torture and cruel treatment herein is classified into categories. We should mention that members of illegal armed groups often combine with each other so any definition is rather tentative. There is not enough data to establish the precise relationship between the type of treatment and a category of detainees. At the same time, the data indicates that increased levels 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, and events of the military conflict (LPR and DPR losses) etc.

We provide detailed examples below. There is obvious impunity in relation to such treatment. Few interviewees mentioned that superiors prohibited torture and abuse of captives, but they had no information about a single in-

stance of punishment for such treatment. Moreover, one of the captives had an impression that torturing him was a test for perpetrators in the presence of silent observers.

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).

“During detention at Donetsk SSU, I was tortured. 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:

“N was 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 air 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 different body parts with an electric shocker. There is still a scar on the leg and a video evidence”⁹ (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 N was severely humiliated at the frontline. They cut a word “bandera” 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 his as a “200” with Aydar” (C-49).

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).

USE OF VARIOUS TORTURE TECHNIQUES:

“Everyone was beaten and physically assaulted. N came to fight for separatists, but they did not believe him and considered him an “ukrop spy”. N was also constantly beating. 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, N and T, were thrown into the corridor. They were accused of filming secret objects. One of them fell on me, and my handcuffs broke. N was hit with sticks into a box; and T watching the entire time. Then, the separatists took N 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).

9 Russkaya Pravda (2014, June 18). Broshennyi svoimi raneniyi natcvardeets 18+ [A member of national guard left behind by his fellows] [video file]. Retrieved from <https://www.youtube.com/watch?v=y8qeFQvnX0Y>.

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 place – one could hear the process of torture, and it affected the mental state” (C-26).

“Once I heard that two military captives arrived and were in the basement. I do not know what they were doing to them, but the prisoners were screaming very loudly. 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 pots on his head. They were hitting the pots. He screamed, ‘Kill me but stop hitting’” (C-3).

THREATS, HUMILIATIONS, AND PSYCHOLOGICAL PRESSURE:

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

“Every night troopers would come (they lived on the floor), throw bottles, call us names, threaten with executions and saying, ‘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 to 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’s 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).*

“On the fifth day, they put me into a tile cell where I did not receive water for a week or food for two weeks. After this period, they gave me bread over which I broke two teeth, and noodles with fermented smell” (C-100).

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 sit-ups, 100 push-ups, abs. 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).

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

EXTRAJUDICIAL EXECUTIONS, KILLINGS:

“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 spend 7 years in jail. He was from Zaporizhzhya, and when Maydan started rising, he was bragging about killing a man from Svoboda, I think, Chernyakhivsky” (C-56).

“Fighters of ‘Donbas’, N and T, 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) went to bury the tortured person” (C-55).*

“However, there was a case that was different – a local was caught allegedly for looting. He was cuffed to a UAZ automobile in the courtyard of Snizhne Police where prisoners were kept. He stayed in the sun for 5 days with no food or water. After that, one of the guards gave him a piece of bread and water, and the victim died allegedly from ‘twisted gut’ in front of captives. We stayed in the premises on that day. I only saw him from a distance” (C37).

PARADES OF WAR PRISONERS¹⁰:

The so-called “parades of war prisoners” are nothing other than a form of torture and cruel treatment of war prisoners with the purpose of inflicting physical pain and moral suffering. The specifics of this form of treatment is its focus on media and public for additional humiliation of honor and dignity of persons, large number of prisoners subjected to abuse, and 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 forums. At the same time, these videos leave out images of beatings and abuse that take place during these events mentioned by released captives.

“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 people 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. Those we were walking ‘in a box’, and there were guards on the side, people still managed to break through. N was hit with knuckle brass in a chest and later there was blood in his urine. A bottle hit my let. It was scary, and 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 phone. My ear was bleeding, lips were broken, and I had bruises. They broke Z’s ribs and T’s second jaw. Each of us hit the wall several times after the blows. When they learned I was a sniper, they started hitting me harder and wanted to cut out my eye, even put a knife to my pupil. They would do 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-74).

¹⁰ 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>.

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 N and I were taken for sale. N said that, most likely, to Rostov region. They were driving us for a very long time – six hours. We crossed the border. N 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 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”. Duration and frequency of interrogations are different. One interrogation could also have breaks. As a rule, interrogations were accompanied with beatings, torture and psychological pressure. Different methods were used: 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.

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

There were recorded instances of blindfolding, putting balaclavas on and taping eyes during interrogations and beatings. At the very least, one respondent stated that the tape used for blindfolding leaves wounds.

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 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).

“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. May time, they ran in with machine guns and performed mock execution, 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 Stakanov, and things only got worse afterwards. Severe beatings started. Primary victims were the “political” ones (supporters of Ukraine’s state sovereignty) and a fan of “Zarya” football club. One person sustained had 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).

The content of questions depended on the status of a detainee and reasons for detention. In practice, these included

civic activity, local business, violations of the curfew, 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 at interrogation depended on the type of military. The treatment was worse towards members of volunteer battalions, snipers, and artillerymen. They tried to recruit using different methods.

“I was chatting via V Kontakte with a Russian journalist from Nostalgie 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 source 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. Mozhovy. [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 Mozhovy. Later, there was communication with Mozhovy. 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 time for my registration address and asked whether there was alarm in the house, who lived there, what I did at Maydan, who sent me there. They asked for contacts of people from Maydan. When I admitted that

I was in “Batkivshchyna”; they asked who was leading “Batkivshchyna” in general and 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).

Requests for providing access to social networks and e-mail was the 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, “banderivtsi”, 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 the funding and property of detainees (bank documents, money transfers, and bankcards), contacts of relatives who could pay ransom.

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 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 look for a job to the relatives. 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 results of interrogation varies. Often, interrogations were not recorded at all. In some instances, there were reports on regular paper. At the same time, the subject of interrogation had no opportunity to look at the contents of the report. 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?’ Only in one case it was mentioned that the person had filled out a questionnaire of a prisoner of war. One respondent said that there was a report for a superior compiled based on interrogation results. Several respondents pointed out that they had signed a report.

Certain respondents mentioned that interrogations and beatings were recorded on video and cell phone. One of them remembered a video camera installed in a room. As a rule, the whereabouts of these records are unknown.

“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 TV” (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 force of the “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 defined by the respondents as members of the Armed Forces of Russian Federation. According to respondents, they either introduced themselves (officer of the Federal Security Service of Russia) or could be identified through insignia of the Armed Forces of Russian Federation, their conversations (they named their city in Russia), belonging to a certain nation (Chechens) etc.

With a high degree of certainty, some interrogators can be identified as former officials of state law enforcement agencies in these localities, in particular, the police, SSU, prosecution service. In some cases, victims recognized them due to previous contacts.

We should note interrogations and torture of persons arrested in the territory of Ukraine, which took place in Russian Federation. Given a small number of questionnaires, it is not possible to reach an objective conclusion about prevalence of such practice. At the same time, these recorded instances confirm direct connection of illegal armed groups of the so-called “LPR” and “DPR” with state bodies of the Russian Federation (C-2).

FORCED LABOR:

According to persons deprived of liberty, both civilians and military, there is a practice of forced labor in unofficial places of detention in “LPR” and “DPR”. Only some interviewees mentioned that they were not forced to perform coercive labor, however, they would still do this work, as it was the only way to find food or make their detention easier etc.

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. A number of prisoners noted that they performed hard physical labor.

There was a recorded case of coercion of people lacking relevant skill to do demining. In addition, prisoners were forced to conduct exhumations, unearth and bury the dead. This work caused moral suffering and had a negative effect on physical condition.

“Usually, it was hard physical work, including construction (repairs of houses of local population and as 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 2015” (C-55).

“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 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 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. Attitude towards prisoners depended largely on the security guards. Testimonies of the release contain multiple

mentions about beatings and cruel treatment during work.

“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).

“They were shooting our feet, hitting on the back and head, humiliating morally and, often, for no reason” (C-5).

“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 sit down and smoke” (C-98).

“Several time, 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 10-20 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 work was more difficult since every public transport stop had speakers loudly broadcasting patriotic songs, and on Saturdays – children’s songs. It affected our mentality as we had an impression of being lost and living in the USSR” (C-37).

Conclusions

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, findings of this report can be taken into account in relation to the following recorded violations of international humanitarian law:

- Use of unjustified force during the arrest of civilians;
- Use of excessive force and excessive cruelty towards certain categories of detainees;
- Use of weapons for inflicting blows during arrest of civilians;
- Use of bags over the heads during arrest of civilians; use of plastic clamps, wire, belts and duct tape during arrest of military personnel of the AFU and fighters of volunteer battalions;
- 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;
- 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 water and food, or insufficient quantities;
- Humiliation of prisoners through the use of media exposure;
- Widespread practice of torture and cruel treatment of detained civilians and military personnel.

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

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