

# UKRAINE: THE FORGOTTEN

## Serious human rights violations

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has the right to life, liberty and security of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel,



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## Introduction

The human rights situation in Ukraine is alarming. Civilians are caught in the conflict between the Ukrainian troops and pro-Russian armed groups mainly in the East of the country. They are also abducted or arbitrarily detained, tortured, threatened and subjected to discrimination, especially in Crimea.

The serious human rights abuses committed between November 2013 and February 2014, when Euromaidan activists were repressed, received wide coverage from the world media. In-depth investigations were or are presently being carried out by international and national bodies, national civil society and international organisations.

The crash of the Malaysia Airlines Boeing 777, shot down by a missile, brought the situation back onto the front page just as the international community's interest was waning after the events in Maidan and Russia's annexation of Crimea, having had little influence on efforts to solve the conflict.

It has become extremely difficult to document human rights violations in the context of the conflict between the Ukrainian army and pro-Russian groups. This difficulty is due to the overall insecurity in the territory, difficulties in reaching conflict areas, obstacles impeding the work of journalists and NGOs, fears of reprisal on the part of victims if they provide testimony, and the information war waged by both sides.

The purpose of this paper is to highlight the main aspects of the grave human rights violations committed by the various parties to the conflict (some of which are tantamount to international crimes), to identify those responsible, and to make recommendations to international and national actors regarding the protection of the civilian population and the fight against impunity.

This paper is based on reliable, factual and cross-checked information gathered in June 2014 during a FIDH mission in Ukraine, organised in collaboration with FIDH's partner organisation, the Center for Civil Liberties, as well as information provided by local NGOs and other independent information sources, including international organisations working in the country, such as the United Nations Office of the High Commissioner for Human Rights.

## I. Chronology of events

On November 21, 2013, following the announcement by Ukrainian President Viktor Yanukovich that the Association Agreement with the European Union had been suspended, a spontaneous public demonstration began in Kiev. The protest grew quickly, spreading to several cities and regions throughout the country, while repression of the movement became fiercer. Repression against protesters left over 118 people dead.<sup>1</sup> Following these events, on February 20, 2014<sup>2</sup>, Viktor Yanukovich was removed from office. On February 23, 2014, Arseniy Yatsenyuk, Chairman of the Parliament, was named interim president.

A few days later, pro-Russian armed groups took over the Parliament buildings in Simferopol, Crimea. On March 16, a controversial referendum was organized. This referendum was deemed illegal by the Council of Europe's Venice Commission. According to the referendum results a majority of voters allegedly demanded

<sup>1</sup> According to the data provided by the civic initiative EuromaidanSOS

<sup>2</sup> According to the data provided by the civic initiative EuromaidanSOS

the annexation of Crimea to Russia.

Pro-Russian movements became active in Eastern Ukraine as well as in the South, around Odessa. On May 2, confrontations between pro-Russian and pro-Ukrainian forces led to about 40 deaths in Odessa.

On May 11, another so-called referendum, which, like the referendum in Crimea, also violated the Constitution of Ukraine and was held in violation of international electoral standards, was organized in the Donbass region, in Eastern Ukraine. This led to the declaration of independence by the “Popular Republics” of Donetsk and Lugansk.

On May 25, the presidential elections took place throughout Ukraine as planned. The elections took place in a context of insecurity but under transparent conditions: Petro Poroshenko, one of the 21 candidates, was elected. Most of the inhabitants of the Donetsk and Lugansk regions were not, however, able to take part in the vote, having been prevented from doing so by pro-Russian separatists occupying both regions. In Crimea, only a small minority of people were able to vote.

According to the United Nations High Commissioner for Human Rights, between mid-April and July 15, 2014, fighting between the Ukrainian armed forces and armed separatists groups reportedly led to at least 1,000 deaths, including civilians and armed men from both sides of the conflict.<sup>3</sup> Beginning of August, UN reports mentioned at least 2000 deaths. The cease-fire, agreed to by both parties on June 23, was lifted by the Ukrainian President on June 30. From July 1st, the Ukrainian army launched massive attacks against the separatists, who have reportedly organised their positions in the residential areas of the several cities in the Donbass region.

## II. Human rights violations

### 1. Shots fired against non-military targets and lack of protection for civilians

On May 2, 2014, in **Odessa**, confrontations between pro-Russian and pro-Ukrainian demonstrators and a fire at the city’s trade union building where pro-Russian activists had gathered, led to the death of about 40 people. Over 200 people were reportedly injured. According to several witness reports, security forces at the site remained largely unresponsive in the face of events. The mission of the High Commissioner for Human Rights present at the site reported on the “insufficient and inadequate presence” of the police at the time of these events.

On June 3, the Ukrainian army regained control of the city of **Krasnyi Lyman** (Donetsk region) from the hands of the separatists. On this day, one of the two hospitals located in the south of the city came under fire, resulting in the death of Vasily Ivanovich Chistok, a surgeon who had been seriously injured two weeks earlier. Mortar fire was directed at the hospital’s therapy unit by the Ukrainian army.

Between July 12 and 21, 2014, during operations conducted by the Ukrainian army in order to regain control of the city of **Donetsk**, at that time held by separatists, Grad rockets (weapons characterized by their lack of precision) were fired by Ukrainian government forces and pro-government militia, reportedly causing the death of at least 16 people, according to a report issued by the NGO Human Rights Watch on July 25, 2014.<sup>4</sup>

As long as operations are launched by the Ukrainian army in order to regain control of separatist territory, it is the duty of the Ukrainian government to ensure the safety of the civilian population, in accordance with the rules of international humanitarian law regarding the protection of civilians not taking part in the fighting.

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<sup>3</sup> Report of the High Commissioner for Human Rights on the human rights situation in Ukraine, 15 July 2014, available at: [http://www.ohchr.org/Documents/Countries/UA/Ukraine\\_Report\\_15July2014.pdf](http://www.ohchr.org/Documents/Countries/UA/Ukraine_Report_15July2014.pdf)

<sup>4</sup> <http://www.hrw.org/node/127607>



On July 17, a Malaysia Airlines Boeing 777 with 298 passengers on board, including 193 Dutch nationals, was shot down in the area of Shakhtarsk, in eastern Ukraine. Russia and Ukraine are blaming each other for the disaster, fuelling an information war that makes it difficult to conduct an impartial investigation into the reasons for the crash. However, various video footage, internet posts by militia leader Strelkov-Girkin and opinions by military experts seem to indicate that the plane was shot down by an anti-missile complex. This fact, together with the fact that other transport and military planes have been downed by the militia, has generated great concern about the heavy weapons in their possession and the origins of this weaponry origin. On July 21, the UN Security Council adopted a resolution demanding that the separatists allow unimpeded and secure access to the crash site. Nevertheless, those in the field report numerous obstructions to both the investigation and the return of victims' bodies to their relatives on the part of the separatists. There are also reports that crash victims' possessions have been looted by the separatist militia. The Netherlands has opened an investigation into the disaster for murder, war crimes, and intentionally downing an airliner.

Exchanges of fire during fighting between the Ukrainian army and separatist groups have not spared civilians. The population has been fleeing combat zones, where their security is not guaranteed. According to the UN High Commissioner for Refugees, approximately 100,000 people have been displaced in Ukraine and 130,000 reportedly entered the territory of the Russian Federation on July 18, 2014. Dan MacNorton, spokesperson for the UNHCR, declared on July 25, 2014 that displaced people have been fleeing their homes due to "concerns related to their safety and to the fear of being caught in the fighting", according to the testimonies gathered by UN staff.<sup>5</sup>

## **2. Abductions and torture: the escalation of terror**

Prior to the start of the Ukrainian crisis in November, the country's security forces had been using torture on individuals who had been arrested and prosecuted, notwithstanding strengthened laws in this area. As such, despite the law of November 2012 banning the use of confessions obtained under torture in court cases, the practice was systemically continued,<sup>6</sup> especially due to the impunity enjoyed by police officers.

Hundreds of cases of abduction and torture have been reported since the beginning of the uprising against President Yanukovich in Kiev, including during recent events in Crimea and in eastern Ukraine.

The first cases of abduction and torture were reported in 2014,<sup>7</sup> targeting opposition demonstrators belonging to the Euromaidan movement in Kiev.

Abductions and torture intensified in the context of the civil war in Eastern and Southern Ukraine, involving pro-Russian militia, sometimes with the help of Russians, according to several testimonies from abducted people. The purpose of the kidnappings is to put pressure on the activists and leaders of the opposing camp and to obtain information, notably on their purported links with the far-right Pravy Sektor movement. Rarely are these cases of abduction and torture followed up by serious investigations or legal proceedings, which allows the armed groups to pursue their actions with impunity.

Since May and the escalation of fighting, at least a dozen cases have also been reported of people being arbitrarily detained by the Ukrainian forces, who have particularly targeted journalists and separatist activists.

An increasing number of people not involved in the conflict have been abducted (in exchange for ransoms) and subjected to mistreatment, according to the Office of the UN High Commissioner for Human Rights.<sup>8</sup> The Ukrainian authorities are currently unable to protect civilians, who are fleeing from violence toward other parts of Ukraine or Russia.

<sup>5</sup> <http://www.20min.ch/ro/news/dossier/ukraine/story/100-000-d-plac-s---130-000-r-fugi-s-ont-fui-en-Russia-11618809>.

<http://www.20min.ch/ro/news/dossier/ukraine/story/100-000-d-plac-s---130-000-r-fugi-s-ont-fui-en-Russia-11618809>

<sup>6</sup> <http://helsinki.org.ua/index.php?id=1372339170>

<sup>7</sup> On January 22, the mutilated body of Yuriy Verbytsky, a Euromaidan activist, was discovered near the village of Hnydin (Boryspil district). He was purportedly kidnapped, along with activist Igor Lutsenko, by unidentified men at the Alexandrovskaia hospital in Kiev, where he was being treated since 20 January after a confrontation with Ukrainian security forces. Both activists were detained in a garage and subjected to torture.

<sup>8</sup> Report on the Human Rights Situation in Ukraine – 15 July 2014 : [http://www.ohchr.org/Documents/Countries/UA/Ukraine\\_Report\\_15July2014.pdf](http://www.ohchr.org/Documents/Countries/UA/Ukraine_Report_15July2014.pdf)

## 2.1. Increased abductions and torture by pro-Russian forces

The testimonies provided by victims emphasize difficult detention conditions (cellars, damp and dark solitary confinement cells) and violent interrogations that focus on the victims' connections with movements opposing the pro-Russians. Interrogations are reportedly characterized by frequent blows, the use of "traumatic" weapons, electroshocks, cutting parts of the skin, injecting substances, deprivation of sleep, sexual violence, imitation of executions and other forms of severe torture.

### The situation in Crimea

On March 8,<sup>9</sup> **Oleksandra Ryazhtseva** and **Ekaterina Butko**, two female activists from the Automaidan movement (a movement supporting the Euromaidan movement through car protests), were kidnapped while on their way to Crimea<sup>10</sup> to deliver letters to Ukrainian soldiers. The women were initially brought to a camp, then to a basement where they were allegedly beaten several times, with their hands bound. Their hair was also cut off in reprisal. Each of them was questioned for 3 days regarding Automaidan's financing, political support, activities and the movement's organization. The two women were released at the same time as press photographers **Oleh Kromples** and **Yevhen Rakhno**, who were driving the car when they were seized. Three Automaidan activists are allegedly still in captivity: **Oleksiy Grytsenko**, **Sergei Suprun**, and **Natalia Lukyanenko**.

On March 9, 2014, **Andrei Schekun**<sup>11</sup>, President of the Crimean Centre of Cultural Cooperation, "Ukrainian House", and **Anatoly Kovalsky**, were kidnapped at the train station in Simferopol and held for 11 days by a group of armed men. Both men were among the organizers of a demonstration marking the anniversary of the birth of the famous Ukrainian poet Taras Shevchenko and opposing the "Russian aggression in Crimea". According to their testimony, they were interrogated and beaten every day. The questions focused on their connections with the protest movement Maidan and the far-right Pravy Sektor organization ("Right Sector"). Some of their torturers were referred to as "Russian investigators". The detainees were subjected to poor treatment and subjected to so-called "traumatic" weapons. They also received electroshocks as well as death threats from Berkut agents (a Ukrainian militia disbanded in February 2014), introduced as such by their kidnapers. After their release, both men were hospitalized for injuries caused by the "traumatic" weapons.

On March 10, 2014, **Igor Kiriuschenko**, a civil rights activist, was abducted in Sebastopol while he was in telephone contact with the secretariat of the Ukrainian Republican Party, of which he was a member. In addition to helping organize pro-Ukrainian demonstrations, Igor Kiriushchenko had also provided assistance to Ukrainian soldiers of the military units that were occupied and blockaded by the Russian forces. He had also attended the demonstration marking the anniversary of the birth of Taras Shevchenko on March 9, in Sebastopol and opposing the Russian military occupation.

On the morning of May 11, in Simferopol, Ukrainian film producer and EuroMaidan activist **Oleg Sentsov** was kidnapped by the Russian Secret Services, along with three other people: **Gennadyi Afanasiev**, a lawyer; **Alexey Chirny**, a historian; and **Alexander Kolchenko**, an anarchist and antifascist activist. Initially detained in Simferopol, they were later transferred to the Lefortovo prison in Moscow. The men were accused of planning terrorist attacks, in connection with the far-right group "Right Sector". The only evidence supporting these allegations were the so-called "confessions" of Gennadyi Afanasiev and Alexei Chirny, broadcast on Russian television and obtained under dubious circumstances. The four men face a prison sentence of up to 20 years for "terrorism" (Article 205 of the Russian Criminal Code), for "involvement in and planning of a terrorist organization" (Article 205.4), and illegal possession of weapons (Article 222). Oleg Sentsov stated that he had been tortured and mistreated while detained at the premises of the Secret Services in Simferopol.<sup>12</sup>

### The situation in eastern Ukraine: the Donetsk and Sloviansk regions

<sup>9</sup> <http://khpg.org/en/index.php?id=1394447426>

<sup>10</sup> <http://uacrisis.org/abducted-automaidan-activists/>

<sup>11</sup> Interview with Andrei Schekun : <https://www.youtube.com/watch?v=TpevSYLdcAw>

<sup>12</sup> <http://www.khpg.org.ua/en/pda/index.php?id=1404734406>

Abductions and cases of torture have been increasing at a particularly alarming rate in the Donbass region. According to the Ukrainian Ministry of Interior, between April and July 2014, some 717 people were abducted by separatists, of which only 437 have been released. According to the mission of the UN High Commissioner for Human Rights, which has monitored 400 cases of people abducted since April 2014, four of these people are deceased (found dead with signs of torture), 185 have been released, and 211 are still detained, including 9 women.

A climate of fear has been created by the separatists, who now use abductions as a source of revenue by demanding ransoms ranging from \$30,000 to 200,000 in exchange for the release of their captives.<sup>13</sup> While most abducted people are activists, journalists or officials, the entire civilian population now appears to be the target of abductions: professors, students, priests, etc. Several NGOs have been created to assist the civilian population, such as Donbass SOS<sup>14</sup> or Vostok SOS.<sup>15</sup> According to the testimonies provided to FIDH's international mission in Ukraine, in response to the lack of adequate action from the authorities, some NGOs have even offered abductors who fear releasing their hostages because of the torture inflicted upon them the opportunity to assist the victims with care in local hospitals in order to speed up their release.

Three dead bodies were discovered at the end of April 2014 in the Torets River. The mutilated body of **Volodymyr Rybak**, a member of the "Batkivshchyna" party and deputy of the Municipal Council of Horlivka (Donetsk region), was found near the village of Raihorodok. According to local police, Rybak was abducted on April 17 by pro-Russians, following a pro-Ukrainian gathering in Horlivka. He was then tortured and murdered. According to the inquiry conducted by the Ukrainian Security Service, the man responsible for this murder could be Igor Bezler, a lieutenant colonel in the Russian intelligence service. On April 25, the mutilated body of **Yury Diakovskiy**, a young man from the Lvov region, was discovered in the Torets River, as was the body of **Yury Popravka**<sup>16</sup>, a student at the Kiev Polytechnic Institute, who had disappeared on April 17. According to the police report, the men were thrown into the river while unconscious but still alive.

On May 4, **Aleksandr Vovk**<sup>17</sup> and **Aleksandr Gurov**, both members of the Independent Union of Ukrainian Miners, **Konstantin Museiko**, **Valeriy Pavlik** and **Oleg Bubich**, municipal councillors for the city of Novogradovka (Donetsk region), as well as another man, were kidnapped by a group of 10 armed men, who stormed the home of Konstantin Museiko.<sup>18</sup> After shooting Museiko's dog, the armed group allegedly brought the men to the headquarters of the self-proclaimed "Donetsk People's Republic", where they were tortured. The kidnappers wanted Museiko to transfer his financial assets to the separatist movement. On May 5, three of the men were released.

On May 6, **Sergei Chernyshev**, in charge of one of the police divisions of Hrorlivka,<sup>19</sup> was shot, then captured and detained by Pro-Russian activists at a police station in the city occupied by the separatists.

On May 8, the lifeless body of **Valery Salo**<sup>20</sup>, chief of the cultural centre Prosvita, was found in his burned car in the Hrekiivsk forest, in the Lugansk region. Valery Salo was a farmer from Rasny Lyman (Donetsk region), and an activist for the Ukrainian unit. According to Maria Olinyuk, a human rights activist in the region, Salo was abducted by armed men as he was heading to a meeting of the cultural institution Prosvita, and was subjected to torture by his aggressors.

On May 14, according to the NGO Kharkhiv Human Rights Protection Group,<sup>21</sup> **Alexandra Shevchenko**, headmistress of School No. 43 in Lugansk, was abducted by several masked men who mistreated her in front of the school children and personnel, then brought her to the former offices of the Ukrainian Secret Services, currently occupied by the separatists. Alexandra Shevchenko had refused to

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<sup>13</sup> <http://www.khpg.org.ua/en/pda/index.php?id=1404426473>

<sup>14</sup> <http://donbasssos.org/>

<sup>15</sup> <http://vostok-sos.org/>

<sup>16</sup> <http://khpg.org/en/index.php?id=1398430527>

<sup>17</sup> Interview with Aleksandr Vovk: <https://www.youtube.com/watch?v=zXjfALHFP9s>

<sup>18</sup> <http://www.civicsolidarity.org/article/950/update-situation-ukraine-5-6-may>

<sup>19</sup> <http://www.civicsolidarity.org/article/950/update-situation-ukraine-5-6-may>

<sup>20</sup> <http://khpg.org/en/index.php?id=1399641983>

<sup>21</sup> <http://khpg.org/en/index.php?id=1400074144>

organize the self-determination referendum of May 11. She was released after several hours of detention.

On May 26, a police officer was abducted by a group of “Cossacks” in Antratsyt, in the Lugansk region. The officer’s family received a ransom demand for one million hryvnias, that is, nearly \$80,000.

On May 26, four OSCE observers were abducted by pro-Russian separatists in the Lugansk region and were later released on June 27 in Donetsk. On May 29, four other OSCE observers were kidnapped and detained in Lugansk by separatists, then released on June 28, also in Donetsk.

On June 8, four members of the Evangelical Church of Transformation were abducted by separatists from the “Donetsk People’s Republic”. Pastor Alexander Pavenko’s two sons, Ruvim and Albert, as well as the deacons Viktor Brodarsky and Volodymyr Velychko, were tortured and found dead on July 2014.<sup>22</sup>

On June 23, **Mykhailo Savytsky** and **Arten Sukhodolov**, both students at the Donetsk Medical University, were kidnapped near their hotel.<sup>23</sup> According to witnesses, they were thrown on the ground, bound and led off by armed men. The separatists stated that the two men would be used in the army of the “Donetsk People's Republic” to dig ditches.

On June 24, **Serhiy Sergiyenko**, a lecturer at the East Ukrainian National University, was abducted by armed men at his home. Friends of the lecturer believe that he may have been taken hostage for having posted photographs and video footage of the separatists’ equipment on the Internet.<sup>24</sup>

On July 8, **Yuri Ivanov**,<sup>25</sup> a priest at the Ukrainian Orthodox Church, was kidnapped in Donetsk by pro-Russian activists. On July 3, **Father Tikhon** was abducted by a group calling itself the “Russian Orthodox Army”<sup>26</sup> and was released 2 weeks later, after being subjected to physical and psychological duress.

On July 9, **Nadejda Savtchenko**, a pilot for the Ukrainian army, was kidnapped by the separatists in Lugansk, Ukraine, and then transferred to Russia and handed over, according to her testimony, with a bag over her head, to the Russian Services. Held captive in the pre-trial detention centre in Voronej, she was charged by the Russian Investigation Committee with the deaths of two VGTRK journalists, killed on June 17 in the Lugansk region: **Igor Korneliouk** and **Anton Volochine**. Savtchenko’s interrogation was in fact filmed and made public. For its part, Kiev accused Russia of having abducted the pilot and forcibly taken her across the border. Kiev has demanded her “unconditional release”. According to the Ukrainian Ministry of Foreign Affairs, this incident constitutes proof that pro-Russian forces are working “very closely with the Kremlin’s security services”.

## **2.2. Abduction and torture by Ukrainian forces**

The June 15, 2014 report of the UN High Commissioner for Human Rights noted 11 instances of enforced disappearance carried out by the Ukrainian forces, and targeting separatist activists in Lugansk and Donetsk, as well as media professionals (see section 3). The July report was not able to provide updated numbers but confirmed a growing trend.

On May 6, **Igor Kakidzyanov**, Minister of Defence of the “Donetsk People's Republic”, was arrested during an attack carried out by Ukrainian forces. He was reportedly interrogated by men working for the leader of the Ukrainian Radical Party, a candidate for the presidential election, outwith of the boundaries of national and international laws. He was also subjected to torture.<sup>27</sup>

On June 25, **Vladislav Aleksandrovich** was tortured by men from the Ukrainian forces after posting

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<sup>22</sup> <http://khp.org/en/index.php?id=1405936264>

<sup>23</sup> <http://www.khpg.org.ua/en/pda/index.php?id=1403731546>

<sup>24</sup> <http://www.khpg.org.ua/en/pda/index.php?id=1403723844>

<sup>25</sup> <http://www.khpg.org.ua/en/pda/index.php?id=1404866060>

<sup>26</sup> <http://khp.org/en/index.php?id=1405370510>

<sup>27</sup> <http://dozor.kharkov.ua/themes/1001346/1150545.html>

videos of military operations in Mariupol on the Internet, according to the NGO Amnesty International.<sup>28</sup>

### 3. Violations of freedom of information and speech

#### **3.1 Journalists abducted, tortured and killed**

Since January 2014, it has become very difficult and dangerous to work as a journalist in Crimea and in the east of Ukraine. Kidnappers are especially targeting media professionals. In the Lugansk region, the separatists offered a ‘reward’ of between \$20,000 and \$10,000 for each journalist abducted.<sup>29</sup> After release, many journalists attest to the violence and poor treatment they received during detention in at the hands of the both separatists or and Ukrainian forces.

Several journalists have been wounded when covering the fighting between the Ukrainian army and the separatist groups. Six journalists have died in Ukraine in the exercise of their profession since the beginning of the conflict, according to the NGO Reporters Without Borders.

Between April 13 and May 6 in Sloviansk, blogger Artem Deinega and **Sergei Lefter**, an observer for the NGO Open Dialogue Foundation as well as a professional journalist, were detained by the pro-Russian militia. They stated that violence was used during their interrogations.<sup>30</sup>

On April 25, the journalist Iouri Leliavski, a correspondent for ZIK television and who also worked for RIA Novosti, was kidnapped by pro-Russians less than one hour after his arrival. Iouri Leliavski was held in the basement of the pro-Russian headquarters (formerly the offices of the Ukrainian Secret Services) until May 9. He was kept blindfolded in a cell with a dozen other people.

On May 9, a freelance cameraman for the Ruptly agency, who was working for the television channel Russia Today, was reportedly wounded by gunfire during the fighting in the streets of Mariupol.

On May 10, a journalist for Kuibishev 61, a Russian TV channel, was allegedly arrested by the Ukrainian police at a checkpoint while on his way from Sloviansk to Kramatorsk. According to the mission of the United Nations High Commissioner for Human Rights in Ukraine, an investigation was opened on May 15.

On May 11, **Pavel Kanyguine**, a correspondent for the Russian newspaper Novaia Gazeta, was kidnapped in Artemivsk (Donetsk region) by pro-Russian forces from the “People’s Republic of Donetsk”. His abductors confirmed that they were holding the journalist, who had covered the 11 May referendum, citing ‘irregularities’ they had found. The journalist declared that he was subjected to violence during his interrogation<sup>31</sup> before being released on May 12.

On May 15, a journalist and a cameraman working for the Ukrainian channel ICTV were arrested at the border. They were released after 15 hours of questioning, during which time they were deprived of both water and food. Their photos and videos were destroyed.

Tatar journalist **Omar Pashaev**, Turkish cameraman Djengiz Tizgan and several other journalists were arrested by the Department to Combat Extremism of the Russian Federal Security Service (FSB) for covering the demonstration commemorating the victims of the 18 May deportation in Crimea. Omar Pashaev was held for four hours during which he was reportedly beaten and humiliated.<sup>32</sup>

On May 18, **Oleg Sidyakin** and **Marat Saychenko**, two journalists of Life News, were detained during an

<sup>28</sup> <http://www.amnesty.org/en/news/ukraine-mounting-evidence-abduction-and-torture-2014-07-11>

<sup>29</sup> <http://www.ohchr.org/Documents/Countries/UA/HRMMUReport15June2014.pdf>, paragraph 225.

<sup>30</sup> Interview with Sergei Lefter: <http://www.rferl.org/content/interview-freed-hostage-ukraine-lefter-slovyansk-journalist/25381969.html>

<sup>31</sup> Interview with Pavel Kanyguine:

[http://tvrain.ru/articles/menja\\_doprashivali\\_razdeli\\_i\\_bili\\_zhurnalist\\_novoj\\_kanygin\\_vyshel\\_na\\_svjaz\\_s\\_dozhdem\\_srazu\\_posle\\_osvobozhdenija-368243/](http://tvrain.ru/articles/menja_doprashivali_razdeli_i_bili_zhurnalist_novoj_kanygin_vyshel_na_svjaz_s_dozhdem_srazu_posle_osvobozhdenija-368243/)

<sup>32</sup> <http://korrespondent.net/ukraine/politics/3365210-krymskyi-zhurnalist-osman-pashaev-rasskazal-o-svoem-zaderzhanii>



attack by the Ukrainian army near Kramatorsk and were allegedly beaten during their first two days of detention and held captive in a hole, blindfolded and hands tied, after which they were transferred to Kiev. They were finally released on May 24.

On May 24, **Andrea Rocchelli**, an Italian photographer, and **Andrei Mironov**, a Russian human rights activist, were killed by mortar fire in the Sloviansk region, while William Roguelon, a French photographer, suffered leg injuries.

On June 6, **Andrei Souchenkov** and **Anton Malychev**, journalists for the Russian TV channel Zvezda, were arrested by the Ukrainian National Guard (UNG) at a checkpoint near Sloviansk. According to a statement by the UNG, they were suspected, of “collecting information on the checkpoints” and were held until June 8 in a small cell, handcuffed and heads covered.

On June 17, in the Lugansk region, two employees of the Russian public audio-visual group VGTRL, journalist **Igor Korneliouk** and sound technician **Anton Volochine**, were killed by mortar fire.

On June 30, **Anatoli Klian**, a cameraman for Russian channel Pervy Kanal, died from gunshot wounds sustained in the Donetsk area.

Also on June 30, journalist **Anastasia Stanko** and cameraman **Ilya Beskorovainy**, both working for the Ukrainian channel Hromadske TV, were arrested in Lugansk and led to the basement of a building in the centre of the city. They were officially suspected of working as spies for the Ukrainian army. After a national campaign was held, the two media professionals were released.

About a dozen foreign journalists were questioned on July 19 while trying to cover the investigation on the crash on July 17 of the Malaysia Airlines Boeing 777: **Kevin Bishop**, a BBC journalist; **Anna Nemtsova**, a Russian correspondent for The Daily Beast; **Simon Shuster**, an American journalist working for Time Magazine; **Lucia Sgueglia**, an Italian correspondent; **Paul Hansen** and **Jan Lewenhagen**, both journalists for the Swedish daily Dages Nyhter. They were interrogated for several hours and then released. A team of journalists working for Russia Today was also detained during the night of 19 to 20 July.

On July 20, Polish journalist **Piotr Andruseczko**, who worked for Nowa Europa Wschodnia, was detained by separatists in the Ukrainian Security Services building in Donetsk. One of the separatists confirmed that they had been ordered to arrest all Western journalists in the area.<sup>33</sup>

**Geoffrey Pyatt**, a freelance journalist working for CNN, was abducted by separatists on 22 July and taken to the Ukrainian Security Services building in Donetsk.

During the night of 22 to 23 July, four journalists, including **Graham Phillips**, correspondent for Russia Today who had been previously held for three days by the Ukrainian army in May, disappeared in the combat zone in eastern Ukraine.

### **3.2 Threats and intimidation**

Journalists and the media working in Ukraine are subjected to daily threats and intimidation from both sides. Journalists have to cope with many obstructions to their work, including threatening phone calls and physical threats, orders not to cover certain events (for example, the May 25 elections), attacks on their offices, and broadcasting bans for certain television stations. The conflict has created an overall climate of misinformation.

In May, the regional office of the national television service in Donetsk was blocked by a hundred armed men and the journalists received threatening phone calls.

According to a mission report by the United Nations High Commissioner for Human Rights, on May 8, two

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<sup>33</sup> <http://khpg.org/en/index.php?id=1406123538>

journalists who had received threats fled the Donetsk region and went to Lvov, fearing that their lives were in danger. On May 13, a website of Severodonetsk, in the Lugansk region, was disabled and serious threats forced the staff to leave.

Many journalists were prevented from covering the May 25 elections. According to the Organisation for Security and Cooperation in Europe, between 20 and 24 May 2014, at least five television teams and five journalists were barred from entering Ukraine.

The upsurge in fighting has led to an increase in the number of attacks and threats against journalists. Many media have had to stop working altogether. At the beginning of June, several newspapers in the Donetsk, Horniak, Donetskie Novosti and Vetcherny Donetsk regions decided to suspend publication. The offices of the Horniak newspaper were set on fire on June 6 and **Leonid Lapa**, the Chief Editor of Vetcherny Donetsk, was abducted on June 2. On June 26, the offices of the Pro Gorod de Torez newspaper, in the Donetsk region, were overrun and plundered by armed men who seized the professional equipment and the staff's personal effects, including the journalists' passports. The newspaper staff were threatened that revenge would be taken if they continued working. The paper's office had already been set on fire in April.

In the regions held by separatists, several broadcasting groups were forced to stop transmitting on Ukrainian channels and to only broadcast on Russian channels or channels belonging to the separatists, such as the "People's Republic of Donetsk". On 11, 13, 19 and 20 May, armed men entered the Sloviansk television tower and interrupted the broadcasts. On May 14, armed separatists also occupied the Kramatorsk television tower used to broadcast channels serving several cities in the region. On May 8, Vokar Holding of Severodonetsk, was threatened by an armed pro-Russian group of activists and forced to prevent several Ukrainian channels from broadcasting. Similar incidents were reported in Lugansk, Krasnyi Luch and Alchevsk. On June 5, representatives of the "People's Republic of Donetsk" ordered a Donetsk broadcaster to stop transmitting Ukrainian channels.

#### 4. Violations of minority rights

##### 4.1. Threat to the Crimean Tatars

Since **Crimea** was partitioned, **the minorities in this territory have been threatened and subjected to violence because of their ethnic and/or religious identity**. The new Crimean government and the "self-defence of Crimea" group are especially targeting **Crimean Tatars**.

On 1 April, 3,000 people fled from Crimea, of which 80% were Tatars fearing for their safety. Verbal and anonymous **threats** were reported: in several districts of Crimea, especially Dzhankoy, the homes of Crimean Tartars were marked. Crimean Tatars fear that they will be subjected to violence and that their properties will be confiscated. Rustam Termirgaliev, the new Deputy Prime Minister, announced that all Crimean Tatars would have to abandon their lands which, he claimed, they had illegally occupied when returning from the mass deportation organised by Stalin. Nevertheless, historically, this land belongs to the Crimean Tatars.

Since the new authorities have taken office, the Crimean Tatars have been **forced to choose** between Russian citizenship or exodus. Many people have been **dispossessed of their property** by border patrols as they were leaving Crimea. A group of 36 people, including six children, had their money and ID papers stolen when they were detained by 'men in green uniforms'.<sup>34</sup>

**Mustafa Djemilev**,<sup>35</sup> a human rights leader and head of the Tatar community, was declared *persona non grata* by the Crimean Parliament on 2 May. In response, 5,000 people collected peacefully at Armyansk, a Russian check-point. The Tatar leaders and activists were **accused of 'extremism'**, which may mean that the situation is becoming more radical. Natalya Poklonskaya, the Chief Prosecutor of Crimea, issued a warning that the Mejlis<sup>36</sup> would be banned if it carried out activities considered to be 'extremist'. The head of the Mejlis, Refat Chubarov, has been accused of organising illegal demonstrations in support of Djemilev. On

<sup>34</sup> <http://www.civicsolidarity.org/article/911/crimea-update-events-24-march-2014>

<sup>35</sup> <http://www.rferl.org/content/ukraine-crimea-dzhemilev-interview/25387012.html>

<sup>36</sup> Mejlis: central government of the Crimean Tatars

July 5, as he was returning from a meeting, he was informed of a five-year residence ban.<sup>37</sup> Zayr Smedlyayev, the Head of the Congress of the Crimean Tatars, was also served a “written” warning by the police. On May 15, the Russian Federal Secret Service (FSB) searched three houses, of which two belonged to the head of external relations for the Mejlis. The Russian authorities suspect Alim Khamzin of “preparing a terrorist attack”. According to the Center for Civil Liberties, activists in the community received threats of abduction and torture, and were strongly urged to obey and respect the new government.

Crimean Tatars’ **freedom of assembly and demonstration** is restricted. Although 2014 marks the 70<sup>th</sup> anniversary of the deportation of the Crimean Tatars by Stalin, rallies scheduled for 18 May were banned, for the first time in 23 years. On May 16, the Crimean authorities announced that all public gatherings would be banned until June 6 because of the situation in south-west Ukraine. A rally was finally authorised but could not take place as planned in Simferopol.

#### **4.2. Other threatened ethnic, religious and sexual minorities**

The new government is also targeting other minority groups. Several religious leaders have fled Crimea. Rabbi Michael Kapustin left Simferopol after receiving **antisemitic** threats.<sup>38</sup> In the Donbass region of the new “People’s Republic of Donetsk”, reportedly antisemitic pamphlets have been distributed to intimidate members of the Jewish community in that region.

In the **East of Ukraine**, the **Roma minority** is constantly threatened with racist actions and violence. Some of their homes have been invaded. Men, women and children have been assaulted and robbed in Sloviansk. According to testimony compiled by the NGO Centre for Civil Liberties, armed men loaded and transported the stolen goods into trucks, obeying orders from Vyacheslav Ponomarev, the leader of the Sloviansk separatists.

According to Insight,<sup>39</sup> an organisation that opened a shelter in June 2014 for **LGBT** persons fleeing the conflict area in the east of the country and Crimea, the situation of sexual minorities is deteriorating in Ukraine, especially in the regions under separatist control. At the end May, the separatists of the “People’s Republic of Donetsk” threatened to kill Oleg Yashtulov, a human rights and LGBT rights activist, who was forced to flee.<sup>40</sup>

In Kiev, a march for equality scheduled for 5 July was ultimately cancelled by the authorities because the police refused to ensure the event’s safety. The Mayor declared: “This is no time for entertainment”. Several Ukrainian NGOs defending human rights and LGBT rights denounced the cancellation and interpreted it as a continuous trend of discrimination against sexual minorities, whose rights have been significantly neglected by all political regimes in the independent Ukraine.

#### **5. The fight against impunity: numerous obstacles**

The Maidan protest movement, followed by the annexation of Crimea and the fighting between separatist armed groups and the Ukrainian forces in the east of Ukraine, have caused hundreds of civilian casualties. The accountability of both the pro-Russian and Ukrainian authorities is being evoked regarding the repression of the Maidan demonstrations in January and February 2014, the Odessa events of May 2, 2014, and the bombing of the hospital in Krasny Liman on June 3, 2014.

For the time being, access to the courts for victims of human rights violations perpetrated by pro-Russian armed groups and fighting impunity for perpetrators have been nearly impossible due to the absence of state authority in the territories controlled by this party to the conflict.

Regarding the fight against impunity for perpetrators of violations committed by Ukrainian State authorities and agents, numerous obstacles and a lack of political will have curtailed the efficient and independent administration of justice. The courts must play a central role in the resolution of this crisis, as preventing repeated violations of human rights and consolidating the rule of law are essential for a society at peace.

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<sup>37</sup> <http://www.khpg.org.ua/en/pda/index.php?id=1404610996>

<sup>38</sup> <http://glavnoe.ua/news/n170400>

<sup>39</sup> <http://insight-ukraine.com.ua/novosti/item/216-insayt-otkryvaet-shelter-dlya-lgbt-bezhentsev.html>

<sup>40</sup> <http://thinkprogress.org/world/2014/07/08/3457000/inside-the-quiet-struggle-for-lgbt-rights-in-ukraine/>

## **5.1. Investigations into the Maidan events**

According to the NGO Euromaidan SOS, the repression of the Maidan protest by Ukrainian law enforcement services has caused the death of 113 people. On November 30, 2013 dozens of people were wounded by the Ukrainian police and the Berkut (anti-riot units). The first three victims were reported on January 21, 2014. Then, between 18 and 20 February, close to 100 people were killed in confrontations between activists and police. Eighty people are still reported missing.

The situation is currently being investigated by the Ukrainian public prosecutor, a Parliamentary commission, the Council of Europe, a public panel of experts and a group created by the citizens' group 'Family Maidan', amongst others. The Office of the ICC Prosecutor has announced the opening of a preliminary examination of the alleged crimes. The United Nations High Commissioner for Human Rights has also carried out an investigation and published its reports on the situation in Ukraine.

After excessive violence was used against demonstrators on November 30, 2013, Oleksandr Popov, former head of the Kiev City Administration and former head of the National Security and Defence Council of Ukraine, was questioned by the courts on 26 May and June 5, 2014.

On April 24, the Public Prosecutor had three Berkut officers arrested and charged with homicide (Article 115 of the Criminal Code). No other arrests have been made since that time. Several documents related to the activities of the Berkut have allegedly been destroyed, whilst the FIDH mission and the Centre for Civil Liberties were informed about the difficulties for the various ministries to cooperate.<sup>41</sup> On June 26, during a meeting with President Petro Poroshenko, the international Advisory Committee of the Council of Europe reiterated its request for access to all information held by the Ukrainian authorities on the Maidan events.

Only two officers were sentenced on 28 May for the use of excessive violence against a demonstrator (see section 1.2 page 2).

On April 17, the Government of Ukraine accepted the jurisdiction of the International Criminal Court to adjudicate on the Maidan events. The Rome Statute authorises countries that have not ratified the Statute, such as Ukraine, to accept the ICC's jurisdiction. Ukraine's declaration of acceptance is limited to the events that occurred on its territory between 21 November 2013 and 22 February 2014. The ICC cannot exercise its jurisdiction over anything that occurred thereafter. In other words, it has no jurisdiction regarding the grave human rights violations committed in Crimea and or in the east of the country that could be qualified as war crimes and or crimes against humanity.

The Office of the ICC Prosecutor announced the opening of a preliminary examination on the alleged crimes committed during the Maidan events in order to establish whether they fall within the jurisdiction of the ICC, whether they meet the gravity threshold and whether the national authorities are conducting genuine investigations.

## **5.2. Investigation of the Odessa events**

Six investigations are currently underway regarding the events of 2 May. These are being conducted by the Ministry of Internal Affairs, the General Investigation Unit on Police Behavior, the State Security Service of Ukraine (SBU), the mediator of the Republic, the Parliamentary Commission and a commission composed of civil society representatives convened by the Governor. These investigations are being undertaken simultaneously, making it difficult for the authorities involved to cooperate and obtain access to information on the local police officers involved. The persons responsible for the events that occurred on 2 May in Odessa have not yet been identified; several people were arrested and then released although many questions are still pending, especially regarding the attitude of the police, the cause of the fire in the trade union building and the violence perpetrated against pro-Russian and pro-Ukrainian demonstrators.

## **5.3 Investigations into the events at Krasny Liman**

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<sup>41</sup> <http://www.fidh.org/fr/europe-de-l-est-asie-centrale/ukraine/15581-mission-de-la-fidh-en-ukraine-appelle-les-autorites-a-renforcer-la-lutte>



According to the mission undertaken by human rights defenders, including the NGO Memorial on July 2, a pre-judicial investigation was opened following statements on the circumstances of the death of Leonid Zagoursky, general hospital physician for the public prosecutor. To date, FIDH has not received any additional information on progress made in this investigation.

### **III. Recommendations**

**Taking into account the fact that despite the military aggression and illegal operations of militia, the Ukrainian authorities are responsible for the protection of the civilian population and their rights on its territories, FIDH and Center for Civil Liberties recommend the following:**

#### To the Ukrainian authorities concerned:

- Ensure the protection of the civilian population against the violence of the separatist armed groups.
- Enforce Article 3, common to the four Geneva Conventions of 1949, in particular the prohibition of acts of “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture”.
- Ratify the Rome Statute of the International Criminal Court and, consequently, harmonise the country’s legislation.
- File a declaration to expand the jurisdiction of the ICC to cover crimes committed since 22 February 2014 throughout Ukrainian territory.
- Carry out transparent investigations and proceedings against the perpetrators of human rights violations and facilitate access to courts for victims.
- Respect all commitments in application of the provisions of the Convention Against Torture.
- Pursue the reform of the judicial system for the purpose of guaranteeing the independence of judges, in particular by applying the recommendations of the Venice Commission (Opinion no. 747 of December 2013).
- Secure the work of journalists and freedom of information on events underway; respect international law on the protection of journalists, especially resolution 1738 of the United Nations Security Council.

#### **To the Office of the Prosecutor of the International Criminal Court**

- Conduct an official mission to Kiev, and consult the government authorities and local civil society.
- Consider the shortcomings in the national procedures and carry out an efficient and effective preliminary examination to reach – as provided for in the Rome Statute – a substantiated but prompt decision on the opening of an investigation.
- Carry out actions needed to ensure the correct interpretation of the mandate of the Office of the Prosecutor, the structure of the ICC and the nature of the preliminary examination.

**Commending the efforts deployed by the international community, in particular the attention given by the EU to the development of a global strategy that seeks to address both internal and external challenges in Ukraine, FIDH and Center for Civil Liberties note that these efforts largely focus on reforms related to the economy and security. Consequently, FIDH recommends that stronger, more tangible and more visible attention be paid to human rights.**

#### **To this end, FIDH and Center for Civil Liberties recommend**

##### **that the European Union:**

- Continue to closely monitor the situation, and to publicly and regularly condemn any breach of international or humanitarian law by closely monitoring human rights violations in order to

summon, support and encourage all stakeholders involved to comply with their international obligations. Also, in this context, to firmly call upon the Ukrainian authorities to ensure the security of the civilian population as well as respect for human rights and humanitarian law.

- Closely follow the different individual cases mentioned in this report and undertake all necessary steps to fight against impunity and facilitate the release of hostages and people arbitrarily detained, as well as to prosecute those involved in acts of torture and to foster access to justice and compensation for victims.
- Deploy all necessary measures to promote programmes specifically aimed at supporting minorities, journalists, freedom of expression and human rights advocates.
- Demonstrate continued support for the donor coordination mechanism and facilitate the rapid development of coordinated programmes that support human rights in this context.
- Involve human rights organisations in the efforts of the EU Advisory Mission for Civilian Security Sector Reform in Ukraine (EUAM Ukraine); strengthen the human rights component of its mandate; and ensure the rapid deployment of the support required for implementing the reforms identified as necessary.
- Make the fight against impunity and the ratification of the Statute of the International Criminal Court a central component of the European Union's strategy.
- Consider extending the regime of targeted sanctions related to visas and the freezing of assets to those responsible, directly or by order, for serious human rights violations.

**that the United Nations Security Council:**

- Take all necessary measures to ensure the implementation of Resolution 2166



# FIDH represents 178 human rights organisations on 5 continents



inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest, detention or exile. Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Article 11: (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty

## ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

### **A broad mandate**

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

### **A universal movement**

FIDH was established in 1922, and today unites 178 member organisations in more than 100 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

### **An independent organisation**

Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.

## AND SHORT INFO ABOUT CCL

NGO «Center for Civil Liberties» (the CCL) was created to promote the values of human rights, democracy and solidarity in Ukraine and Eurasia in sake of real reinforcement of the principle of human dignity. Objectives of CCL: protection of fundamental rights and freedoms; representation of the public and public control over the observance of human rights in the activities of government and local government; work with young people to create a new generation of human rights defenders and civil society activists; advocacy and education on human rights and democracy, implementation of programs of international solidarity.

# fidh

Find information concerning FIDH's 178 member organisations on [www.fidh.org](http://www.fidh.org)