



# **MAKING LIFE GO ON**

How the war in Donbas affects civilians

Ж74 “**Making life go on: how the war in Donbas affects civilians**”/ Olena Nizhelska, Natalya Kaplun, Kateryna Kotlyarova, Evheniya Bardyak, Denys Denysenko, Andriy Moskalenko, edited by Alina Bodnar, Anastasiya Nekrasova and Simon Schlegel/ East SOS, Civic Committee for the Protection of the Constitutional Rights and Freedoms of Citizens, Human Rights Civil Research Centre, Moloda Prosvita Prykarpattya, Eastern Ukrainian Centre for Civic Initiatives, Crisis Media Centre Siverskiy Donets. – K. : «Fenix Publishing House», 2018. – 196 p.

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This report aims to shed light on the problems with which civilians in Eastern Ukraine struggled as a consequence of the armed conflict in the region. The main problems stem from the frequent shelling of towns and villages, from widespread lawlessness that led to the illegal imprisonment of thousands of people. Problems also occur because the belligerent parties position their weapons in densely populated areas and because medical assistance is difficult to access along the contact line. This edited volume contains an analysis of Ukrainian and international legislation and an analysis of the effects of armed conflict on civilian life in Donbas. The authors have also formulated recommendations for governmental and non-governmental organizations within and beyond Ukraine.

The volume is targeted at civil society activists, journalists, lawyers and human rights defenders as well as a broader audience concerned about the situation in Eastern Ukraine.

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# LIST OF ABBREVIATIONS AND ACRONYMS

ATO - anti-terrorist operation

BMP - infantry fighting vehicle

CF - charitable foundation

IDP - internally displaced person

GBV - gender-based violence

RRU - rapid response unit

“DPR” - self-proclaimed “Donetsk People’s Republic”

SARG - sabotage, assault and reconnaissance group

AFU - Armed Forces of Ukraine

CCU - Criminal Code of Ukraine

EECP - entry-exit checkpoint

“LPR” - self-proclaimed “Luhansk People’s Republic”

MIA - Ministry of Internal Affairs of Ukraine

IHL - International Humanitarian Law

ICC - International Criminal Court

MOD - Ministry of Defense of Ukraine

OSCE - Organization for Security and Cooperation in Europe

OAG - Organized Armed Group

UN - United Nations

ORDLO - particular districts of the Donetsk and Luhansk regions

MLRS - multiple-launch rocket system

SPA - self-propelled artillery

SSU - Security Service of Ukraine

SMM - OSCE Special Monitoring Mission to Ukraine

# FOREWORD

We rarely hear about the suffering inflicted by the war upon civilians, except for occasional news about internally displaced people. Most news speak about the military. People who stayed in their home region and sustained serious damages due to the war are almost never heard. Yet, they are hostages of the situation and they definitely did not choose to be in this war. Many of them lost what was most valuable—their health or a family member. We believe that testimonies about events of this kind need to be documented, so that the perpetrators will face just punishment when the time comes. This is why we started our work in this direction.

“An individual, his/her life and health, honor and dignity, inviolability and security shall be recognized in Ukraine as the highest social value”, says the Constitution of Ukraine. International law as well recognizes the life and health of a person as the highest value. The Universal Declaration of Human Rights states the right to life, and the Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights) obliges the state to protect this right. Unfortunately, the implementation of these declared principles is a difficult task in practice.

A team of documentators from member organizations of the Coalition “Justice for Peace in Donbas” collected information about conflict-related human rights violations for many months. The documented cases describe a range of human tragedies: people were illegally detained in places unsuitable for detention; some were also subjected to inhuman treatment, abuse and torture. We also collected many interviews, in which people talked about losing their property through shelling.

Since late 2014, human rights defenders of the Coalition “Justice for Peace in Donbas” have regularly travelled to the Donbas region to record such cases. They all have in common that their protagonists played a part in the war they did not choose. They became wounded, prisoners or homeless suddenly and while going about their daily business. They all shared the feeling that they had done nothing wrong and that the war was other people’s business. The people portrayed here had nothing to gain from it. In this all the cases reported here are representative of the biggest and most vulnerable group of victims this war has produced: civilians who could not or did not want to leave the conflict zone.

Some still seem incredulous when they recount how quickly their region turned violent. There are plenty of reports in which this group appears as a statistic, the IDPs, those who have to cross the contact line in order to make their ends meet, those who have suffered permanent health damage. The authors of the case studies tell the stories behind the statistics. This is not because statistics are unnecessary, but because they cannot tell the full story of how violence turns people’s lives upside-down.

The cases reported here are not necessarily representative of the entire conflict. The suffering and the ways of coping are unique to every single informant. In order to document the wide varieties of suffering, the interviews conducted as the basis for this report have a systematic part, a questionnaire that is meant to produce testimony so precise that it could be used in court. However, we didn’t want to just ask people what had happened to them but also how they made sense of what had happened to them. Therefore we asked people how the war changed their lives, how they themselves changed their views, and how they see their future now.

We directed particular attention to the shelling of residential areas. We described incidents of shelling of Mariupol which led to dozens of casualties. We tell the story of lives ruined by the shelling of Triokhizbenka, a village in Luhansk Oblast. The story about the shelling of Bakhmut, a town located on the frontline, speaks about human tragedies that became almost normal in the area of armed conflict. We also covered the operations of one of the largest networks of illegal detention facilities of the Rapid Response Unit “Batman”. Hundreds of innocent men and women became victims of this organized armed group. The health of prisoners in the facilities run by Batman suffered due to cruel treatment. Some witnessed their cellmates die.



Moreover, this publication includes an overview concerning provision of medical assistance in the liberated areas and the temporarily occupied territories. It describes the standards of medical assistance in accordance with the international and domestic legal norms, as well as the actual state of assistance in the liberated or occupied areas, or the “grey zone”.

What unites our informants, no matter whether they became prisoners in a basement dungeon or whether their apartment block was hit by a grenade, many of them felt powerless and betrayed long after they were back in safety. The state was often slow in helping those in need. In many instances military interests were given priority over human rights and the promise of reconstruction materialized too slowly.

In the end of this publication, we suggested measures for the parties of the conflict. In the future, these measures could significantly reduce the number of people affected by the said violations.

Each chapter is based on interviews conducted by documentators of the Coalition between August 2017 and February 2018. The authors also examined open-source background information. All authors of this publication represent human rights organizations from the Coalition “Justice for Peace in Donbas”. This work would not be possible without their input. For months, the authors were collecting, processing and analyzing information for each chapter in this book. In early December 2017, they also took part in a seminar on conflict-sensitive reporting conducted by Jutta Sommerbauer, an Austrian journalist.

Collaborating on this report was not only pleasant but also enlightening. The choice of topics and of stories led to discussions that touched upon the basic questions how to represent a war, its victims and perpetrators truthfully and objectively, especially if the war is still grinding on.

A sincere effort to remain objective brought us to the thin line between conflict-sensitive reporting and self-censorship, between representing different viewpoints and outright relativism. The question how to choose a good informant led to the question, who is entitled to speak about the war at all under the circumstances of disinformation and propaganda. This book is a result of these discussions that are of course far from being resolved. But engaging in such debates is a first step back to look at the

conflict with more distance and to discover the glimpses of hope for peace that may be on the horizon.

These cannot yet be spotted easily. We asked our informants what it would take to end the violence and make their lives along the “contact line” easier. We knew that this question was incredibly hard to answer, not only for politicians on the geopolitical stage. Our informants, too, often shrugged their shoulders. Those, who have no easy answer keep silent and those who have easy answers sound hollow. For the fact that so many people were disappointed by how the state assisted them through their grievances, many of them still see the state as the main driving force to make peace. Once those on top want to settle the conflict it will be quick matter, was a message that repeated over many times. This book contains only a small part of the personal tragedies caused by the war. These are the stories of ordinary men and women living in ordinary towns and villages in extraordinary times of war that came to take the health and lives of thousands of innocent people. All these stories depict tragedies of violations of the inviolable natural right to life. They show how human life can be devalued in armed conflict.

# WOUNDED TRIOKHIZBENKA

## DOCUMENTING INJURIES AMONG CIVILIANS IN THE VILLAGE OF TRIOKHIZBENKA

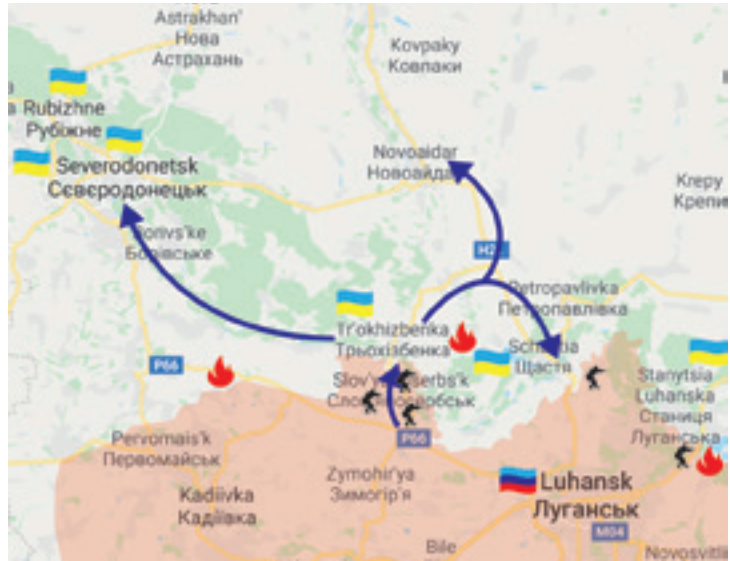
### OLENA NIZHEL'SKA

Triokhizbenka is a small village in Luhansk Oblast. It is located on the left bank of Siversky Donets river, some 30 kilometers northwest of Luhansk. In 2014, there were approximately three thousand residents in the village. Most of them made their living by growing and selling agricultural goods. People were growing garden produce and sold it in near-by towns Slovyanoserbsk, Stakhanov, Luhansk, and Alchevsk.

Since 2014, the village has been one of the hotspots of the military conflict in Donbas. An important factor here is its convenient location. The frontline in Luhansk follows the Siversky Donets river, a significant natural obstacle for the belligerent parties. Triokhizbenka is one of the most convenient locations for a base on the left bank of the river.

Its location exposed the village to fierce fighting. Positions of the "LPR" militants and the Ukrainian armies near Triokhizbenka

sometimes were no more than 200 meters apart. In times of escalation, the artillery of the militants was shelling the village from the heights across the river. Mortars, howitzers, self-propelled artillery and “Grad” multiple rocket launchers were used in the shelling of Triokhizbenka. Ukrainian military returned the fire.



Shelling of Triokhizbenka

This situation affected first of all the civilian population of Triokhizbenka. In 2014, people often said that they could not recall a night without shells exploding in the village.

The war left the majority of inhabitants without a livelihood. Many of them used to work in the neighboring town of Slovyanoserbsk, a district center on the opposite side of the river, now controlled by the “LPR”. Slovyanoserbsk and Triokhizbenka used to be connected by the only bridge in the area. In 2014, the militants blew up the bridge during their retreat and destroyed the connection between people forced to live on different banks of Siverskyi Donets. For some time, Triokhizbenka was almost completely isolated from the outside world. It was extremely difficult to supply goods or medical assistance since it was very far from safe areas. There was a long period without electricity or gas supply in Triokhizbenka, as well as disrupted access to drinking water.

The population of Triokhizbenka has been reduced by half over the course of the war, from three to one and a half thousand

residents<sup>1</sup>. Those able to leave escaped the constant shelling. People who stayed either could not leave the village or had nowhere to go. Despite the proximity to the conflict zone, civilians were never evacuated.

There is even a more worrying piece of statistics, *“During the war, the shelling destroyed over a half of the houses – 360 out of 600 were destroyed. And the most horrifying: 14 civilians have already died since the start of the hostilities, including two children, girls born in 2001 and 2005; six civilians sustained injuries”*, says Vitaliy Velikonda, the head of the civil-military administration of Novoaydar Rayon, of which Triokhizbenka is a part.

The situation in Triokhizbenka reflects a general trend in the east of Ukraine. Intense fighting with heavy arms used by both sides in densely populated areas in Eastern Ukraine led to the high casualty count among civilians.

In February 2015, Volodymyr Martynov, a journalist and writer, editor of “Visnyk Novoaydarshchyny” [the Messenger of Novoaydar region] newspaper, described his impression following a visit to Triokhizbenka:

“We came to that village together with Serhiy Kovalenko, the head of Novoaydar Rayon Administration. We did not come empty-handed. Since there was an acute lack of medication in the village, the Novoaydar center of first aid sent a batch of essential medications to the nurse’s office in Triokhizbenka. They were loaded into the car of the rayon head and sent to the local medics. Unfortunately, even the ambulance is not risking to come there because of the constant shelling. The first thing you notice are completely empty streets. It seems as if the village had died out. However, there were some people by the post office. The villagers had a “holiday” – retirees were receiving their pension. We met an elderly lady in the street. She was wearing a demi season coat, a knitted scarf and amazingly kind but sad eyes. Oleksandra Denysivna (that is her name) talks about her problems as if they were routine, “The village has had no gas or electricity for over a month. How are we living?

1

За час АТО у Трьохізбенці померли 18 мирних мешканців, – місцеві жителі, ЗІК, 09.09.2015, <https://zik.ua/tv/video/28719>

2

Convention (IV) relative to the Protection of Civilians in Time of War 12.08.1949, p. 13<sup>1</sup>C26, Verkhovna Rada, [http://zakon2.rada.gov.ua/laws/show/995\\_154](http://zakon2.rada.gov.ua/laws/show/995_154)

3

Additional Protocol I to the Geneva Conventions, p. 72-79, Verkhovna Rada, [http://zakon3.rada.gov.ua/laws/show/995\\_199](http://zakon3.rada.gov.ua/laws/show/995_199)

4

Additional Protocol I to the Geneva Conventions, p. 72<sup>1</sup>C79, Verkhovna Rada, [http://zakon3.rada.gov.ua/laws/show/995\\_199](http://zakon3.rada.gov.ua/laws/show/995_199)

Surviving somehow. collecting firewood, using our stoves. I buried my husband 40 days ago. My daughter is in Dnipropetrovsk. My grandchildren are studying at the university. After this “mess” they transferred from Luhansk to escape the war. What about me? I was a child during the “Great Patriotic War” [World War II]. I remember bombing and hunger. So now my heart hurts for my grandchildren and children. I was thinking even, “Lord, I do not need gas or electricity, I just want the young people not to die”. All of a sudden came the sound of exploding bombs. Someone noticed, “Cannons shooting”. “These are not cannons, said grand-ma Shura confidently, these are mortars”.

Unfortunately, civilians in the east of Ukraine often suffer from the armed conflict. However, international humanitarian law (hereafter – IHL) establishes that attacks shall be directed solely against combatants and military objects, and contains a strict ban on attacks against civilians.

IHL norms enshrined in the Geneva Convention of 1949 and Additional Protocols, as well as other treaties, provide for international legal protection of the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion.

IHL clearly specifies that the civilian population shall be the object of respect by those in control, with the power to detain, resort to ill-treatment, confiscate their property, restrict access to food or medical assistance. These safeguards apply to all civilians as stated in the Convention (IV) relative to the Protection of Civilians in Times of War<sup>2</sup> and the Additional Protocol I<sup>3</sup>.

The Ukrainian constitution stipulates opportunities for bringing the criminal law of Ukraine in line with IHL. Ukraine’s constitution was developed on the basis of international democratic standards, in particular human rights standards.

The Criminal Code of Ukraine (hereafter – CCU) establishes criminal liability for violations of the laws and customs of war under Section XX “crimes against peace, security of mankind and the international legal order”<sup>4</sup>.

If a member of the military commits an act of violence against civilians during an armed conflict in the area of hostilities, such actions shall be qualified as violence against the population in areas of hostilities<sup>5</sup>. Relevant IHL norms prohibit combatants from resorting so such violence.

This report summarizes the results of the monitoring study conducted by “Ochyshchennya”, a member organization of the Coalition “Justice for Peace in Donbas”<sup>6</sup>. The study was conducted within the framework of a project entitled “empowering civil society for transformation of commemorative the culture”.

The report is based on documented cases of injuries among civilians in the village of Triokhizbenka recorded during individual in-depth interviews in September 2017.

The report describes and analyzes four cases of injuries among civilians sustained during shelling, as well as arguments between civilians and military personnel stationed in the village.

Some interviewees agreed to share their real names, others allowed information sharing with adherence to anonymity of the interviewees.

The report fully supports the statement that civilians who stayed in the conflict zone for various reasons are among the most vulnerable and unprotected during armed conflict.

5

Criminal Code of Ukraine, p. 433

6

Коаліція громадських організацій та ініціатив “Справедливість заради миру на Донбасі”, <https://jfp.org.ua/>

## CASE 1: KILLING A CHILD, CRIPPLING A MOTHER

In September 2017, Yana Kravtsova, a representative of “Ochyshchennya”, interviewed Tetyana Kalashnykova (born 1976), a resident of Triokhizbenka in the area of Luhansk Oblast controlled by Ukraine. The interview was recorded on tape and video. Since Tetyana has a severe hearing impairment and can barely hear, the interviewer wrote down questions on a notepad, and the interviewee responded to them orally.

In 2014, Tetyana Kalashnykova and her family moved to Triokhizbenka from the village of Nova Pokrivka (Starobilsk Rayon). Tetyana’s family was a large: she had a husband and three daughters. The family began the difficult process of building a home in the troubled village of Triokhizbenka.

7

Aggregated data of the Information and Analytics Center of the National Security and Defense Council, 12:30 13 November, 31.11.2014 <http://mediarnbo.org/2014/11/13/zvedeni-dani-iats-rnbona-1230-13-listopada/>

The situation in Donetsk and Luhansk Oblasts in November 2014 was difficult. Ukrainian military on a regular basis recorded Russian military equipment with the emblems of separatist units moving towards the contact line. Russian military units continued to gather along the state border with Ukraine. This information was published on 13 November 2014 at the regular daily briefing of Andriy Lysenko, the spokesman of the Information and Analytics Center of the National Security Council<sup>7</sup>. According to Hennadiy Moskal, then the Head of Luhansk Oblast Administration at, *“Triokhizbenka is one of the militants’ permanent target – their stronghold is located only two kilometers from the village. They know exactly that there are remaining civilians, and still shoot from mortars, artillery and “Grads”*<sup>8</sup>.

8

У Трьохізбенці на Луганщині терористи смертельно поранили 5-річну дитину, [moskal.in.ua, 14.11.2014](http://moskal.in.ua/14.11.2014), <http://moskal.in.ua/?p=37466>

The day that changed Tetyana’s life came during this situation. In November 2014, Triokhizbenka was under intense shelling almost every day. On 14 November 2014, Tetyana was home with her three-months old daughter, her second daughter, nine-year old Valya, and her husband. The oldest daughter was studying in Novoaydar at that time.



Valya had just celebrated her birthday, and the family gave her a scooter. The father taught his daughter how to ride it, and it became her main passion. On that day, their second daughter insisted to have a ride with her mother. *“She had already pulled out the scooter and said, “Let’s go, Ma!” ... The baby stayed in the stroller sleeping, and Tolyk (my husband) was fixing the chainsaw... We got on the scooter and drove off”*, says Tetyana. The mother agreed to her daughter’s pleadings and they went to the hospital together.

When Tetyana and her daughter were already at the hospital, the shelling started. Other people near the hospital hid their scooters behind the building. Tetyana recalls, *“The hospital was vibrating from the shelling... it was shaking violently, and we all sat down terrified. I don’t know what they are thinking. Where they are aiming...”*. Despite the fear of the shelling, Tetyana was extremely worried about her baby daughter in the stroller. Valya also insisted, *“Let’s go, Mom, we will make it”*. Tetyana decided to go home as it seemed that the shelling was over. It was quiet. They were riding, talking, and smiling. The daughter in front, her mother in the back. They stopped by a store since it was calm and quiet.

As soon as they left the store, the disaster struck. A shell hit the scooter directly. *“Everything went black... Silence. And I didn’t understand where it was coming from... We were lying on the floor. That was it. Silence again”*, she recalls. *And then she gained consciousness. “I saw two broken pieces of a fence and Valya who lay on top of one with her back turned towards me”*. The girl did not make it to the hospital. Her wounds were fatal. A shrapnel hit her head, pierced her body and hit Tetyana. She sustained severe injuries to her abdomen, her stomach was torn. Her knee was smashed. She says, *“they cobbled me back together”*. A large number of shrapnel were in her arm and face, and one of them remains above her eye.

Eyewitnesses told Tetyana’s husband about what happened, and he ran to the scene. The military arrived almost immediately. They provided first aid to Tetyana, put her in a car and took her to Novoaydar. Her husband took their daughter to the morgue in Starobilsk.

Tetyana fainted in the car. She vaguely remembers being carried to the second floor. She woke up late in the evening sur-

rounded by doctors and nurses. She spent three days in intensive care. The doctors were not very optimistic about Tetyana's chances. She survived despite her critical condition. They removed multiple small pieces of shrapnel from her body, but some remained as they could not be removed without unforeseeable consequences. The struggle to keep her eyesight went on for a long time, and it was eventually saved. The doctors did not manage to save her left leg and had to amputate it above the knee. The attack left Tetyana nearly deaf.

The situation was even more difficult because of the stress she was experiencing. They did not tell her about her daughter's death for a while, so she was holding on to hope. Tetyana says, *"I asked the doctors when I woke up. They said Valya was in a hospital in Starobilsk... They knew everything but did not tell me"*. Her husband also could not tell her the news directly, *"He couldn't tell me, and then gave me a letter where he said everything... That our Valya was in her grave..."* The grief exacerbated Tetyana's condition. The neurologist diagnosed her with intense auditory and visual hallucinations. She kept seeing her deceased daughter with the same clothes and hairdo as on her last day. Tetyana kept talking to her daughter. She could not attend the funeral, and it only worsened her grief. She felt a little bit better when she could visit the grave 40 days after the death. Her daughter also visited Tetyana in her dreams every night for an entire year.

The war took the little girl's life and left her mother with a disability. She has a 2nd degree disability and suffers from loud noises in her head, loss of hearing, fears and hallucination. Tetyana was diagnosed with a brain contusion, posttraumatic encephalopathy, and panic attack syndrome. She lost hearing in both ears, and her left thigh was amputated.

Tetyana has an official certificate of disability and receives a pension of UAH 1400 [about 45 Euro]. However, every 9 months she has to go to Lysychansk to confirm her pension, a requirement she is appalled by.

"You can work without hearing. But how do you walk without a leg? I don't even go to the store on crutches, only to the neighbor's. I don't go anywhere else. We went to get a prosthesis last year, they made one for me. It is standing right there. It is heavy, I can't move around with it.

The crutches are better... I learned how to do everything over these three years. You can film how I mop the floor. My husband brings water, and I put on pants and slide around on my but and mop. And he changes the water”.

The Kalashnykovs continue living. Their oldest daughter studies at the lyceum in Novoaydar. They are raising their youngest daughter. They are looking after Valya’s grave. They are trying to take care of their home and household in difficult conditions near the frontline.

The story of this family is one example from the lives of civilians in Triokhizbenka affected by war in their home.

It was not the first shelling of Triokhizbenka. People lived under shelling for months, hiding in basements. But that morning was quiet. Tetyana found out later her village was shelled at 9am from Slovyanoserbbsk by the militants of the so-called “LPR”. *“God is their judge... Shelling a peaceful village at 9 in the morning like that... It cannot go on forever. There will be time for payback... And I want to live. I have two children to raise”*, Tetyana finishes her difficult story, a story of a 38-year old woman who lost a daughter and now has to live on with her disabilities.

## CASE 2: A FAMILY SEPARATED BY WAR

The protagonists of this story are a married elderly couple from the frontline village of Triokhizbenka. Yelyzaveta Kolesnyk, representative of “Ochyshchennya”, interviewed them in September 2017. This family’s story illustrates how civilians are the ones suffering the most along the frontline. The interviewees asked us not to use their real names in this account.

War always brings destruction. It destroys houses, lives, and connections. The bridge across Siverskyy Donets connected the residents of villages and towns located on different sides of the river. Very often, family members lived on opposite sides of the river. During times of peace, there were no obstacles to communication between families. However, war always brings destruction.

In July 2014, representatives of organized armed groups blew up the bridge near Triokhizbenka. The news was immediately reported by the press service of the Main Directorate of the Ministry of Internal Affairs of Ukraine in Luhansk Oblast.

“The incident took place on July 4, on the highway T-1315, near the village of Triokhizbenka in Luhansk Oblast. A bridge across Siverskyy Donets river was destroyed after an artillery attack. No casualties were reported, but traffic on the bridge stopped. There are multiple cracks on the bridge but pedestrians can still walk to the other bank, but cars and buses cannot use it anymore”.

Yet life went on, and people had to walk over the remains of the bridge when crossing the contact line, since Siverskyy Donets river was designated as a conditional border. There is no official checkpoint there, and the nearest crossing is in Stanytsia Luhanska. However, people occasionally try strike a deal with the

military and, when possible, still cross on foot over the ruined bridge.

In April 2015, the two daughters living in Rodakovo and Luhansk visited their parents shortly after Easter of 2015. *“Traditionally, people come during “Chervona hirka” (memorial day) to tidy up the cemetery, and the children came. [They came] to see us, whitewash grandfather’s house, and plant part of the potatoes”*, says the head of the family.

The holidays ended, and on April 18, 2015 the P. family were seeing their daughters off to the opposite side in the temporarily occupied territory, where they live.

The situation in the conflict zone was tense at that time. According to the deputy commander of the ATO, colonel Valentyn Fedychiev, *“more than 3.5 thousand items of Russian equipment and over 53 thousand of military personnel were at the border with Ukraine. Russian equipment located at the border included up to 420 tanks, up to 1920 armored combat vehicles, over 500 artillery systems, almost 200 MLRS, more than 380 military planes and almost 130 helicopters”*<sup>9</sup>. The humanitarian situation was also complex. According to Hennadiy Moskal, then the Head of Luhansk Oblast Administration, *“in the area controlled by the government, there is only one place left without a single life support system [gas supply – ed.] as a result of the conflict. It is Triokhizbenka in Novoaydar Rayon”*<sup>10</sup>.

On that day, the parents used their bicycles to help their daughters with their heavy bags. Despite the war, the elderly wanted to help their children, they packed food for the road, potatoes for planting etc. *“We put a box of potatoes on a bicycle for the children to plant”*, says the woman.

The parents were riding their bicycles, and were ahead of their daughters who were walking behind. They got to the checkpoint near the damaged bridge over Donets river first. When the pensioners handed over their documents to be checked by the soldiers there, the shelling started. *“You are in trouble, old man”*, shouted the soldier and ran to the checkpoint building, a temporary construction made of concrete blocks and covered with tarp.

The woman cannot say exactly where the shelling came from, but she notes that explosions took place in mid-air with

9

На кордоні з Україною понад 3,5 тисяч одиниць російської техніки та понад 53 тисячі військових, Інформаційно-аналітичний центр Національної безпеки України, 11.04.2015, <http://mediarnbo.org/2015/04/11/na-kordoni-z-ukrayinoyu-ponad-3-5-tisyach-odinits-rosiyskoyi-tehniki-ta-ponad-53-tisyachi-viyskovih/>

10

У Троїцьке – єдине село Луганщини, що залишалося без електроенергії, – подали світло, moskal.in.ua, 24.04.2015, <http://moskal.in.ua/?p=37889>

significant spread of shrapnel. It was likely a small-caliber weapon, most probably a mortar, from a close distance.

The shelling lasted for 30-40 minutes. When it stopped, a man in uniform ran to the checkpoint, identified by the couple as a “battalion commander”. He made sure that the injured people were alive. The military provided first aid to the couple and bandaged their wounds. The couple refused further assistance and started heading home after collecting some of the scattered vegetables. The man and the woman did not feel pain but were shocked. They were also very concerned about their children who were far enough behind and did not have physical injuries.

On the way home, they stopped by the local medical point where they received first aid: she examined them, treated their wounds and gave them painkiller.

Afterwards, the couple went to get medical assistance to the district medical association in Novoaydar, but the local surgeon was not able to take out the shrapnel and referred the woman to a military surgeon. This surgeon performed an operation and prescribed further treatment for the couple to receive in a local medical point in Triokhizbenka. The local nurse provided them with treatment, and the couple gave very warm and grateful feedback.

In his memoirs, Volodymyr Martynov, editor of *Visnyk Novoaydarshchyny* newspaper [the Messenger of Novoaydar Region], also remembers this nurse:

“In the medical point of Triokhizbenka, there is one nurse Shvetsk Yuliya Mykolayvna. All other staff has left the village. The biggest problem for Yuliya Mykolayvna is the lack of medication. “We lack basic things, she says, painkillers, bandages, and tourniquets against haemorrhages. Back in the day, we received a lot of help from the Ukrainian army. Commanders of “Odesa” and “Shtorm” Battalions always helped us. Doctors and nurses in these units were ready to provide assistance. I will be honest, my knowledge is not enough to provide specific aid. We need doctors, specialists. And we felt this support, it was provided regularly. Now my biggest prob-

lem is the wounded patients that we get here. They need to be transported to the hospital promptly, and there is no connection in the village. Most people's cell phones are not working – they are not charged simply because there is no electricity”.

In terms of material expenses for treatment, the victims said that treatment and related procedures, such as surgeries, X-rays, bandages, injections or medication, was provided for free. But the road to Novoaydar was expensive – there was no public transportation, and private companies charged a lot of money.

The victim sustained a shrapnel wound to the upper left thigh and had to treat it for a long time. In addition to physical damage, the victim sustained moral damage due to shock and fear for her family, her husband who was next to her and her daughters who were nearby, one of them pregnant. As a result of the stress, the victim now has a range of chronic conditions, including high blood pressure and sugar levels, angina and memory impairment.

The injury and recovery period also affected their daily lives and material condition. *“back in the days I planted my garden, weeded it, now there are only weeds, and I cannot weed it anymore. I work a little bit and I stop. I had a cow and a bull, but I sold them because I cannot take care of them. Well, I kept the cow to have at least some income”*, says the woman.

The couple is still suffering from physical, emotional and psychological consequences of the incident. But life continues and the family dreams that their granddaughter, born in August of that difficult year, would grow up without hearing the sounds of shooting.

## CASE 3: STABBED AFTER A QUARREL WITH SOLDIERS

This story about another wound afflicted in Triokhizbenka is not linked to shelling, but it rather illustrates the impact of co-existence of civilians and the military in one place.

In September 2017, Yana Kravtsova, representative of “Ochyshchennya”, interviewed Mykola Serhiyovych Yakovliev (born 1988), a resident of the village of Triokhizbenka.

Mykola has been living in Triokhizbenka his entire life. He has repeatedly gotten into conflict with the law. He is not officially employed. He makes a living off helping other people in his village with their housework and receiving money or vodka in return.

In May 2015, Mykola was injured during a conflict with Ukrainian soldiers. He was drunk and got into a fight with a soldier in uniform, according to Mykola – a member of 92nd brigade.

The situation in the ATO area was constantly tense at that time. Illegal armed groups continued relocating equipment, in particular artillery, to be able to shell Ukrainian military positions. In the area of Luhansk, incidents of ceasefire violations by organized armed groups were recorded in three locations – Stanytsia Luhanska, Shchastya, and Triokhizbenka<sup>11</sup>.

During the fight, Mykola was stabbed with a knife bayonet in his liver. The military personnel nearby assessed the situation and took him to the village of Okhtyrka, some 30km away. From there, an ambulance took Mykola to the hospital in Novoaydar, since the ambulance would not come directly to Triokhizbenka.

In the hospital, he received an injection and woke up only in the morning. He woke up with a bandage on his arm with a drip needle sticking out of it. Mykola spent three days in the

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Aggregated data on the situation in the ATO area for 30 May, Information and Analytics Center of the National Security of Ukraine, 30.05.2015, <http://mediarbo.org/2015/05/30/zvedeni-dani-shhodosituatsiyi-u-zoni-ato-na-30-travnya/>



hospital before he was allowed to get up. The doctor told him that he had his surgery paid for by the military service members who brought him to the hospital. He spent nine days in the hospital. He then left the hospital and went home before his stitches would be removed. Mykola did not file a report with the police, neither does he have claims against the military about the injury.

It was not the first conflict between soldiers and civilians in Triokhizbenka. Mykola recalled a situation when locals complained to commanders about the soldiers' behavior because they took food from civilians. The perpetrators were identified and fined, but they eventually blew up the house of the locals who had filed a complaint.

There are also many examples of positive relations between civilians and soldiers living in the same towns, for instance, when soldiers help locals with their problems. However, the mere presence of armed people is a potential threat to the civilian population.

## CASE 4. WOUNDED AT THE WORKPLACE

Another story of a family torn apart by the contact line is based on an interview with the relatives of a wounded resident of Triokhizbenka who lives and works in Slovyanoserbksk at the moment. Yelyzaveta Kolesnyk, representative of "Ochyshchennya", conducted the interview in September 2017. It included a meeting with the relatives in person and a phone conversation with people from Slovyanoserbksk, located in the occupied territories.

At that time, there was a military confrontation between organized armed groups and ATO forces in Luhansk region, as reported by Andriy Lysenko, the spokesman of ATO at a briefing

12

Aggregated data of the Information and Analytics Center of the National Security and Defense Council, 12:30 2 February, Information and Analytics Center of the National Security of Ukraine, 02.02.2015, <http://mediarnbo.org/2015/02/02/zvedeni-dani-iats-rnbona-12-30-02-lyutogo/>

13

“Penetrating shrapnel wound to the pleural cavity with damage to the lungs and rib no. 7. Alien object in in the posterior mediastinum. Left-sided posttraumatic lower lobe pneumonia exacerbated by the left-side exudative pleurisy”.

on February 2, 2015<sup>12</sup>. The protagonist of this story is a 45-year old woman working as a junior nurse at a neuropsychiatric hospital in Slovyanosersbck. On February 9, 2015, she was injured by a grenade that hit directly at her work place. Her husband described the situation that resulted in the injury: *“The shock wave, from the explosion, came from about three meters away, through the window.. She was hit by three large shrapnel and six small ones. The large ones range from 12 to 5 mm, there were six shrapnel from 1.5 to 2 mm, she had two surgeries”*.

With a heavy diagnosis<sup>13</sup>, she was first hospitalized in a trauma unit, then in the thoracic unit of Luhansk Oblast Clinical Oncological Dispensary in the territory outside of Ukraine’s control.

Doctors in Luhansk did not risk performing a surgery, and people who called themselves Russian volunteers offered help and took the victim to the territory of the Russian Federation (hereafter RF) for proper assistance. According to the relatives, she was sent to Rostov and underwent treatment there. However, they did not risk doing the surgery there. It was an informal rule there *“we don’t need dead bodies here”*.

Our protagonist returned to Luhansk and found out that the most problematic piece of shrapnel had moved and it was possible to remove it without significant risk. It was removed in the local oncology unit.

After surgery, she was prescribed a lengthy treatment course and assigned a disability certificate. However, paperwork on disability had no mention that she was injured in the workplace. She kept her job only due to the efforts of her colleagues.

The victim did not contact medical facilities or law enforcement in relation to the shelling or the injury. The so-called investigation of events leading to the injury was conducted in the so-called LPR in relation to the shelling and the injury.

The victim’s husband stated that medical assistance was provided free of charge. However, his mother and a neighbor (a family member) said that only the surgery and some medications were free, but the family had to spend a lot of money for her treatment and rehabilitation. The victim’s mother-in-law said she had spent a large sum saved for refurbishment. In addition, significant costs were incurred by her mother and her maternal family.

The victim, her husband and children now live in Slovyanoserbbsk on the side of the contact line not controlled by the Ukrainian government. She received a disability status allowing work, and she has to work despite frequently not feeling well. Her medical records show that she had a long list of chronic diseases before the injury, which exacerbates her condition and has negative effect on her general well-being.

The injury and recovery and rehabilitation period have complicated her daily life and complicated the family's financial situation. She has to visit the hospital for treatment regularly. Her possibilities to make a living and have a normal routine are limited. Her husband and her relatives help the victim, but they have to dedicate a lot of money, time and physical effort.

She receives a small disability allowance in the so-called LPR. In the government-controlled areas, she does not receive any support. She has not been informed about her legal status. According to her relatives, she is not living at the address of her registration since she cannot work and has no material support.

Before the hostilities in this region, many residents of Triokhizbenka went to work on the other bank of Siverskyy Donetsk. Now, some people are forced to risk their lives and cross the contact line or take a boat across the river to get to work and be able to provide for their families.

## CONCLUSIONS

The local population along the contact line between the Ukrainian military and the militants of the unrecognized “republics” remains unprotected from all kinds of threats.

There is no unified state mechanism for recording cases of civilians who sustained damages during the armed conflict in the ATO area, or providing them with social protection. Most initiatives in this field are ad-hoc and ineffective. The civilian population needs smart social support instruments enshrined in the law. In particular, it is necessary to cover expenses for the treatment of those who sustained an injury and received a disability status due to the hostilities. In addition, there is no special status for those who live or continue living in the ATO area and those people whose health was damaged during the war. There is no separate procedure for compensation of such damages.

The armed conflict in Eastern Ukraine led to the emergence of new groups of people in need of social protection, in particular:

- Civilians held in captivity and subjected to violence and torture,
- Civilians held in captivity with a disability status;
- Civilians who sustained bodily injuries related to the armed conflict, without a disability status;
- Civilians who sustained bodily injuries related to the armed conflict, with a disability status as a consequence of these injuries.

Another category of war victims are the family members of civilians who died in captivity or hostilities, if their family members are unable to work.

According to the human rights activists, the state authorities should treat people from these social categories in accordance with the law “on the status of war veterans and safeguards for social protection” (no. 3551-XII/1993). The amendments to this law (adopted through a separate law no. 2203-VIII on 14.11.2017, has not entered force yet) do not meet the requirements of social justice entirely. There

are developed drafts with amendments to the law of Ukraine “on the status of war veterans and safeguards for social protection”.

According to Mykola Kozyriev, Chairman of the Public Committee for the Protection of Constitutional Rights and Freedoms, there is no coordinated social policy towards these categories of people in Ukraine, consolidated statistics database about the victims of war since the outbreak of violence in 2014, or a clear mechanism of recognizing the relevant social status and providing adequate social assistance to civilians affected by the armed conflict. *“The Ukrainian government has no moral right to leave its citizens who did not take direct part in hostilities but sustained damages resulting from the armed conflict to struggle with their problems on their own. Even more important in this context is the imperative nature of international and national law”*, Kozyriev noted.

The Constitution and legislation of Ukraine oblige state authorities to create proper conditions for medical and social rehabilitation of the victims of war, as well as provide them with proper state guarantees for social protection and develop mechanisms to address the problems of civilian victims of war effectively. Unfortunately, many civilians have suffered damage to their health or were disabled by shelling. The state does not recognize them as victims of war officially, and the injuries they sustained are recorded as “domestic injuries”.

Valeriy Novykov, Chairman of “Alternatyva” Luhansk Regional Human Rights Center, emphasized that some civilians are not able to continue working at their previous job due to an injury, which affects their financial situation. Three and a half years later, there is no unified register of injured civilians in the country or information about their numbers or needs. *“The status of civilians injured in the military conflict is not defined in Ukrainian law; there are no benefits, compensation or other assistance that, in our view, should be provided by the state to civilians affected by shelling”*, Novykov stated.



# “OUR ARTILLERY IS TARGETING THE FIRING POSITIONS AND CLUSTERS OF THE NAZIS”

NATALIYA KAPLUN

The UN High Commissioner for Human Rights estimates that the military conflict in Eastern Ukraine has taken over 2 thousand civilian lives and caused 7-9 thousand injuries since spring 2014<sup>1</sup>. Civilian deaths and injuries are most often caused by indiscriminate shelling, which constitutes a gross violation of international humanitarian law (hereafter - IHL). Every shelling is a tragedy for hundreds of people, and there have been several thousand of them in the armed conflict in Eastern Ukraine. These incidents will have a long-lasting impact on the physical and mental state of victims; they will alter their worldview and perception of themselves or their role in the world.

The shelling in Bakhmut (Donetsk Oblast) on 13 February 2015 is neither the largest in terms of casualties, nor is it among the largest IHL violations. It did not bear any particular consequences for the course of military action or lead to military

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Humanitarian Bulletin - Ukraine, vol. 17, 01.03 "C 30.04. 2017, p. 1, OCNA, [https://www.humanitarianresponse.info/system/files/documents/files/ukraine\\_humanitarian\\_bulletin\\_issue\\_17\\_mar\\_apr\\_2017\\_uk.pdf](https://www.humanitarianresponse.info/system/files/documents/files/ukraine_humanitarian_bulletin_issue_17_mar_apr_2017_uk.pdf)

gains for one of the belligerent parties. The shelling simply took the lives of two civilians, left eight people injured and damaged dozens of private homes. It is difficult to assess the scale of non-pecuniary damages now, but every person living in this city with a population of several thousand felt unprotected and vulnerable after the attack.

This report provides a general description of the event in the framework of military and information about the confrontation in Eastern Ukraine, the extent of civilian loss and material damage, an overview of the psychological impact of the shelling on the population, the problems faced by civilians in Bakhmut in its aftermath, as well as the actions of the local government to overcome the consequences of the shelling and provide assistance to the victims.

The authors of this report aimed to describe the issues related to the shelling of the city and the actions of the local authorities undertaken to solve these issues. The contents and conclusions of this report are based on data collected during field research of documentators of "East SOS", a Charitable Foundation, to the scene in September 2017, as well as the analysis of information obtained from open sources.

During this trip, documentators interviewed more than ten victims and witnesses of the shelling in Bakhmut on February 13, 2015. In addition, they took photos of the craters, the damage to civilian buildings, and medical documentation of the victims. Direct observation was used to establish the kill zone in the residential area.

The authors have additionally analyzed information from open sources. These include numerous publications, photos and social media posts with information about the shelling of Bakhmut on February 13, 2015, as well as amateur and professional videos filmed at the scene.



# BACKGROUND

Until 13 February 2015, Bakhmut (called Artemivsk between 1924 and 2016) was one of the cities in Donetsk Oblast relatively spared in the armed conflict. The events of “Russian Spring” in the city were not massive. In summer 2014, the Ukrainian government regained control over the town without intense fighting or related casualties. The contact line quickly moved south, and city life went back to its daily routines.

Clearly, the city’s location 25 km from the front line positions of the Armed Forces of Ukraine (hereafter - AFU) affected the appearance and geography of the town. Since summer 2014, Bakhmut has been surrounded by checkpoints. Abandoned agricultural hangars, storage houses and farms were used to accommodate military objects, including parks of military equipment, ammunition storages and military bases. The presence of people in uniform became a regular sight in the city. Every day, military equipment and trucks with military personnel were moving on the road from Bakhmut to Debaltseve and inside the city.

Since summer 2014, residents of Bakhmut learned to live within earshot of shooting and shelling in the nearby towns of Popasna, Vuhlehirsk, Horlivka, and Debaltseve, or loud artillery fire from the surrounding fields. Despite the sounds, serving as constant reminders of the frontline, it was considered safe and people from the grey zone and the currently occupied areas were moving there. Parents did not fear for their children and let them play in the streets.

On 9 February 2015, armed groups of the self-proclaimed “DPR” took over the village of Lohvynove (Donetsk Oblast) on the road from Bakhmut to Debaltseve. AFU forces in the suburbs of Debaltseve were surrounded. Under these circumstances, the military significance of Bakhmut changed: it became a town where wounded soldiers from the heavy fighting around Debaltseve were brought, and a place for gathering and regrouping the AFU units that managed to escape.

## GENERAL DESCRIPTION OF THE EVENT

At approximately 4:23 pm on February 13, 2015, the northeastern suburbs of Bakhmut were hit by fragmented submunition which was scattered over the residential area by cluster munition rockets. The kill zone covered private homes, a school and a kindergarten at Silkorivska, 8 Bereznaya, Zahorodnya, Alebastrova, Hlynyana and Sylikatna Streets. The civil defense system designed to inform the population about attacks failed to launch for unknown reasons, which led to more casualties.



Fig. 1. The damage to "Lelechenka" kindergarten building, 22, First Zahorodnya Street, Bakhmut, 13 February 2015, photo credit: MIA in Donetsk Oblast<sup>2</sup>

The shelling (i.e. explosions of hundreds of submunition units) lasted for 3-5 minutes, approximately from 4:23 until 4:28 pm. During this time, two civilians died – a 7-year old boy, who was walking in the street with two girls and a young mother, who was in a hurry to the kindergarten with her 6-year old daughter to pick up her younger daughter. Eight people sustained injuries of different severity, including five children<sup>3</sup>.

The shelling caused serious damage to the town's infrastructure, including damage to the electric grid and gas pipes, the school and the kindergarten, private homes, stores, and residents' cars.

2

Артемовск обстреляли из РСЗО. Есть жертвы (дополнено, добавлено фото, видео), Вечерний Бахмутъ, 13.02.2015, <http://bahmut.com.ua/news/topnews/2173-artemovsk-obstrelyali-iz-rszo.html>

3

The number of victims based on the list published on the day of attack, Артемовск обстреляли из РСЗО. Есть жертвы (дополнено, добавлено фото, видео), Vecherniy Bakhmut, 13.02.2015, <http://bahmut.com.ua/news/topnews/2173-artemovsk-obstrelyali-iz-rszo.html>, and information collected by "Vostok SOS" documentators during their visit to Bakhmut in September 2017

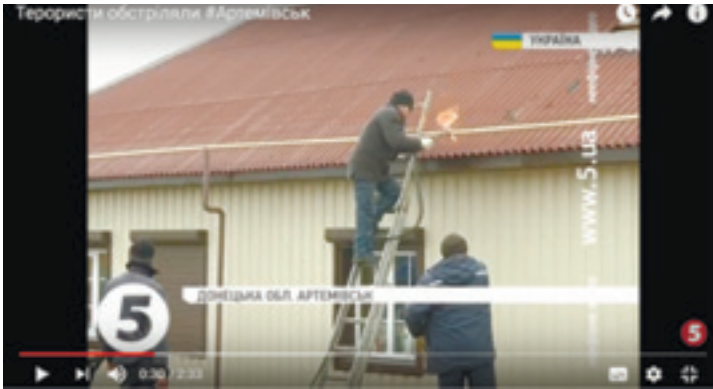


Fig. 2. Repairs to the damaged gas pipes, Shevchenka Street, Bakhmut, 14 February 2015, video screenshot<sup>4</sup>

On the morning of 14 February 2015, a meeting took place in the gym of the school damaged by explosions where Oleksiy Reva, the mayor, outlined the damages caused by the attack. These included damage to the electricity grid, transformers, five breaches of gas pipes, damaged radiators in the kindergarten leading to flooding in its basement. The Head of the City Council named the number of private houses with the most serious damages: three houses at Shevchenka Street and eleven at Firt Zahorodnya Street, a total of fourteen. The number was said to be preliminary since it was based on the number of received applications from the victims<sup>5</sup>.

Figure 3 shows the kill zone in Bakhmut residential area. All buildings in the encircled area had traces of shrapnel in September 2017.

Ukrainian Security Service launched a criminal investigation into the Bakhmut shelling under article 258 “Terrorist act” of the CCU<sup>6</sup>.

According to the law of Ukraine “On combating terrorism”<sup>7</sup> (Article 19, 20), social rehabilitation of the people affected by a terrorist attack is aimed at returning them to normal life. These people receive the necessary psychological, medical and professional rehabilitation, legal aid, as well as assistance with housing and employment. The social rehabilitation of the victims of terrorist attacks is covered by Ukrainian state funds. Damages to homes and property caused by the terrorist attack are also compensated at the expense of the Ukrainian state. Later, this amount is meant to be recovered from the perpetrators.

4

Терористи обстріляли Артемівськ, Youtube, 14.02.2015, <https://www.youtube.com/watch?v=MIsvj7DzCTo>

5

Мэр Артемовска проводит экстренное совещание на месте обстрела микрорайона 'Забакмутка' 13 февраля, Youtube, 14.02.2015, <https://www.youtube.com/watch?v=Mw8umox7d0c>

6

Правоохоронці кваліфікували обстріл Артемівська як теракт, П'ятий канал, 13.02.2015, <https://www.5.ua/ukrayina/pravookhorontsi-kvalifikuvaly-obstril-artemivska-iak-terakt-70272.html>

7

Law of Ukraine “On combating terrorism”, 20.03.2004, <http://zakon3.rada.gov.ua/laws/show/638-15/page2>

8

"The procedure for social rehabilitation of the people affected by a terrorist attack", 28.07.2004, <http://zakon3.rada.gov.ua/laws/show/982-2004-%D0%BF>

9

Interview with Olena Alandarova

"The procedure for social rehabilitation of the people affected by a terrorist attack", adopted by the Cabinet of Ministers, includes specific measures to be taken by the executive bodies locally when addressing the impact of a terrorist attack<sup>8</sup>.

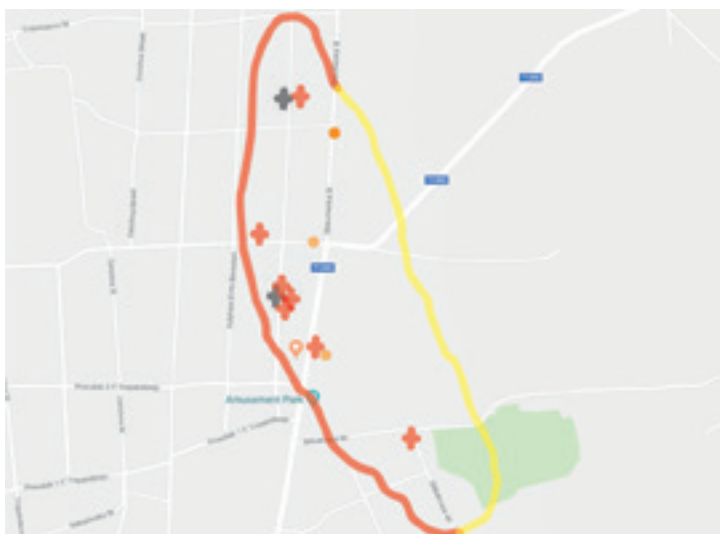


Fig. 3. The kill zone in the residential area of Bakhmut in the shelling of 13 February 2015. Tentative kill zones established on the basis of interviews with local residents and the location of buildings with traces of damage from submunition explosions are marked in red. Tentative kill zones established solely on the basis of interviews with local residents are marked in yellow<sup>9</sup>. The sites of civilian deaths are marked in black, the sites of civilian injuries are marked in dark red, and the vortexes from submunition explosions found in September 2017 are marked in orange.

The actions of Bakhmut's city council in response to the shelling on 13 February 2015 were in line with the procedure. A commission was established to determine the number of victims, the amount of damages, and identify the number of people in need of medical rehabilitation at the expense of the state.

10

Мэр Артемовска проводит экстренное совещание на месте обстрела микрорайона "Забахмутка" 13 февраля, YouTube, 14.02.2015, <https://www.YouTube.com/h?v=Mw8umox7d0c>

During the meeting, the mayor gave orders to the municipal services to restore electricity and gas supply in the area affected by the shelling, to pump the water from the kindergarten's basement and to seal the windows in the school and the kindergarten with plastic sheets. He also ordered an inspection of all affected households to collect information about each damage and reserve funds for the necessary expenses<sup>10</sup>.

According to the victims interviewed by “East SOS” documenta-tors during their visit to Bakhmut, there was electricity in their homes already one day after the attack. Broken windows were covered with plastic sheets, and the damaged roofs were temporarily insulated. When the warm season came, construction works started in the damaged houses. These were finished by autumn.

One of the people affected by the shelling, a resident of First Zahorodnya Street, recalls this time: *“There was no electricity for two days... It was cold, the windows were shattered, no electricity here...”*.

“The commission came on the second day and gave me glass for the windows, six roofing slates and 720 Hryvnia so I could do it... We received help. People received roofing plates, nails, and glass, and money for repairs – all this was provided to the people. They did everything. People redid the roofing on the house... They provided people with full material support... I didn’t even ask whether more or less was needed, I just took what I got. It’s good they gave it to me. If they didn’t, I wouldn’t have asked. It was cold, and I had no one to fix the windows... My grand-daughter went to Reva’s [the mayor], and Reva sent a carpenter, thanks to him, and he fixed all the windows in one day. It’s all thanks to Reva”.

A resident of another street also shared her memories, *“Then the commission came here, one by one - the executive committee, the mayor. They were checking and measuring, calculating, looking, writing everything down. Yes, I am grateful, the mayor helped”*.

Buildings of the kindergarten and the school were also restored quickly. According to the principal of Bakhmut school no. 4, already in the afternoon of February 14 the heating in the school was back on, and the refurbishment started in the beginning of the week, *“With the support of the city council, the school started working on 1 September. By 1 September, all plastic windows were replaced, we had interior refurbishment in the school. There was consolidation of efforts in one place. It was very good”*.

The director of the kindergarten recalls these days:

"...When it happened to us, we received help immediately. It was very nice. We are grateful to the mayor Oleksiy Reva. Already on the next day, all organizations, municipal services were working... Quickly, in one day, we cleaned up the kindergarten, and the refurbishment started in March. New windows were installed, the roof was repaired. The kindergarten was completely restored by September 1, it is a big success of the mayor. We were not left in need and received help. We started working two weeks later. I mean, we needed time to clean carpets from glass, wash the bed linen, these mattresses, pillows etc."

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Interview with Olena Alandarova

As mentioned above, Bakhmut city council based its response measures on the procedure as defined in 2004. This procedure does not include specific mechanisms for providing assistance, compensation, or benefits. The decisions and actions of the city council were adequate and successful due to the active stance of the mayor who was able to organize assistance to the victims with necessary building materials (plastic sheets and insulation materials) provided already on the day of the attack. In addition, Oleksiy Reva donated 50.000 hryvnia to the essentials from his own funds since people needed assistance immediately. There was no time to wait for the state mechanism.

During the first weeks after the tragedy, local authorities provided compensation in the sum of 3-5 thousand hryvnia to the families<sup>11</sup> where children were injured. Unfortunately, we were not able to find out details about financial compensation for the injured adults. However, it was insignificant and insufficient for complete rehabilitation. It is important to say that not everyone in need of assistance received it. Svitlana Makieieva, for instance, was injured during the shelling but was not included in the list of victims. By September 2017, she had tried to receive financial assistance or compensation in the amount of 1070 hryvnia but had not received it.

Families who lost their relatives during the shelling received financial assistance for the funeral. In spring 2015, the city council provided them with benefits for utility payments.



Fig 4. Private home gate damaged by shrapnel, 91 Shevchenka Street, Bakhmut, 18 September 2017, photo credit: M. Bilyakova.

The mayor made sure that all those wounded during the shelling received free treatment in Bakhmut's hospital. However, it applied only to the first weeks of treatment. The city council did not adopt any long-term programs for the people who sustained severe injuries during the shelling.

As a result, adults whose injuries required treatment of several weeks had to finish therapy treatment at their own expense. Since none of the victims had any significant savings, they had to cut down on their spending. Charities took care of the injured children, including the "Humanitarian Fund of Rinat Akhmetov"<sup>12</sup> and "Strichka Nadiy"<sup>13</sup>, who provided medical and social rehabilitation.

The city council left out the non-residential buildings (shops and enterprises) damaged in the shelling of 13 February 2015. Their owners had to pay for the repairs themselves. However, owners of the shop in a residential building (first floor - sales space, top floor - living areas) received some support and were able to fix damages.

Therefore, despite certain shortcomings, the city council of Bakhmut provided assistance to the victims, restored infrastructure and communications in the area and repaired the majority of the damaged buildings in the shortest possible time. However, non-pecuniary damage to the residents was left unaddressed. Every person we have interviewed received a psychological trauma and could not always describe it,

12

Копровська І. Я кричала Егорке: "Падай!", а он бежал и не слышал меня, Факты и комментарии, 15.09.2016, <http://fakty.ua/222342-ya-krichala-egorke-padaj-a-on-bezhal-i-ne-slyshal-menya>; Улыбаться и ходить после реабилитации смогла 8-летняя Майя из Бакмута, Youtube, 15.08.2015, <https://www.youtube.com/watch?v=V9Rzn9Mckts>

13

O. Lazebnik. Facebook post about the visit of orphans to Egypt, <https://www.facebook.com/photo.php?fbid=1618269981557263&set=pcb.1618270421557219&type=3&theater>

"Of course, I was afraid, I was crying";

"For almost a month, I did not speak, I was acting slowly, you know. I was still working. People asked me work question, and I was just looking, moving my eyes without understanding anything. I was trying to recover for a long time; ... I recovered on my own. My daughter bought me tranquilizers. I was taking them and recovering slowly";

"I got on the trolleybus, and the conductor asked what had happened. This fear was on my face...; After everything that happened, I had a nervous breakdown".

A psychologist and teachers were working in the schools and kindergartens with the children who sustained a psychological trauma during the shelling on 13 February 2015. Adults had to deal with their traumas themselves.

The approach to addressing psychological harm used in Bakhmut is not an exception. In general, rehabilitation of civilians who sustained psychological trauma during a shelling incident (or –more broadly speaking from being in the war zone) is an issue which is not addressed by the local or central government. The only issues considered include repairs of the infrastructure, communications, residential buildings etc. The psychological condition of people in the conflict zone is often left untreated.



# THE MILITARY COMPONENT OF THE INCIDENT

In order to describe the military component of the shelling on 13 February 2015, it is necessary to identify the military objectives of the shelling, the type of arms used, and draw conclusions about the feasibility of using this ammunition for the military purpose intended. It is also necessary to identify the direction of the attack, possible firing positions and the party responsible for the shelling.

We were able to identify the military objectives of the attack on Bakhmut on February 13, 2015 based on two messages on the page of the “Center for operational cooperation Novorossiya” in Twitter and VKontakte, messages of “Artemivsk Novorossiya” group (VKontakte), interviews with the residents, as well as through amateur videos filmed during the shelling.

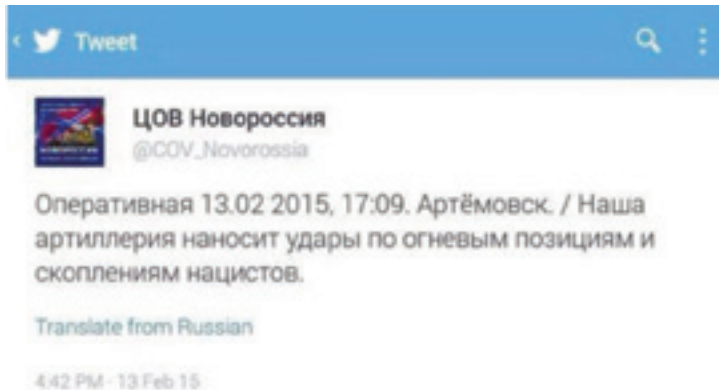


Fig. 5. Screenshot of the post from the “Center for operational cooperation Novorossiya”

At 4:09 pm, the “Center for operational cooperation Novorossiya” posted a message, “*Situation report, 13.02.2015, 17:09 [17:09 is 16:09 pm Kyiv time since the territory of the self-proclaimed “DPR” uses the same time zone as Moscow - ed.]. Our artillery is targeting the firing positions and clusters of Nazis*”<sup>14</sup>. Based on this, we can suggest that the objective was to destroy the firing position and troops of the enemy, i.e. the Ukrainian Army.

14

Screenshot of the Twitter post from the “Center for operational cooperation Novorossiya”, [https://twitter.com/cov\\_novorossia](https://twitter.com/cov_novorossia), this screenshot was also used by Olga Motorna in a comment under Abroskin’s post about the attack on Bakhmut on 13.02.2015, Боевики обстреляли Артёмовск, в районе школы погиб ребенок – МВД, Новое Время, 13.02.2015, <https://nv.ua/amp/boeviki-obstrelyali-artemovsk-v-rayone-shkoly-pogib-rebenok-mvd-34434.html>

15

Обстрел Артёмовска  
"Смерчем"  
(13.02.15 17:35),  
Youtube, 13.02.2015,  
<https://www.youtube.com/watch?v=uzCAEIUgFaU&feature=youtu.be> (дата звернення 20.03.2018) 74.  
Артемовск. Обстрел  
13.02.2015, Youtube,  
13.02.2015, <https://www.youtube.com/watch?v=-nsBkALgSNI>

16

Message screenshot  
with comments, Twitter,  
13.02.2015, [https://twitter.com/Online\\_Smi/273256924381185](https://twitter.com/Online_Smi/273256924381185)

17

Message from  
the "Center for  
operational cooperation  
Novorossiya" posted in  
the group "Artemivsk  
Novorossiya"  
13.02.2015, [https://vk.com/artymovsk\\_novorossia](https://vk.com/artymovsk_novorossia)

Two amateur videos filmed around 4:22 - 4:25 pm from different places in the suburbs of Bakhmut clearly show the shells coming in two groups dispensing the submunition over the city and its suburbs<sup>15</sup>. Accordingly, there were two targets of the attack.

Another proof that the military objective was the "firing position" is the message of "Center for operational cooperation Novorossiya" published at 4:57 pm (Kyiv time) on Twitter and VKontakte, "*Situation update. 13.02.2015, 17:57. Artemivsk. The position of ukronazis near 2 RDG Shevchenka is destroyed*". It is important that this message appeared directly after the attack and, possibly, before information about its actual results was received. It is important for our investigation that on February 13, 2015 there were no attacks on the suburbs of Bakhmut between 4 and 5 pm. Therefore, this message refers to the circumstances of the attack on the residential area of the town. One of the comments under this message also points this out, "Hey, idiots from Novorossiya, do you actually realize that your dumb heads have hit private houses in Artemivsk; if not, go read [posts] in the Artemivsk group, they will show the damages and, God forbid, victims, and you will start deleting everything and saying it was a provocation by the 'ukrs' [Ukrainians]"<sup>16</sup>.

The message of the "Center for operational cooperation Novorossiya" was also shared in the VKontakte page "Artemivsk. Novorossiya"<sup>17</sup>.

Accordingly, there were two military targets of the attack on Bakhmut on February 13, 2015:

- The AFU artillery position located 7-8 km from the residential area in Bakhmut that was affected by the shelling.
- AFU soldiers in the suburbs. It is impossible to establish which group it was in February 2015 soldiers were in and around Bakhmut regularly it was a destination for injured soldiers during battle of Debaltseve, military units that escaped Debaltseve were taken to Bakhmut and regrouped there.

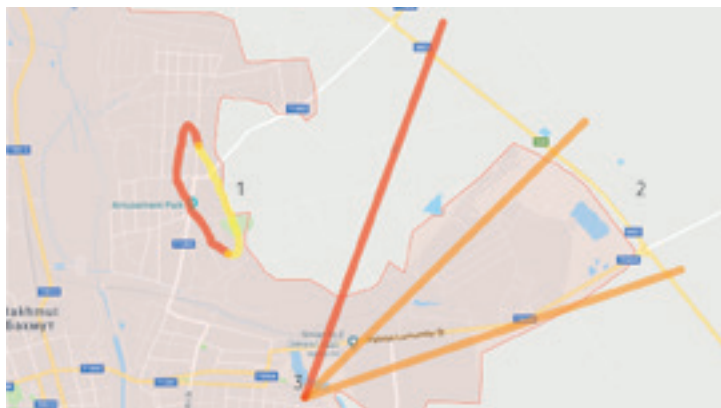


Fig. 6. Location of the areas targeted during the attack on Bakhmut on 13 February 2015

(1) - kill zone in a residential area of Bakhmut;

(2) - kill zone in the suburbs of Bakhmut (this place was under a cloud of dust recorded in the video at 00:08<sup>18</sup>), it is difficult to establish its exact boundaries based on the video, but it is likely to be the area between the two orange lines (the area between the two red lines is the area seen in the video);

(3) - filming location (coordinates 48.592826, 38.030083, Nekrasova street on the eastern edge of Bakhmut)

Though it is not possible to establish the exact location of the group, we can establish the area that came under fire simultaneously with the residential area in Bakhmut<sup>19</sup> on 13 February 2015. A video filmed during the shelling from a tower block in Bakhmut points to the probable location along with the testimony of a witness, an author of another video of the shelling: *“I was on the other side of town, on a hill. I could see the smoke from the launching of all the rockets, you can’t see it in the video. The sound came from there, for sure. Possibly, they were targeting the checkpoint where ammunition was often brought to. Most missiles hit the road or next to it, some fell on the town”*<sup>20</sup>. Figure 7 shows the location of the two kill zones.

The military objectives of the attack on February 13, 2015 (destruction of the of a Ukrainian army position) were not accomplished. Perhaps, the reason was the use of cluster ammunition and its dissemination over the area. The use of cluster ammunition in Ukraine is in line with the IHL. However, there are re-

18

Артемовск Обстрел  
13 02 2015, YouTube,  
13.02.2015, [https://  
www.YouTube.com/  
watch?v=N2vEViLeZsM](https://www.YouTube.com/watch?v=N2vEViLeZsM)

19

Артемовск Обстрел  
13 02 2015, Youtube,  
13.02.2015, [https://  
www.youtube.com/  
watch?v=N2vEViLeZsM](https://www.youtube.com/watch?v=N2vEViLeZsM)

20

Обстрел Артёмовска  
“Смерчем” (13.02.15  
17:35), YouTube,  
13.02.2015, [https://  
www.YouTube.com/wat  
ch?v=uzCAElUgFaU&fea  
ture=youtu.be](https://www.YouTube.com/watch?v=uzCAElUgFaU&feature=youtu.be)

21

Артемовск обстреляли из РСЗО. Есть жертвы (дополнено, добавлено фото, видео), Vecherniy Bakhmut, 13.02.2015, <http://bahmut.com.ua/news/topnews/2173-artemovsk-obstrelyaliz-rszo.html>

restrictions on the use of such weapons during hostilities because it showers vast areas with shrapnel. Its effect is indiscriminate and chaotic. Unexploded submunition is difficult to identify during demining which threatens civilians even long after the hostilities.

According to photos from open sources, MIA officials in the residential area of Bakhmut found only tubes (fragments of submunition clusters) and submunition that had not exploded upon impact.



Fig. 7. Part of a cluster bomb, Bakhmut, 13 February 2015, photo published on social media<sup>21</sup>



Fig. 8. 9H235 submunition in a street, Bakhmut, 13 February 2015, fragment of a photo published by V. Abroskin, head of the MIA of Ukraine, on social media<sup>22</sup>

22

Photo from the post of Abroskin about the attack on Bakhmut, 13.02.2015, <https://www.facebook.com/Vyacheslav.Abroskin>

The type of missile used during the shelling of Bakhmut is 9N235. The system used to fire them could have been the "Uragan" multiple-launch rocket system (hereafter - MLRS) or several modifications of 300-mm rockets (9M525, 9M55K etc.) with 9H139 cluster warhead of the "Smerch" type MLRS. Experts of the OSCE Special Monitoring Mission (SMM) who examined the site in Bakhmut on 14 February 2015 concluded that "Smerch" MLRS rockets were used: *"The SMM saw several craters, unexploded missiles and shrapnel consistent with Smerch rockets (BM-30)"*<sup>23</sup>.

23

Latest from OSCE Special Monitoring Mission (SMM) to Ukraine based on information received as of 18:00 (Kyiv time), 15 February 2015, OSCE, 16.02.2015, <http://www.osce.org/uk/ukraine-smm/141296>

The SMM experts who examined the area on February 14, 2015 also made an assessment regarding the direction of fire: *"The SMM also saw mine removal personnel working on unexploded cluster submunition found in the ground. Three craters*

were analyzed by the SMM and the direction of fire was established to have been from the south-east of Artemivsk”.

The OSCE experts are not the only ones saying that the shelling came from the south-east. A witness of the event, author of one of the videos (“the rockets came from Horlivka”<sup>24</sup>) and a commentator of the second message of the “Center for operational cooperation Novorossiya” Ivan Korotkyi (“NOVOROSSIYA First update, residents of Horlivka reported another two rounds”<sup>25</sup>).



Fig. 9. Unexploded missile, Bakhmut, 55 first Zahorodnya Street, 13 February 2015, photo credit: officials of the MIA in Donetsk Oblast<sup>26</sup>

The kill areas outlined during the visit on 17-19 September 2017 by the documentors of “East SOS” (see Fig. 1) are stretched in the direction of south-east. Accordingly, the major vectors of the ellipses of submunition discharge areas are located on the south-east north-west line. Along with the testimonies of eyewitnesses, this is proof that the missiles came from the suburbs of Horlivka (Donetsk Oblast), at the time this area lay outside of the government’s control. The shells were therefore fired by armed groups of the so-called “DPR”.

Open-source information provides a basis for outlining the key components of the attack on Bakhmut on 13 February 2015. It was conducted with the use of “Smerch” MLRS from a firing position in the suburbs of Horlivka (Donetsk Oblast). Cluster munition rockets carrying 9H235 fragmentation submunition were used during the attack. Military targets (the AFU combat unit and a group of soldiers in the suburbs of Bakhmut) were not affected due to a

24

Обстрел Артёмовска “Смерчем” (13.02.15 17:35), YouTube, 13.02.2015, <https://www.YouTube.com/watch?v=uzCAElUgFaU&feature=youtu.be>

25

Screenshot of the post with comments, Twitter, 13.02.2015, [https://twitter.com/Online\\_Smi/273256924381185](https://twitter.com/Online_Smi/273256924381185)

26

Артемовск обстреляли из РСЗО. Есть жертвы (дополнено, добавлено фото, видео), Vecherniy Bakhmut, 13.02.2015, <http://bahmut.com.ua/news/topnews/2173-artemovsk-obstrelyali-iz-rszo.html>

possible error in calculations or a gunner's error. The latter could have been caused by a lack of risk assessment in the use of cluster ammunition as it can often be unpredictable and chaotic. The self-proclaimed "DPR" is responsible for the deaths of civilians and damages to civilian objects in Bakhmut because this side was in control of the area from where the rockets were launched.

27

Vortex coordinates  
48.611953, 38.017852  
on the north-eastern  
edge of Bakhmut



Fig. 10. Vortex from 9h235 submunition explosion in Shevchenka Street<sup>27</sup>, Bakhmut, photo credit: M. Bilyakova



# THE ATTACK OF 13 FEBRUARY 2015 AND THE WAR OF INFORMATION

The military objectives outlined in the message of the “Center for operational cooperation Novorossiya” (destroying the combat unit and the soldiers of the Ukrainian army in the suburbs of Bakhmut) were not reached with the attack of 13 February 2015. Accordingly, the so-called “DPR” attempted to reach this military objective in the through information warfare, with the help of what looks like an informational and psychological operation in the second half of February 2015.

In the evening of 13 February 2015, information in the VKontakte group “Artemivsk Novorossiya” claimed that Bakhmut was attacked by the Ukrainian army from the suburbs of Soledar with the use of “Grad” MLRS. As stated above, the submunition found in the affected area are components of cluster ammunition that can be dispersed only by the “Smerch” or “Uragan” MLRS rockets systems OSCE SMM experts identified “Smerch” MLRS as the weapon used in the attack on 13 February. The minimum distance before hitting the target for this system’s rockets is 20 km<sup>28</sup>. Soledar is located only 8-10 km from the areas hit on 13 February 2015, which is only half the minimum range for the MLRS used during the attack.

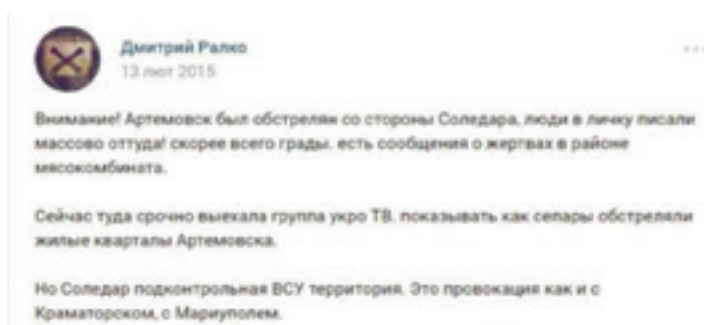


Fig. 11. Screenshot of the message blaming the Ukrainian army for the attack on Bakhmut on 13 February 2015<sup>29</sup>

No military expert commented on this fake message, and its meaning in the information warfare was probably underestimated. During the next week, “a rumor factory” started operating in Bakhmut. Its activities are mentioned in the post of Vyacheslav

28

Latest from OSCE Special Monitoring Mission (SMM) to Ukraine based on information received as of 18:00 (Kyiv time), 15 February 2015, OSCE, 16.02.2015, <http://www.osce.org/uk/ukraine-smm/141296>

29

Screenshot of the message posted in the group “Artemivsk Novorossiya”, 13.02.2015, <https://vk.com/artiomovsk.novorossia>

30

Facebook post of V. Abroskin, 21.02.2015, <https://www.facebook.com/Vyacheslav.Abroskin>

Abroskin, the head of the MIA in Donetsk region: *"In order to destabilize the situation in the region and discredit the Ukrainian military, there are widespread rumors about the "growing number of violations committed by the AFU members in Artemivsk and Artemivsk Rayon"*<sup>30</sup>.

31

Украинские военные, вырвавшиеся из котла, разлагаются, Youtube, 20.02.2015, [https://www.youtube.com/watch?v=Dtt1qV7\\_Bp8](https://www.youtube.com/watch?v=Dtt1qV7_Bp8)

On 20 February 2015, the news on a Russian channel REN TV (in Eastern Ukraine many people watch Russian television) broadcasted a fake story about Ukrainian military tormenting civilians in Bakhmut. It included a video showing people in camouflage beating up civilians next to a shop<sup>31</sup>. This recording was in fact made in Donetsk in the fall of 2014, and the people assaulting civilians were members of armed groups of the so-called "DPR"<sup>32</sup>.

32

Боевики "Оплота" избивают мирных жителей в Донецке. ВИДЕО камер наблюдения, Youtube, 28.10.2014, <https://www.youtube.com/watch?v=um4F-xcbL5Q>

The relevant authorities responded to these rumors and allegations against the Ukrainian soldiers. The head of the MIA in Donetsk Oblast made the following statement: *"I officially state that the operational situation in the said area is under police control. During the relocation of the military from Debaltseve to Artemivsk an enhanced joint patrol of the law enforcement officials and the military commander's office is ensuring order. There were no recorded violations involving military personnel"*<sup>33</sup>.

33

Facebook post of V. Abroskin, 21.02.2015, <https://www.facebook.com/Vyacheslav.Abroskin>

On February 21, an attempt to organize mass protests was recorded at a demonstration in Bakhmut. Significantly, the protesters' demands "strangely" coincided with the objectives of the shelling which were not achieved a week earlier on 13 February 2015:

34

Photo of the demonstration for removal of the AFU forces from Bakhmut, 21.02.2015, <https://www.facebook.com/photo.php?fbid=1555364091399941&set=pcb.1555364694733214&type=3&theater>



Fig. 12. Demonstration in Bakhmut, 21 February 2015, photo credit: D. Kononets<sup>34</sup>



- to stop the shelling of other towns of Donbas from Bakhmut which meets the military objective of removing the AFU combat units in the suburbs of the town;
- removing the AFU soldiers from the suburbs, which meets the military objective of eliminating the enemy's presence.

Overall, the demands recorded in the video of the demonstration are illustrated by one statement: “Poroshenko, take your military out of Artemivsk. We don't want other towns to be bombed from Artemivsk!”(06:54)<sup>35</sup>. Strangely, the protesters did not demand protection for civilians living in the war zone. There were no questions about the failure of the warning systems. The demonstrators neglected the needs of the population recovering from the shelling.

Despite the informational sabotage through the media and the “rumor factory” in Bakhmut, there were not many participants in the demonstration. Approximately one hundred people gathered in the city center, including organizers, passers-by, and several pro-Ukrainian activists attempting to sabotage the meeting by taking part. Perhaps, the presence of several people with Ukrainian flags turned the protest into a verbal confrontation in which demands of neither side could be heard.

Participants on both sides were aggressive. Residents with different opinions about the events of 13 February 2015 exchanged threats and allegations, but they did not resort to violence. Some of the arguments characteristic for the opinions of the residents after the shelling were: “*You are a pro-American parasite, you are not supporting Ukraine!*”(02:13), “*You are killing people in Horlivka and Debaltseve!*” (02:43), “*Children were killed at the “Myasokombinat” [one of the local names for the district that came under fire in Bakhmut on 13 February 2015 - ed.] by your f\*\*\*\*n Ukrainian army!*” (04:10), “*You know there will be no ceasefire because the Russian army is shooting? - You are lying!*” (04:45)<sup>36</sup>, “*We are against the war, go fight a war in Kyiv, heroes!*” (05:48), “*Fascists, get out of here!*” (06:21), “*Shame on Poroshenko!*” (11:11), “*I did not ask Russia to come here! Did I ask Ukraine to come here?! Did I ask for the army?!*” (15:14)<sup>37</sup>.

During the visit to Bakhmut in September 2017, documentators of “East SOS” found the consequences of the activities of the “factory of rumors” and deliberate distortion of information.

35

Митинг против обстрела украинской армией с Артемовска по другим городам Донбасса, YouTube, 21.02.2015, [https://www.YouTube.com/watch?v=k\\_u-9YTvLn4](https://www.YouTube.com/watch?v=k_u-9YTvLn4)

36

ibid

37

ibid

38

St. John Baptist Church,  
Bakhmut, 8 Shevchenka  
Street

39

Історія хлопчика, що  
вижив під прямим  
наведенням ворожого  
"Смерчу", TSN,  
01.06.2015, [https://  
www.YouTube.com/  
watch?v=jIunZWEgKFc](https://www.YouTube.com/watch?v=jIunZWEgKFc);  
Як створювався  
документальний  
проект "Діти  
війни", TSN,  
02.06.2015, [https://  
www.YouTube.com/  
watch?v=weIMf7nJKrA](https://www.YouTube.com/watch?v=weIMf7nJKrA)

The discussion about the events of February 13, 2015, grew full of unrealistic allegations, and the residents were open and willing to share them. These included statements that before the shelling there were already ambulances and other emergency response vehicles next to the church<sup>38</sup>, and that this was why they got there shortly afterwards. Another statement was that a film crew from Kyiv appeared at the scene together with an ambulance, i.e. when locals who managed to take cover had just left their basements and tried to look outside. And the crew appeared although they had no cell phone connection! There were allegations that witnesses saw the fire coming from the village of Ivanivske controlled by Ukraine (until 2016 the village was called Krasne), which is located southwest of the city.

We should note that two and a half years of war experience was enough for many inhabitants of the region to acquire basic knowledge about weapons and ammunition. What is more, it was possible to establish the fact that there was a municipal worker injured in the shelling. If the employees of this service had been warned in advance about the attack and if their vehicle was parked near the church, would this person have been taken under fire and been injured? It was possible to explain that the appearance of the military correspondent Oleh Motorny at the scene simultaneously with the ambulance should not come as a surprise. A "1+1" film crew was on duty (practically living) in Bakhmut rayon hospital collecting information about Debaltseve from the wounded people brought there from the frontline<sup>39</sup>. If the shelling came from the southwest from the village of Ivanivske, the damage would have been located on a south-west-north-east line and there would be no videos with comments about the rockets coming from Horlivka.

The majority of the residents, including those from the area affected by the shelling, are convinced that only the army and the government are responsible for this war crime. They ignore the fact that the Ukrainian military objects were the target of the shelling on 13 February 2015 as stated by the representatives of the so-called DPR.

# NATALIYA DROZDOVA: “NOBODY KNEW IT WOULD BE LIKE THIS”

February 13, 2015 was a Friday. It was getting dark after 4 pm. For most people the weekend started. Cars and people were passing the school from time to time... Around 4:20 pm, the shelling started with a series of loud explosions and lightning-like flashes.

Nataliya Drozdova, the school principal, describes the shelling, *“At first glance, I simply did not understand what was happening. When I saw the flashes, I realized that there was a danger related to the glass. I did not even think that there was heavy shelling out there. The rooms we were in were like an aquarium with glass everywhere. Most of all, I was worried about the cuts if the glass would come flying, I was afraid to be just stabbed by it”*.

When the school windows turned into a pile of sharp shards, both women, the director and her deputy, managed to take cover behind the door of a cupboard and the entrance door. In a matter of seconds, there was not a single window left unbroken in the entire school.

*“And when I opened the door - it was terrifying, it was all glass! The entire hallway, a long hallway, was all covered in glass; there was smoke and no windows, and the curtains like this. There was wind and draft. These curtains were flapping, the glass was on the curtains. You could see nothing, dust and smoke”*, she recalled.

The two women ran scared to the ground floor. The guard, a former military officer, was there and he helped them find a safe corner in the building until the end of the shelling. The explosions went on for several minutes that seemed never ending. When everything was quiet, there were voices coming from the kindergarten. Nataliya went to the schoolyard and ran to the crowd by the building next door. The two-story kindergarten’s roof was severely damaged. People saw Nataliya and asked her to identify the body that lay there on the ground.

The principal realized it was one of her students. She saw the small body on a brown coat but could not speak a word, *"And after we went out, they asked me to identify the child. He studied in the second grade, [his name was] Yehor. I did not recognize him. Maybe I was in a state of shock, I don't know. I was just looking at the child, I can even see him now, maybe because he was wearing a hat, I don't know, I was looking and could not recognize him"*.

People spoke about more injured children. It turned out that Yehor was not the only victim near the kindergarten. He was walking with two girls, Dasha and Vera, who survived but were injured. According to Nataliya Drozdova, the girls survived because they fell down on the ground and put their hands over the head when the explosions started. They learned to do that in school, *"The children who were running with him screamed, 'Yehor fell down like they taught us in school'. We taught all children what to do, to lie down and cover your head. In any situation, wherever you are. The children who got on the ground were injured, and he ran. And he was killed... He did not get down and cover his head"*.

Terrible news came from Zahorodnya Street. Maryna, the mother of 6-year old Maya, was blown up in front of her daughter who also sustained a severe spine injury, *"Afterwards, people started learning that there were injured adults, and that Maya's mother died. She covered her because she was blown up in front of her daughter. They were on their way to pick up the younger daughter from the kindergarten"*.

Ambulances and municipal services came, including the gas and electricity services because the gas pipes and the wires were damaged. The emergency services started working next to the kindergarten; the military and the "1+1" TV crew also came. The winter night came, and the people returned to their homes without electricity or heating. Everything went quiet, and only the soldiers were running from door to door in the dark asking whether there were injured people, or any help was needed.

Only then Nataliya Drozdova realized she was standing in the freezing cold wearing light shoes.

A big meeting was held in the school gym the next morning. Oleksiy Reva, the mayor, listened to the reports of the municipal services working at the scene and gave orders to address

all issues in the school and the kindergarten. Only then could the principal assess the damage to the school. All the windows in the three-story building were broken, there were 15 gaping holes in the roof, the doors and walls of classrooms were damaged by shrapnel. The biggest problem on that morning was the broken windows. It was necessary to cover them as soon as possible and to turn on the heating. The longer the school had broken windows, the bigger the chances were that the pipes would break from the freezing February temperatures.

Nataliya recalls the morning of February 14, 2015 in the school. On that day, teachers from other schools in town came to help the staff of this school. They came without being asked because they knew their help was needed:

“On the 14th I asked the staff not to come to work. When I came to school, they were all there and said, “No, let’s do it together!” Not a single person stayed at home, they all came as one, as colleagues and colleagues from other schools joined as well.

... You know, in these moments, you can see humanity and compassion, when people show who they really are. At first, you don’t realize it, but then you give it a thought and understand how important it is.

By one o’clock, we covered [all the windows in] the school with polyethylene. Afterwards, gas supply and heating were restored, and we had electricity by 10r 2 pm on the following day. I mean, all enterprises, all municipal services were mobilized, everyone who could do something...”

Classes in the school started a few weeks later. In the summer, Bakhmut city council provided support to restore the roof and the school building. They also installed new windows. On 1 September, the schoolchildren came to classrooms without a trace of the shelling in February.

Despite the repairs and the fact that today there are not many reminders of the February attack in the building, Nataliya Drozdova feels that events like these do not pass without consequences event for those who were not injured:

“I am still afraid of sudden sounds; I cannot listen to the thunder or fireworks. It is the scar-

iest thing for me today. I think to myself that many years have passed... Still, when thunder starts, I know that there is a lightning and thunder coming. I left the kitchen and could not stay there because it had a big window. I went to the hallway without windows and stayed there until it was over. It is an internal state, I don't know why but this sound... Of course, it is terrible that people died. Everything can be understood, one can survive anything, but death is horrifying, in broad daylight. Nobody knew it would be like this".

Nataliya is trying to overcome her worries and pain by helping children. Even those who had no physical injuries they will be traumatized for the rest of their lives. Nataliya used her personal contacts to organize trips for her school's students to Uman in central Ukraine. She understands that it is a drop in the ocean on the way to overcoming the horror they had been through:

"For the second year in a row, I take them to a camp in Uman Rayon. By the way, the village council head from Uman Rayon also served here, and we used to hold fairs or holidays in school no. 4. We invited the soldiers passing by. He was so impressed by our hospitality that he came to me and said, "Let's take 20-25 children from your school to Uman for rehabilitation". And we have already gone there for two years, for 21 days in a camp outside the city. There is a restaurant there where people have wedding celebrations. We were putting the children to bed, and one boy was in his bed and getting ready to sleep. And then the fireworks came. You should see his reaction! He fell with his face down and covered himself with a sheet. This is how our children react. From this shelling and those explosions... When I saw it I almost fell. "Pasha, it's just a firework, Pasha, calm down, it's OK". He came from under the sheet, "I understand". Good. So... There are signs like this... Different signs".

# OLENA ALANDAROVA: "THESE MOMENTS, I MUST SAY, ARE PURE HORROR..."

When it started getting darker after 4 pm, Olena Alandarova, a mother of a large family, put on her old brown coat and went outside. It was time to milk the goats and take her youngest daughter Veronika from the kindergarten. She felt nervous because she had no time to do it, and her 7-year old son Maksym, who could have helped, was gone somewhere. She heard a car stop by her neighbors' house. The neighbor brought his daughter from school and went somewhere. She went outside the gate to see if Maksym was there.

"Why didn't you go to pick up Veronika?' He said, 'I went to school with uncle Andriy'. The neighbor took him for a ride to pick up Liza from school. I said, "You should have picked up Veronika...". It was Friday, 13th, before St. Valentine's Day. I told him he should have picked up the child instead. And I was going to milk [the goats], and he said "I'll do it now". He came up to this cherry tree, and the shelling started. He was running around like this, not knowing what to do, and running. I started running after him, trying to stop him, he did not hear me. And the house covered us. In Serhiy's house the glass was shattered, I fell into the ditch over there at uncle Mykhailo's, and he made it to the workshop".

Olena Alandarova fell down next to a pile of clay. There were explosions all around her, pieces of window frames were flying from the neighbors' houses. She saw pieces of slate falling off the kindergarten roof. After that the dust came up and hid her son and two girls that were with him.

She was lying down and thinking she would never see her son alive, scolding herself for sending him to the kindergarten.

When everything was silent, she got up and went to the kindergarten with her legs trembling. There was a boy on the ground, on the spot where she last saw Maksym. Olena could not understand, *"The child was on the ground, I looked - the pants were mine, the child was not mine... I could not understand, you know? I was thinking. I lifted his shirt and looked - he was wearing a shirt, and my son had a T-shirt. Definitely, it was not my child"*.

The boy was wheezing quietly, the woman took off his coat, put the child on it and took him to the kindergarten building calling the nurse. Many people came out of the building, but the nurse was not there. Only then did Olena see that the boy was dead. She put him on the asphalt in her coat. In a few minutes, the ambulance and the emergency team arrived to pick up the child's body.

Olena saw her husband and Maksym among the people who came out of the kindergarten after the shelling. Her husband went to pick up their daughter after work. Her son had a small injury to his foot, but he refused to get into the ambulance because it was just a scratch. She believes that her family was saved by a coincidence. Veronika was taking a long time to put her shoes on in the kindergarten - the zipper was not working, and her father was trying to fix it up when the shells hit. Miraculously, the explosion that killed Yehor did not hurt Maksym. *"My child says, 'I saw Yehor get on his knees and get down on the ground', he saw it. The explosion was under his feet, but he was running away from the explosion. There was a pile there, I came to look later. He got on the pile, and the explosion was outdoors, where Yehor was running"*. Even the family's house was somehow left almost intact compared to their neighbors' houses.

Olena says that not only their family was lucky during the shelling. The neighbor who took Maksym in the car managed to hide behind a metal safe at his work. There were gas tanks next to him (at the kitchen for the drivers of a car company). The shrapnel damaged the walls and the roof, but they did not hit the tanks or the neighbor.

In a family of displaced people from Sievierodonetsk renting a house on a street nearby, a girl was standing next to the door and planning to leave right before the shelling. Her father distracted her somehow and she did not leave. The explosion took place directly at the entrance. The shockwave threw the door on



the girl and her father. The girl's ear was scratched by shrapnel, but she survived.

On the next morning, the small scratch on Maksym's leg did not look too good and the leg started swelling. Olena took her son to the hospital, which was turned into a military hospital at the time. Similar to other hospitals in Bakhmut, the hospital accepted injured soldiers retreating from the then raging battle at Debaltseve: *"There were cars without tires. Some guys were walking, some were running. They were taken there, dropped off... And the cars went to pick up other people... Here, they were picked up by ambulances, the ambulances were going back and forth to pick up soldiers... There was so much blood, oh, it was horrifying"*.

In the hospital, Maksym's wound was treated, and he got a cast because the wound was more serious than it seemed at first.

At that time, Maksym was seven years old, the same age as Yehor, the boy who was killed. They were not classmates since Maksym studied in a specialized school. His wound healed, but he felt hurt for a long time. His drawings scared his mother and teachers he used to draw in black only himself, his mother carrying the wounded boy and the kindergarten that was close but always out of reach. Psychologists have been working with him for a long time. Only two years later, he was able to get rid of his fears. His mother started paying more attention to Maksym and even managed to transfer him to a regular school:

"I took him out of the specialized school. He studies in a general school now. I mean, he is just sitting there, I understand. But I am afraid to send him far and lose him. You see, it's scary... I will teach him to read and count to 100, they will not teach him more. I prefer that he stays next to me. Because here, next to the house, you can see, close to the house... These moments, I must say, are pure horror..."

## SVITLANA MAKIEIEVA, "I NEVER THOUGHT THAT SOMETHING CAN HAPPEN TO ME IN MY OWN BACKYARD"

It was still not nighttime, but it was getting dark. Svitlana Makieieva went outside to pour out the wastewater. In the house the canalization did not work properly. She stood by the gate for a moment as she heard a roar somewhere, like an explosion. It came from behind school no. 4. She felt that it was very close, and that it was necessary to seek cover right away. Before she got anywhere, the windows in her building shattered into tiny pieces and flew all around her:

"The glass was completely shattered, I ducked away. I leaned forward and wanted to get away because the glass was shattered. At that moment, I was thrown to the floor by a heavy blow from the back and lost consciousness. My husband came and I woke up. There was no electricity. Our cell phone wasn't working. We could not call the ambulance right away. We called the ambulance later when my son came from work. The ambulance took me to the hospital at 6pm on Friday".

Svitlana's husband was very ill in February 2015. He had just suffered a stroke and could not walk outside by himself. Though there were ambulances next to the school and the kindergarten in the neighboring street, he could not call them for help. Most likely, he did not hear the soldiers walking from door to door asking if anyone was injured, or he could not respond promptly and ask for the urgently needed help.

In the hospital in Bakhmut, Svitlana Makieieva was in a ward with two other people injured during the shelling. She was in a bad condition and does not remember much. Svitlana remembers that a woman named Zinayida (born in 1932) was injured

next to “Shashlychnyi dvoryk” shop. Her son left her waiting in the car while he was shopping for groceries. Then, the shelling started. The shrapnel smashed windows in houses and shops, slicing rocks and asphalt. They broke through the metal of the car and hit Zinayida in her abdomen. Svitlana could not remember much about the second victim, she only knew his name was Andriy<sup>40</sup>.

In the evening of February 13, 2015, Bakhmut MIA department published the official list of victims. Svitlana, who had so many difficulties getting to the hospital, was not counted in that list. Perhaps, this is the reason why doctors of Bakhmut hospital demanded payment for the computer tomography despite her severe diagnosis<sup>41</sup>, *“I don’t know how much a CT scan costs, maybe 600 hryvnia or even more. At first, they asked for 600 hryvnia. Then, they called Reva [the mayor]. He said we were entitled to free treatment”*.

The CT scan showed that the injury was severe, and Svitlana was transferred to a hospital in Iziium, about 100 km away, and later to Kharkiv. She had a surgery in Kharkiv to remove shrapnel and bone pieces from the temporal lobe. Svitlana stayed in a Kharkiv until March 3, 2015. Svitlana had to carry the costs of her intensive treatment herself.

A fragment of her temporal bone was removed during the surgery, and she was left with a wound covered by skin, *“I have this wound covered by skin, nothing else. They offered to insert a titanium plate but they didn’t because it costs around 40 thousand if not more. But I didn’t have the money, and I didn’t go there because, actually, I couldn’t get there on my own”*.

Svitlana was discharged and returned home. She was still feeling bad but had no more means to continue her treatment.

Svitlana’s family was not rich even before the injury, and the retired couple with two pensions barely had enough to make ends meet. Svitlana had to work as a postwoman, but she could not continue her job after the injury. She understood that it was necessary to continue her treatment but she did not have the money:

“The money, the pension, [on the day of the interview - 17 September 2017 - ed.] I receive 1459 hryvnia, my husband receives 1410 hryvnia. My

40

Andriy’s account of the shelling appeared in two news stories , “They started getting closer, these explosions, the neighbors “Gazel car” was there. I climbed under the car. And it started hitting next to me... It hit me the shoulder. The gas tank was damaged, and the gasoline was pouring all over me... I crawled out... Crawled home, started screaming, my neighbor called an ambulance”, Артемівськ знову потрапив під обстріл, YouTube, 14.02.2015, <https://www.YouTube.com/watch?v=1Ai35h9ULiE>, Терористи обстріляли #Артемівськ, YouTube, 14.02.2015, <https://www.YouTube.com/watch?v=Mlsvj7DzCTo>

41

Explosive penetrating fragment wound to the right temporal lobe

husband had just had a stroke. So that was our situation. Our son works for the government, I don't know how much he is making, up to three thousand, minimum wage. That's all we have. So we have nothing special and can't afford [the treatment - ed.].

I didn't go back to the hospital. I went to a neuropathologist, and she prescribed some medication. I was taking it as long as I had the money to buy it. Because of my husband's condition, he has to take medication every day. So I could not afford [continuing treatment - ed.].

... If I need to go for a check-up, I will have to pay for everything. I said I had no money, and they said, "If you come and undergo examination, you have to make a certain contribution". So I did not go anywhere or see anyone. I am walking with a cane somehow. To go and do an X-ray, all of this costs at least 200-300 hryvnia. I can't afford that".

Svitlana tried to get support for the treatment from Bakhmut city council, but has not received support by September 2017:

"I asked the city authorities for help, but I have been waiting for over a year now. They promised to give me 1170 hryvnia, recorded everything, and now I am still waiting in line to receive the money. In June, I think it was on the 19th [June 19, 2016 - ed.] we were summoned by a committee. Everything was arranged on paper, but I did not receive it by New Year's [before 2017 - ed.]. And now they said, 'Wait for your turn'. And I don't know when that will be and whether it will come at all. That's how it is".

The family's house was damaged by the shelling eight roofing slates and the glass in two windows on both sides were smashed out. The commission assessing the damages did not include the damage to the roof, and the Makieiev family received less material than necessary for the repair:

"We got the glass and eight roofing slates. Imagine, the slates on our house are big, but we were

given much smaller ones. We only received materials for the broken ones, and nothing else. They did not take into account the glass, 160 hryvnia for the glass I believe. They included the slates. In general, what they wrote - two thousand and something, they excluded everything. They did not give us any cash. It was not much, I don't remember, maybe 500 or 600 hryvnia for the paint or something, we received only that, nothing else”.

М'яно-вибухове відкрите проникаюче осколкове поранення головного мозку з формуванням вогнища контузії правої скроневої частки. Втіснений депресійний перелом правої скроневої кістки. Інфікована рана правої скроневої області. Забої, садно м'яких тканин обличчя. Стан після операції (16.02.15) відстроченої хірургічної обробки інфікованої рани, вдавненого перелому правої скроневої кістки, видалення вогнища контузії правої скроневої області. Кістковий дефект правої скроневої ділянки.

Fig. 13. Svitlana Makieieva's diagnosis from the medical records issued on 3 March 2015 in the neurosurgery department of the regional clinical hospital - the center of urgent medical aid and disaster medicine in Kharkiv, photo credit: M. Bilyakova

Svitlana Makieieva feels the impact of the shelling every day - she cannot work due to her poor health. It is difficult to perform routine tasks, such as getting groceries or seeing a doctor. Even when “East SOS” offered her to pay for a computer tomographic examination supported by MTU Mondo (Estonia), she did not have the strength or possibility to visit the hospital. In addition to the money, she needs assistance in daily chores. She is still waiting for help and slowly losing hope to ever return to normal, active life.

## CONCLUSIONS

The attack on Bakhmut on February 13, 2015 was classified as a terrorist attack. Cluster ammunition fired from the "Smerch" MLRS located in the suburbs of Horlivka (Donetsk Oblast) was used in the attack. Armed groups of the self-proclaimed "DPR" are responsible for the civilian casualties and damage to civilian objects in Bakhmut as the party in control of the area of the rocket launch.

This attack (despite the use of untypical weapons) is a fairly typical example for a shelling attack on civilian objects and residential areas during the armed conflict in Ukraine. It did not receive much publicity or lead to a large number of casualties. The extent of damages to the victims was not excessive, and the local budget had the necessary funds to address the consequences. It was therefore possible to describe and analyze the practices of supporting the population used in towns similar to Bakhmut in the east of Ukraine. As established above, the objectives of such measures include:

- repairs to the municipal infrastructure;
- repairs and restoration of social service facilities;
- repairs to damaged homes, mainly through construction materials provision and workforce;
- material support to families for burials;
- material compensation to the families who have injured children;
- material support to those who sustained injuries;
- medical assistance to the victims in the local hospital during the first month after the injury.

The measures mentioned will allow rebuilding the city's infrastructure. However, the problems of individuals left to their own devices are neglected. A significant shortcoming of the existing practice is the lack of programs, such as long-term financial or medical support for the victims of terrorist attacks;

A large number of civilians suffering from posttraumatic disorder can become a threat to state security. People affected lose their ability to assess information critically and they become

susceptible to propaganda. It is necessary to regularly inform the population about ongoing investigations of terrorist attacks unless the information is classified. Such out-reaching information policy could reduce the number of people affected by information warfare.

The elaboration of programs for the long-term social rehabilitation of shelling victims and their implementation is very important for solving the issue of reintegration of those territories that are currently under the control of the Ukrainian state. The development and adoption of programs that provide long-term support for shelling victims by the rayon and municipal administrations is very important. The implementation of such programs, the work with the victims of both violence and disinformation is of great importance for a successful reintegration of the people now living in the currently occupied territory.

# 24 JANUARY 2015, MARIUPOL'S BLACK SATURDAY: EYEWITNESSES ABOUT THE SHELLING

DENYS DENYSENKO

## FOREWORD

This report concludes a study of the events in Mariupol (Donetsk Oblast) on January 24, 2015. The shelling of residential areas in Mariupol is the largest military attack on civilians since the beginning of the military conflict in Eastern Ukraine.

We focused on the immediate impact and long-term consequences of these events on victims of the armed attack and human rights violations in the war zone in Eastern Ukraine.



The study included monitoring visits to Mariupol (Donetsk Oblast) where we held 13 in-depth interviews with victims of the shelling. Later, we reviewed and analyzed the obtained material, open sources, case law and analyzed existing legislation.

This report does not necessarily reflect the views of the Coalition “Justice for Peace in Donbas” or its individual member organizations but presents the author’s individual views.

The author extends his gratitude to the people and organizations that facilitated conduct of the study in Mariupol and made this report possible, namely Hryhoriy Kurachytsky, the head of Pryazov Human Rights Group, Simon Schlegel, representative of Kurve Wustrow NGO (Germany), Vasyl Hotko, a local activist, as well as everyone who agreed to share their story or opinion.

## BACKGROUND

Mariupol is the second biggest city in Donetsk Oblast (approximately 450.000 inhabitants) located on the Azov Sea coast. The city is an important hub of metallurgy and machine building and a large seaport.

Since the beginning of the military conflict, Mariupol has been a hotspot of the confrontation due to its strategic location. On 1 March 2014, the Russian flag was raised over the town hall. As a result of an attempt to take over a police post on 9 March 2014, 13 people were killed and 39 were injured. By 13 June 2014, the city was under the control of the so-called “DPR”. The Ukrainian army and the National Guard, together with police units and battalion “Azov” regained control through a special operation<sup>1</sup>.

After the Ukrainian army regained control over Mariupol, the city and its suburbs became a target of regular armed attacks: 6 October 2014 (1 person killed, 3 injured)<sup>2</sup>, 14 October (7 people killed, 18 injured)<sup>3</sup>, 27 October (one injured)<sup>4</sup>, 29 October 2014 (2 people killed, 2 injured)<sup>5</sup>, and 19 January 2015 (10 houses destroyed)<sup>6</sup>.

1

Gerashchenko, 13 июня – День освобождения Мариуполя, *Ukrainska Pravda*, 13.06.2015, <https://goo.gl/98zDAX>

2

В Мариуполе неизвестные обстреляли маршрутный автобус, *Yuznyi Informatsionnyi Media Resurs*, 6.10.2014, <https://goo.gl/P46Np1>

3

Террористы обстреляли поселок Сартана под Мариуполем (Видео), *Channel 24*, 15.10.2014, <https://goo.gl/iamxos>

4

Обстрелы Мариуполя и Никишино. Карта АТО за 27 октября, *Korrespondent.net*, 27.10.2014, <https://goo.gl/v5JL5e>

5

Сегодня был один из самых мощных обстрелов линии обороны вокруг Мариуполя, *TSN*, 29.10.2014, <https://goo.gl/n6A6RW>

6

S. Vaganov, Последствия обстрела пос Сартана 19 января 2015, *YouTube*, 20.01.2015, *YouTube*, 20.01.2015, <https://goo.gl/sGuRqY>

- 7  
Обстріл Маріуполя (Хроніка подій), Еспресо. TV, 24.01.2015, <https://goo.gl/VXUjXV>
- 8  
The list of people killed or injured in the shelling of Ordzhonikidze district in Mariupol, National Police in Donetsk Oblast, 27.01.2015, <https://goo.gl/1aLmWF>
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Александр Захарченко: Сегодня началось наступление на Мариуполь, Новороссия новости, 24.01.2015, <https://goo.gl/e6WqRX>
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ГПУ: Атака на Мариуполь – теракт, Українська Правда, 24.01.2015, <https://goo.gl/iGh3yX>
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Official statements regarding the events in Ukraine from top UN officials and Heads of foreign missions and representations. December 2013 – January 2014, United Nations Ukraine, 24.01.2015, <https://goo.gl/PMZrae>
- 13  
Генсек ООН осудил артобстрілы Маріуполя, Deutsche Welle, 25.01.2015, <https://goo.gl/rn7Ymj>



In mid-January 2015, the situation in the war zone exacerbated rapidly, and the armed groups of the so-called people’s republics started active coordinated assault on the Ukrainian military, in particular near Donetsk Airport and the town of Debaltseve.

On the morning of 24 January 2015, a series of shelling incidents targeted residential areas of the city. The first attack came at 9:25 am (Kyiv time). The artillery attacked checkpoints and the Skhidniy residential area<sup>7</sup>. According to the police in Donetsk Oblast<sup>8</sup>, because of the attacks, 30 civilians were killed and 107 injured, including children. On that day, the “DPR” leader Oleksandr Zakharchenko announced the launch of the assault on Mariupol in a speech for his supporters<sup>9</sup>.

On 24 January 2015, the Prosecutor’s Office of Donetsk Oblast launched a criminal case under article 258(3) of the Criminal Code of Ukraine (terrorist attack)<sup>10</sup>. Arseniy Yatsenyuk, at the time the Prime Minister of Ukraine, called on the United Nations to hold a Security Council meeting in relation to events in Mariupol<sup>11</sup>. Ban Ki Moon, the UN Secretary General, condemned the shelling of Mariupol as a violation of international humanitarian law<sup>12</sup>. Russia blocked the Security Council statement on the situation in Donbas after the shelling in Mariupol on 24 January 2015<sup>13</sup>.



The shelled car of a local citizen Vasyl, Mercedes Vito

The report of the OSCE SMM on the terrorist attack in Mariupol states that the shelling came from Grad and Uragan rocket systems from the area controlled by the “Donetsk People’s Republic”<sup>14</sup>.

In January 2017, Ukraine filed an application with the International Court of Justice accusing Russia for the acts of terrorism in the course of its aggression against Ukraine. According to the complaint, the Russian Federation violated the International Convention for the Suppression of the Financing of Terrorism through the provision of weapons and other forms of support to illegal armed groups committing terrorist attacks in Ukraine. The assault on residential areas in Mariupol is listed among the most severe cases of terrorism<sup>15</sup>.

14

Spot report by the OSCE Special Monitoring Mission to Ukraine (SMM), 24 January 2015: Shelling Incident on Olimpiiska Street in Mariupol, OSCE, 24.01.2015, <https://goo.gl/chKzpP>

15

Ukraine Files Action against Russia in International Court of Justice, Ministry of Foreign Affairs of Ukraine, 16.01.2017, <https://goo.gl/R9paSp>

## OVERVIEW OF DOMESTIC LEGISLATION AND INTERNATIONAL LAW

According to Ukrainian legislation, the military operation against separatist armed groups in Eastern Ukraine was classified as an anti-terrorist operation (ATO) that

16	Ibid
17	Convention (IV) relative to the Protection of Civilian Persons in Time of War 12.08.1949, p. 13-26, Verkhovna Rada, <a href="https://goo.gl/tLGF1s">https://goo.gl/tLGF1s</a>
18	Additional Protocol I to the Geneva Conventions, p. 72-79, Verkhovna Rada, <a href="https://goo.gl/VmLajd">https://goo.gl/VmLajd</a>
19	Criminal Code of Ukraine, <a href="https://goo.gl/sAFpch">https://goo.gl/sAFpch</a>
20	Law of Ukraine "On combating terrorism", 20.03.2004, <a href="https://goo.gl/EBTx7y">https://goo.gl/EBTx7y</a>

began in Eastern Ukraine on April 14, 2014. The Decree no. 405/2014 of the Acting President of Ukraine Oleksandr Turchynov issued on that day served as the legal basis for the ATO. The decree promulgated the decision of Ukraine's National Security and Defense Council of April 13, 2014 "On immediate measures to address the threat of terrorism and preserve Ukraine's territorial integrity"<sup>16</sup>.

According to the Regulations concerning the Laws and Customs of War on Land (annex to the Convention (IV) respecting the Laws and Customs of War on Land, 1907)<sup>17</sup> and Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol D)<sup>18</sup>, it is prohibited to employ weapons, projectiles and material as well as methods of warfare of a nature to cause superfluous injury or unnecessary suffering. International law restricts the methods of conventional weapons and methods of warfare, in particular, it prohibits attacks or bombardment, by whatever means, of defenseless towns, villages, dwellings, or buildings unless they are used for military objects.

The investigations unit of the Security Service of Ukraine is conducting pre-trial investigation of the shelling of 24 January 2015 under the Criminal Code of Ukraine (terrorist attack)<sup>19</sup>.

According to the law of Ukraine "On combating terrorism"<sup>20</sup>, damages caused by a terrorist attack are compensated at the expense of the state budget with subsequent recovery of the amount from the perpetrators in accordance with the law.

According to Article 20 of this law, "*social rehabilitation of the people affected by a terrorist attack is aimed at returning them to normal life. These people receive the necessary psychological, medical and professional rehabilitation, legal aid, assistance with housing and employment*".

As stated by the Ministry of Finance in the response to the request of the executive committee of Mariupol City Council regarding assistance to the victims, it is not possible to implement these provisions in practice. The state budget does not have funds allocated for compensation for the victims, or legal regulations for the procedure, criteria, or amount of compensation.

# IMPACT ZONE AND CIRCUMSTANCES OF THE ATTACK

The shelling incident on 24 January 2015 caused serious damages in Livoberezhnyi Rayon of Mariupol that has 120.000 inhabitants<sup>21</sup>. The Skhidnyi neighborhood suffered the greatest damage. The 24 of January 2015 was a Saturday, and many residents of the block were at home or at the local grocery market.

The accounts of interviewees all agree that water and electricity supply had stopped several minutes before the shelling. According to the local authorities, the shelling of the village of Pavlopil at 8 am that morning caused the shutdown. Pavlopil is located near Mariupol, and the power line supplying electricity to the eastern part of the city was damaged<sup>22</sup>.

21

Infrastructure of Livoberezhnyi district, Mariupol City Council (nd), (б.д.), <http://marsovet.org.ua/articles/show/article/730>

22

N. Legkii, M4H01397, YouTube, 31.01.2015, [https://www.youtube.com/watch?v=LV8Hzai\\_CNO](https://www.youtube.com/watch?v=LV8Hzai_CNO) (дата звернення 12.03.2018)



Location of interviewees (red circle) and damaged property (blue circle)

A local TV station was broadcasting a live program with Andriy Feday, the speaker of the city council, who assured those concerned about the heavy shelling of Skhidniy that the situation was under control.

Local resident Tetyana said that she turned on her television at 9am on that morning, and saw Feday, the speaker of Mariupol city council giving a statement. He was trying to assure residents of Skhidniy that there was no danger. At that moment, the lights in Tetyana's house went out. She got ready to go to the market. She left the house when the tragedy struck. According to Tetyana, she ran into a shop where all the staff lay on the floor, and got down on the floor as well. The owner's car was parked outside the shop with the manager and a child sitting in it. They survived miraculously as a "Grad" missile exploded two meters away. The manager got hurt. She had shrapnel wounds, the car looked terrible, but the child remained unharmed. *"I saw a 'Grad' rocket about 80 cm long. Everything in the store was destroyed. I ran out to catch a car coming in the opposite direction. I realized my foot was injured. Even though I did not feel pain"*, says Tetyana<sup>23</sup>.

Kateryna, another victim, was working in a bread kiosk to bolster up her pension. Shortly after 9am, a woman she knew came to buy bread. All of a sudden, it got dark and there was a sharp noise. The display window glass fell on Kateryna. Kateryna did not notice that she was injured and covered in blood. She lifted up the other woman, who then helped Kateryna get her things together. Kateryna took the money from the register, closed the kiosk, and ran home. *"I saw a dead body, a car burning. My grandson was by himself in the apartment. People were asking, 'What happened to you? Why are you covered in blood?' I did not see myself. I got upstairs and called for my grandson, 'Sasha!' I went to the ninth floor; the elevator was not working. And he was running down the stairs alive. Thank God! I didn't even feel that I was hurt and covered in blood, I didn't feel pain"*, says Kateryna.

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All interviews in this report took place on 6 September 2017 in Mariupol, unless otherwise stated

According to Yuriy, by 24 January 2015, people were already used to the sounds of shelling. However, he did not think that something could affect his family. Yuriy decided to call his wife who was at home with their son. There was no phone connection, and his wife called back a couple of hours later. *"She said they were alive and ok. I did not understand what that meant or what had happened. She said a shell fell next to our window.*

*They dropped me off at home from work. It was terrifying. A shell fell ten meters away from the apartment; I live on the first floor". The shrapnel hit three windows... I did not recognize the apartment", says Yuriy.*

Valentyna recalls coming back home from the market. She met her neighbors who told her that water and electricity had been shut off in the building. *"All of a sudden, there were shots from all sides. Darkness. It was scary. I fell down, I was injured. A man in front of me was killed. There was also a woman lying behind me. At first, I saw an injury to one leg - there was blood. Then, I noticed that the other leg was bleeding too", she says.*

Volodymyr, a pensioner living in the neighborhood shared his memories, *"The building next door was hit by a 'Grad', it also burnt down. In total, I counted approximately eight 'Grad's. My hand was hurt. I did not feel how I got hurt. There was a lot of noise. When the building next door was burning, I remembered the Lord's Prayer. After that, the smoke turned away from my house. I am hoping only for my guardian angel".*

Nina, a resident of Skhidniy, remembers that she went to walk her dog that morning. She came back around 9am. At that time, Andriy Feday was talking on TV trying to convince residents of Mariupol that everything was fine. *"The light suddenly went out. I went to the kitchen to unplug the fridge. I disconnected it, got up and that's when 'Grad' shrapnel smashed through the window", says Nina.*

Viktor, another victim, said he was planning to go buy cheese on the market that day. There were not many people in the market, he got his cheese and was heading home. That is when the shelling started. One rocket struck 10 meters away from him. *"I jumped under a counter with children's toys, and another shell exploded 5 meters away from me. Three of us were lying down there. The glass was falling shattered, I was covered in blood ... I did not know that shrapnel hit my leg", says Viktor.*

Rayisa, another victim of the shelling, was planning to go to church near Silpo supermarket on Kyivska Street on the anniversary of her father's death. She was surprised that electricity and water disappeared. There were no cars in the streets though usually on Saturdays there is a lot of traffic. It was 9:15 am.



*“At that moment, there was crackling sound; it seemed my ear drums would break. Then, I realized that a shell had flown over me and hit a woman, tore off her head (she had two children) and the head of the man next to her. The shrapnel hit me, and I fell. I realized I had been injured and I needed to collect my thoughts and stop panicking”, Rayisa says.*

Lidiya also said that there was no electricity or water on 24 January. In the morning, she was reading a newspaper by the window. At 9:25 am, Lidiya had to take her medication and she went to the kitchen. Before she reached the hallway, she was tossed into the air and fell down. She was lying on the floor confused about what had happened. *“My apartment turned into a pile of garbage. Everything was destroyed, refrigerator, oven, furniture, dishes, clothes - everything. The shell stuck in the balcony and did not explode. If it exploded, half the building would be blown up”, Lidiya recalls.*

Illya, another Skhidniy resident, was working on that Saturday. He remembers hearing the sounds of mortar shells around 9:30 or 9:40. These sounds were getting closer. Illya got scared, left his office and went to the middle of the hospital where he was working. *“In a few minutes, my wife called crying hysterically. Our two children were at home. She said the district was shelled by artillery”,* says Illya. Later, it was established that it were “Uragan” and “Grad” shells. Ilya’s car was damaged in the parking lot in Skhidniy, next to Kyivskiy market.

A mortar shell hit the courtyard of an apartment complex where Svitlana lives. A car caught fire. On that day, the entire street was hit by shells. At the time of the shelling, there were four shop assistants in Svitlana’s shop; they managed to leave through the emergency exit... The shell hit the facade of the shop. The shop assistants took fire extinguishers and tried to put out the fire. When they realized they had to save their lives, they left the shop. The fire spread quickly. People were walking past the shop, and some of them got severely hurt. *“I know a neighbor, who was walking by, and the shrapnel hit her neck, she went through a long treatment and has not recovered yet. I came to the shop, and the shop was burning”,* Svitlana recalls<sup>24</sup>.

Inna was at home with her husband. At 8:12 [sic], they heard a loud boom. Inna does not know how she ended up in the bathroom. Her husband fell on the floor. They did not understand what was happening. Inna was in the bathroom for several

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Інтерв'ю 02.08.2017  
у Маріуполі



minutes. The windows on both sides of her flat were completely shattered. The recently refurbished balcony was torn apart. The shell fell on the southern side between two houses standing 50 meters apart.

At approximately 9:20, Vasyl came to the shop driving his Mercedes Vito to buy water. *“As soon as I took out my wallet, I heard a loud rumble and got down on the floor. A ‘Grad’ shell fell 7 meters away from the shop and two meters from my car. The car was completely destroyed by the shell”*, says Vasyl<sup>25</sup>.

For several months prior to the shelling, the city had been on the boundary of the war zone. The Ukrainian government had accurate data about the types and capacity of weapons used by the illegal armed groups. Yet, the warning system for the residents and the air defense system failed. Their proper working could have significantly reduced the number of civilian casualties.

## FIRST RESPONSE AND ASSISTANCE

The grenades on the morning of January 24 started numerous fires throughout the neighborhood. According to residents of Skhidniy interviewed in September 2017, people were trying to leave the affected area as quickly as possible<sup>26</sup>.

“Everyone was trying to leave Skhidniy. It was chaos. Everything was on fire and there was thick smoke”, Illya says.

The hospital started receiving injured people. Medical establishments in the district were not prepared to assist this number of victims. They were admitting patients with the most severe injuries first. Some victims were sent to other hospitals around the city. Some people were looking for assistance on their own. Many of the affected were themselves involved in providing first aid and getting injured people to hospitals.

Rayisa recalls she was in shock. Her triceps and part of her thigh was torn off. Oleksiy Yazykov, then as now an employee of Silpo, helped Rayisa as she walked past the supermarket. At that

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Interview in Mariupol, 2  
August 2017

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Interview in Mariupol, 6  
September 2017

time, she was praying not to lose her arm. Rayisa asked Oleksiy to find a car to take her to the hospital. Oleksiy said it would be difficult. Though he was in a hurry to check on his mother, he stopped and helped Rayisa. 'Silpo' was closed. He started knocking on the shop window and asked for the head of security. A middle-aged man walked out. Rayisa still has not found out who the man was. He saw her wounds, brought a tourniquet and put it on her leg, and then put another tourniquet on her arm. He wrote a note and put it under the tourniquet. He told Rayisa the exact time when the tourniquet was applied. Then, he asked his staff to find a car. They found a private car and took Rayisa to the hospital. There, Rayisa was sent to the trauma unit at hospital no. 2. She remembers the car going very fast. *"I was scolding the driver the entire time. They said, 'You scold us, it is OK. We want to take you faster because you are bleeding out. In the 2nd hospital they were waiting for us with a stretcher'"*, Rayisa recalls.

Tetyana remembers that she had a shrapnel wound. She was sent to the surgery unit. There were many injured people. Faces covered in blood, without arms and legs. At that time, Tetyana's son called and asked if she had been injured. She was bleeding. She got on a bus to Berdyansk and asked the bus driver to take her to the local hospital where she received first medical aid. She is still grateful to everyone who helped her. Nobody asked her to pay.

Valentyna recalled how she was taken to hospital no. 4. There were many injured people, and she had to wait for the doctor for two hours. They first treated people with the most serious injuries. They put boards under the injured and gave them pain medication. Then, they were sent to hospital no. 2 in another district. There, they also had to wait for two hours. *"A woman in front of me was in worse condition, her blood pressure was falling. Then, they took me. I spent three days in intensive care"*, she says.

Volodymyr says that paramedics took him and other injured people to hospital no. 4. They were going fast. There were many people in the admission area there. According to the doctors, Volodymyr suffered a relatively harmless injury. Nevertheless, he was in surgery for four hours.

After Lidiya was injured, her neighbors were the first to help her. They covered her wounds and then took her to the street and into an ambulance. They said they would take her to hos-

pital no. 4. Hospitals were overcrowded with injured people. At the hospital, they were waiting with a stretcher. Lidiya was taken to a ward. She was undressed and taken for an X-ray and surgery room afterwards. *“My right hand ‘fell apart’. When they put me on the table, it turned out an artery in my groin area was cut”*, says Lidiya.

“I went to the bathroom and changed my shirt because it was soaked in blood. I rang my neighbor’s doorbell. They came to my help, calming me down, took me to their apartment and began calling the ambulance. They could not reach them for an hour - ambulances were too busy. My dog was scared and hid in a bathroom drawer. There was chaos. Half of our house from eighth to first floor had smashed windows. My son from Illichivsk district of the town called. I told him I had been injured and my windows were broken. He came; they took me down from the eighth floor. We started going and saw an ambulance next to Kyivskiy market. My son stopped it. They put me into the ambulance on a stretcher, and my son followed. They brought me to the hospital and did an X-ray. After the X-ray, my son told me that the bone was not broken. I lost a lot of blood. They put me on a surgery table, did injections and took out two bits of “Grad” shrapnel from my chest. If the shrapnel hit the bone, I would not be among the living now”, says Nina.

Victims with injuries of medium gravity who could move on their own were sent home and later received medical care there.

Viktor received a call from his nephew who said he would come soon. Viktor was in a state of shock. His nephew took him to an emergency point where his wounds were treated. People with severe injuries started to arrive, and Viktor was told to go home and return to the hospital later. Viktor did not call an ambulance immediately. There were many injured people, and the ambulances were all busy. Together with the nephew, they installed windows in Viktor’s apartment and went to the hospital the next Monday. In the hospital in district 17, Viktor was admitted for in-patient care.

Firefighters could not react in time to calls and reports of fires due to the large number of fires in the area of the shelling.

“I came to the parking lot, and saw this situation: the mortar had not hit my car. It caught fire from the burning cars nearby. When I arrived, half the cars had burnt out. I saw it and got very upset. It was a pity, of course. I thought one day I would pass on the car to my son”, Yuriy recalls.

“The fire alarm did not work, and the firefighters did not come on time. The shop burned to the ground”, Svitlana recalls.

“While we were coming to our senses and cleaning the apartment, police and ambulance cars arrived. My brother came and said that our car was burning at a parking lot some 500 meters from our house. The car burned out completely”, says Inna.

# IMPACT AND REHABILITATION

The main consequences of the shelling included bodily injuries of different gravity, material damage and psychological trauma.

The treatment of victims was covered by the state budget or private entities. In particular, Rinat Akhmetov Foundation “Dopomozhemo” [We Help] provided medications as a form of urgent assistance, and “PrivatBank” provided financial help. On the local level, funds and construction materials were collected and charity drives supported the victims<sup>27</sup>. City residents tried to help one another to overcome the consequences. It is an illustration of a spontaneous but broad response from within society.

“Shrapnel wound to the leg, windows and balcony damaged by the shock wave. I was being treated in hospitals in Kharkiv for seven months. The treatment was entirely at the state’s expense”, says Tetyana.

Kateryna was in a hospital for almost a month and a half until 14 of March 2015. She was hit by glass splinters and by shrapnel. One piece of shrapnel is still in her body. Two bits of shrapnel hit her legs. One piece of shrapnel pierced her leg. The other shrapnel wound in her leg was treated and the shrapnel could be removed. Rinat Akhmetov Foundation covered all medical expenses. The door in her apartment was also torn out from the shock wave. She also mentioned receiving material assistance, in particular, from “PrivatBank”: Kateryna’s grandson received financial assistance. She had been an employee of Illyich Iron and Steel Works for most of her life. The company paid for new windows.

“I had a shrapnel wound and a broken leg. I spent one and half a year in bed and in need of external care. I spent one month at the in-patient unit of hospital no. 2 in Mariupol during which time two surgeries were made, and I had further rehabilitation. The surgeries and the treatment - everything was paid for by Rinat Akhmetov

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В Мариуполе пройдет благотворительный концерт в помощь трехлетней Меланьи Абдурашитовой пострадавшей в ходе обстрела ЖМР “Восточный”, Mariupol City Council, 11.02.2015, <http://marsovet.org.ua/news/show/id/8329>

Foundation. The apartment was damaged. The glass in the balcony was broken, the fridge burned completely”, Valentyna shared.

Volodymyr sustained an injury to his left arm during the shelling, a wound of medium severity. He visited a neurologist and was assigned treatment. *“Why are my hands trembling? The head of the unit and the doctor said that you could not buy nerves on the bazar. Be happy with what you have left”*, Volodymyr recalls.

Volodymyr was examined and treated at the expense of the Rinat Akhmetov Foundation. Later, they told him to pay for himself. He remembers that everyone helped as much as possible. There was also incidental assistance from private people, relatives, acquaintances, and people from the factory. Illyich Iron and Steel Works provided many construction materials for reparation of the house: roofing, wood, and metal. Volodymyr received money to repair windows and buy construction materials. According to Volodymyr, assistance came from Poland, Germany, and the Netherlands.

Nina sustained injuries to her chest and right breast. For an entire week, she was a bed-ridden, and spent 18 days at the city hospital. The windows in Nina’s bedroom and kitchen were broken. She had three surgeries. She used to work at the Illyich Iron and Steel Works. When they learned what happened to her, they provided 3000 UAH. After some time, she received 5000 or 6000 UAH from Denmark and from “PrivatBank”. Nina also received food packages and gifts from charities. Illyich Iron and Steel Works covered the costs to repair the windows in her apartment.

“We were buying medicines at our own costs. When we learned that Rinat Akhmetov was helping, we started collecting receipts for medicines. We raised a question with the city health unit through volunteers and later, after a scandal, they started giving us medicine for free. Today, one piece of shrapnel has been removed from my leg, and one is still there. After the shelling, I started experiencing high blood pressure, and I have glaucoma. As a result, I lost sight in one eye. The windows in the bedroom and in the balcony were damaged, smashed by

shrapnel, and the tiles in the kitchen fell off”, Viktor notes.

Rayisa said she had a complicated diagnosis: a shrapnel wound of the right shoulder and thigh, open fracture of the right shoulder bone, crushed wound of soft tissue and triceps defect, large lacerated wound of the right thigh with soft tissue defect, and 2nd degree traumatic shock. She had several surgeries, spent one month and a half in the hospital, and had to wear an Ilizarov frame for another eight months. In addition, she received treatment in the trauma unit at hospital no. 2.

“I have a shrapnel wound of the left thigh, right forearm, fingers on my left hand. My toes are fractured. As a result, I had two surgeries. I found a private clinic. I received 3000 UAH for treatment. I was treating my arm. The apartment turned into a pile of garbage...” says Lidiya.

People whose property was damaged tried to document that fact with the help of law enforcement authorities and firefighters.

Vasyl remembers that he called firefighters and police on the following day. The firefighters drew up a document that the vehicle was possibly destroyed by an artillery shell. According to Vasyl, there was nothing left from the car: the motor compartment was destroyed, the doors were torn off, the roof was crumples, distribution shafts were in the passenger compartment, and the right barrel was next to the steering wheel.

Yuriy’s car, a 2006 Chevrolet Aveo, burnt down in the parking lot. The car was beyond repair, and had to be sold as scrap metal. He bought a used car for 64000 UAH (\$ 8000 at the time). The SSU and the police documented his damages. The car was in the parking lot for approximately six months. Yuriy’s wife gave the technical passport of the car to law enforcement officials, and the car was taken off the register.

Svitlana received a report from firefighters stating that the shelling caused the car fire. She went to the police unit of the rayon with this report. She was interviewed there, and all documents were sent to the SSU office in Mariupol. Later, Svitlana went to SSU without being invited to speak to the investigators. In 2015, when the city council of Mariupol was

drafting a decision regarding compensation, Svitlana had the damage assessed. *“According to the assessment, the damage to the building was 500.000UAH; the cost of destroyed merchandise is approximately one million UAH. According to my estimates, it will cost 1-1,5 million UAH to construct the building anew. I would not be able to build and restore the shop with 500.000”*, Svitlana complains.

Ilya’s car, a 2010 Renault Sandero, was damaged in the parking lot at 33 Sychova (Marshrutna) street. The car burned out completely and is beyond repair. He addressed the city administration, submitted complaints. They promised to have an expert assessment, but did not do it. *“I paid for the expertise of my car - 1000 UAH. The amount of damages was 6825 US dollars or 157 880 UAH”*, says Ilya.

Some victims did not wait for the state support and repaired their property with their own means. The state authorities failed to organize systemic work to repair houses promptly. Victims were left without windows in winter, and they repaired their houses and restored living conditions at their own expense.

Windows in the bedroom, kitchen, and balcony in Yuriy’s apartment were broken, the gas pipe and a fridge (approximately 7000 UAH) were damaged. He bought a new fridge at his own expense. On the following day, they boarded up the windows with cardboard together with his brother-in-law. Two weeks later, he had to return to the apartment. Yuriy did not feel comfortable living in other people’s flat. His parents live in Novoazovsk, in the occupied territory. Yuriy’s car burnt down, and he did not have the means to reach them. Yuriy’s family did not receive any assistance, so they paid for the windows themselves. They cleaned up the apartment. A week later, new windows were installed, and the family moved back to their flat.

Yuriy remembers a military tent put up at the church on the second or third day. People came and put information about the victims and circumstances of the shelling. They were told that everything would be compensated. *“A woman was standing in a bathrobe (in winter) and saying she had nothing left - her house had burnt down”*, Yuriy says.

“Then, we started fighting the circumstances. We installed windows on our own. We were promised help. There was no talk about the



balcony. We did it ourselves. Our friends came, helped, put windows in the apartment, some people in the street were simply giving away glass to those who needed it. Everyone was trying to help in whatever way they could. People took windows from their summerhouses and giving it to others. People were helping with medicines; volunteers were also working a lot and giving out blankets. I did not go there. Because there were others, who got hurt more. At least I had a roof over my head. In relation to the car, on that day, I wrote a statement when the administration was collecting damage reports in the churchyard. On the following day, I took pictures and went to police. There, they registered me and provided a registration number. The investigator interviewed me. Since then, we are waiting to see what happens to our losses”, says Inna.

Svitlana repaired her shop on her own. She leased the shop to business people in exchange for refurbishment works.

The aftermath of the shelling continues to have a big impact on the physical and mental state of the victims. For example, Yuriy’s son who was six at the time of the shelling, is afraid to be alone. *“The scar does not really bother me, only when the weather changes...”* says Tetyana.

“Now, when they start shooting - I grab a bag with documents and run for the door. I pack clothes, water and all essentials. I go to the neighbors on the second floor. I live on the eighth floor. From there, from the second floor, the exit is closer. I do not use the elevator – I walk. Even with the cane, but I walk. We are all afraid. No one will ever forget this”, says Valentyna.

Viktor often gets cramps in his injured arm, especially when it gets cold. *“The structure of the arm and skin has changed. The age is also showing. The arm hurts before the weather changes; it is mine, and not mine at the same time”*, says Volodymyr.

Nina complains about her hearing and sense of smell. In 2017, she was invited for charity dinners to “Turbota” organization

in the Illyich Iron and Steel Works where she talked about her situation. Nina felt ill and collapsed. People helped her and took her home. *"After that case, I cannot go far. I only go to the shop nearby. In general, I have no more strength"*, Nina says.

Rayisa notes that she has difficulties walking. However, she does not want to receive a disability certificate despite being offered one.

"I have headaches now. My legs are hurting. I became an invalid. I can hold a spoon; I cut cabbage or potatoes with difficulty. I cannot prepare home-cooked food for myself; thankfully, my neighbors help", says Lidiya.

## STATE POLICY

The investigation unit of the State Security Service in Donetsk Oblast is conducting pre-trial investigation of the artillery shelling of Skhidniy neighborhood in Mariupol in relation to an offence under the Criminal Code of Ukraine (terrorist attack). People affected by the shelling are involved as victims in criminal proceedings.

According to Vasyl, the regional SSU office has a criminal case in relation to the shelling of Mariupol. He is a victim in that criminal case. At first, he contacted the investigator to learn how the case was going. Later, in July 2016, materials of the criminal case were transferred to Kyiv. Vasyl wanted to see the materials. They were in Kyiv for six months. Later, the case returned to Mariupol, and the responsible investigator changed. Vasyl tried to reach the investigator by phone and once tried to meet him to ask for an order to assess damages. The investigator said he had already prepared the order. After that, Vasyl did not manage to contact the investigator again. When he saw him at the SSU building, the investigator said that case files went to Kyiv, and he had been removed from the case. *"The terrorist act was in Mariupol, and the case is in Kyiv. How can this be? How do I contact the SSU and find out how the criminal case is going?"*, Vasyl asks.

“The SSU officials came and interrogated me. None of us contacted anyone for help. Neither Katya (my neighbor), nor anyone else. We live practically in one courtyard. Maybe it is just how we are... And with this (damages to the apartment), why go anywhere? The balcony is old. I learned that a new one costs 5000 UAH. When we have a chance, we will get a new one”, Tetyana shared.

On the day of the shelling, local authorities established an office to address the consequences of the shelling in the Skhidniy neighborhood<sup>28</sup>. According to the operational headquarters, 400 staffers of utility enterprises were involved in the response measures after the shelling. Volunteers and enterprises (Illyich Steel and Iron Works, Azovstal, Mariupol City Trade Port, Azovinteks LLC, Azovmash PJSC and others) provided support to restore infrastructure. Mariupol municipal employees together with brigades from Azovstal JPJSC and Illyich Steel and Iron Works were involved in repairing windows in the neighborhood. No cases of looting were recorded due to frequent police patrols. The Cabinet of Ministers of Ukraine issued an order to allocate 10 million UAH to the mitigation of the circumstances of the shelling<sup>29</sup>.

On 27 January 2015, an emergency session of Mariupol City Council decided to provide material assistance from the local budget (20.000 UAH to families of the deceased, 3000 to people who sustained injuries)<sup>30</sup>.

“The state also gave us 50.000 UAH in 2015. They said that they do not put windows in balconies. I repaired the fridge. I hired a neighbor, paid him. 50.000 UAH was enough for a year and a half of treatment and care. The treatment was expensive. The rehabilitation was very difficult. Everything was affected. Antibiotics, drips, five each day. My relatives helped me a lot. I have a lot of friends, they helped me stay on track”, Valentyna says.

The victims also submitted requests for compensation of damages to the state authorities and local self-government.

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Ya. Ivanova, Трагедия на “Восточном”: Каким было 24 января 2015 года для Мариуполя (ФОТО+ВИДЕО), Mrpl.city, 24.01.2018, <http://mrpl.city/news/view/tragediya-navostochnom-kakim-bylo-24-yanvaryay-2015-goda-dlya-mariupolya-foto-plusvideo>

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Cabinet of Ministers order no. 56-p, 28.01.2015, <https://www.kmu.gov.ua/ua/npas/247917196?=print>

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В Мариуполе состоялась внеочередная XLIV сессия городского совета. Принято решение о выделении материальной помощи пострадавшим во время обстрела ЖМР “Восточный”, Mariupol City Council, 27.01.2015, <http://marsovet.org.ua/news/show/id/8170>

Lidiya says she went to the mayor. She received 20.000 UAH for compensation of property damages. According to her, they gave her 25.000 but took 5.000 away for some taxes. For Lidiya's injury, she received 24.000. She used that money to buy a fridge to and repair her bed. She received some kitchenware. In February, her granddaughter; with the support of Akhmetov's Metinvest company; installed two windows and a door in her apartment. Lidiya started investing all her savings, 80.000 UAH, in her apartment. She put new tiles on the walls, bought a chiffonier and kitchen furniture. Lidiya did not count on the state. She also contacted Ordzhonikidze rayon administration [to which Skhidniy belongs], but they did not allocate anything. *"If they gave me 30.000 more, I would finish everything (with the apartment)"*.

*"I am receiving treatment now"*, says Lidiya. She went to the head of the local health department. There, she was told to collect receipts so they would refund her. Lidiya collected receipts for 20.000 UAH for her treatment. Health care officials later selected receipts for 7300 UAH to be refunded. They took them and said, *"that's what we will pay"*. It was in February. Lidiya went to the head of the unit in June. She started looking for these receipts. A year passed, and she was refused compensation altogether.

Lidiya also contacted the head of the rayon administration, to no avail. With quite some difficulties she managed to contact the mayor. At first, his deputies refused to help. She managed to get an appointment with mayor Boychenko to bring forward her claim. She needed a vacuum cleaner, an armchair, shoes, all of these she had lost in the shelling. The mayor said, *"Give her whatever she asks for"*. Since then, Lidiya has not received anything.

Vasyl, who lost his car, said that he had a personal meeting with the mayor of Mariupol in 2015 concerning material assistance. Overall, he applied three times with this claim. Lawyers of the city councils said that the Community Statute of Mariupol has no such procedure, and it was a matter for the state level.

Volodymyr contacted Ordzhonikidze district administration, not the mayor of Mariupol. The officials there sympathized with him. *"We received compensation from the state to repair and rebuild the house. We could have received more. It was not difficult to get for me. Everything was arranged through a phone"*

*call from the executive committee. The house next door was also repaired”, said Volodymyr.*

“The new mayor promised to compensate everything, but we have not received compensation yet. We called the city council; they said there was no money. I wrote 10 or 12 claims for compensation for lost property. A commission came to my home and they wrote a report. They asked me about my pension when they were making the report. When I asked what it had to do with the damages, they said my pension was sufficient to replace the windows. As soon as they left, another commission came. I was emotional and wrote a letter of renunciation”, says Zinayida, the wife of injured Viktor.

Zinayida has a letter from Ordzhonikidze district administration in Mariupol. It was sent on 11 February, and it arrived on 4 May, almost three months later. The letter says that there will be no compensation for mending windows in the balcony because the family had installed the new windows on their own. Then, according to Zinayida, there was some assistance after all. Two years have passed, and Zinayida is buying expensive medicines at her own cost. The state returned only 251 UAH for window repair works.

Illya sent an application to the mayor asking for compensation of the damages the shelling had left behind. He asked for secondary legal aid and submitted all paperwork one year and a half ago.

A year and a half later, Illya received a phone call from the rayon administration of Ordzhonikidze rayon. He was asked whether he conducted an assessment and what the amount of damages was. That was it.

According to the mayor, a criminal case was launched to investigate the terrorist attack. According to the Law of Ukraine “On combating terrorism”, compensation of damages is provided at the expense of the state budget in accordance with the procedure established by law. However, there are no special state programs for compensation of damages to civilians caused by acts of terrorism. Illya was advised to ask for an insurance pay-

Депутаты отказались  
помогать бизнесу,  
пострадавшему от  
теракта 24 января,  
0629.com, 09.09.2015,  
[https://www.0629.com.  
ua/news/955120](https://www.0629.com.ua/news/955120)

ment or file a lawsuit. The secondary legal aid center staff recorded his phone number and told him they would contact him. However, no one has ever called.

*“I need legal assistance; I am not a lawyer and cannot deal with this issue on my own. What should I do and where should I turn to?”* asks Illya who lost his car in the shelling.

In September 2015, members of Mariupol city council referred to the lack of legal regulations and powers and refused to provide material assistance to entrepreneurs who suffered property damages. At present time, there are 76 people in this category. At the same time, local council members asked the Verkhovna Rada to compensate material damages in the amount of 110 million UAH<sup>31</sup>.

“I have a formal response from the Ministry of Finance of Ukraine that by the time of the shelling there were 500 million Euro allocated for restoration of damages in Donbas. Many entrepreneurs were affected in the city. They are passive: they think that the state will pay attention to them”, says Svitlana.

Yuriy says he had not received any assistance for two months. Since he spent 7.000 UAH for the windows, he and his wife, a lawyer, started pleading to all authorities.

The couple sent letters to the website of the Presidential Administration, the Ministry of Finance, Donetsk Oblast Administration, and Mariupol City Council.

The district administration provided the family with 3900 UAH for the installation of new windows four months later. Yuriy had receipts for the window installation for 7.000 UAH. The head of Ordzhonikidze rayon said that the family would get assistance with the windows in the kitchen and bedroom, but that the balcony windows were not in the construction plan of the building, and that therefore there will be no compensation for that. Yuriy asked about people who were left without homes. The official said the question was unresolved, and that Verkhovna Rada had not considered this issue. There was also distribution of construction materials. Yuriy knows about cases when people from other rayons came and took construction materials even though their rayons were not affected.

“With regard to the car, we received formal responses that there is a law and they are waiting for an implementation mechanism. There is no bylaw. We did not go to court. We were told, ‘If you don’t believe us, you can go to court’. I do not see the point in suing the government. Actually, I need legal assistance to influence the state in terms of compensation for the car I lost. It was not my fault. I would be driving my car today still”, says Yuriy.

Mariupol City Council asked the Cabinet of Ministers of Ukraine to provide state budget funds to compensate damages sustained by the residents. The Ministry of Finance of Ukraine refused to provide material assistance to the city.

Vasyl recalls having a meeting with the newly elected mayor Vadym Serhiyovych Boychenko in 2016, during his first public meetings. Vasyl did not ask for compensation but for the parliament members from the city to draft a law on compensation for victims of terrorist attacks. The mayor responded quickly to the request. In March 2016, parliament members from Mariupol submitted draft law no. 4328<sup>32</sup>. This law is being held back. After it was registered, Vasyl had a personal meeting with Serhiy Matviyenko, a member of parliament and one of the authors of the bill. He was told that the bill is not submitted for voting, because there are constantly comments and updates.

32

Draft Law on compensation of damages caused by terrorist acts, 29.03.2016, [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=58561](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=58561)

Vasyl says that Matviyenko asked a question about the situation of terrorism victims at the government Q&A at Verkhovna Rada on 23 December 2016. In response, Prime Minister Groisman said that the state should protect each Ukrainian. It was December 2016... The state and the Cabinet of Ministers have not taken any measures on this issue.

“I have letters to Deputy Prime Minister Zubko, Prime Minister Groisman, and the Minister of Finance. Every agency simply “shrugs shoulders” and says there is no procedure for compensation. Today [02.08.2017] I was at a court hearing regarding one of the victims. Respondents in the case (the Cabinet of Ministers and the State Treasury Service) are trying to insult the dignity of victims across the country with their formal letters”, Vasyl thinks.

By the time of the shelling, Nina was still paying back the loan for her car. She recently received a certificate that she paid 25.000 UAH after she had lost the car. She needed compensation for the car. Nina bought it to take her grandchildren to the summerhouse. It was not an item of luxury.

She has letters from the SSU confirming that a criminal case has been opened. Nina also contacted city and rayon administrations. The answer was the same - there is no money, the question will be considered. The matter is under consideration but you can file a lawsuit. Nina knows several people in the same situation. All they hear is that there is no mechanism for paying compensation to the victims. The victims found each other, tried to communicate, but there is no result. According to Nina, local council members also worked on this issue. There has been no positive response yet.

“I work all day in a school; I have no time to go anywhere. I receive only formal responses from everywhere. It is unfortunate that it turned out this way. I gave up and, honestly, I do not expect anything. Because I went where I could, and I informed everyone I could inform. They gave me official papers. I did not go to court. I do not believe it would help. Some people would say they need it more than others do. I cannot do it that way”, Nina says.

33

Law of Ukraine “On combating terrorism”, 20.03.2004, <http://zakon3.rada.gov.ua/laws/show/638-15>

34

А. Гор, Стріляє Москва, а платить Київ: що потрібно для отримання компенсації за зруйноване житло, Апостроф, 08.02.2017, <https://apostrophe.ua/ua/article/politics/judiciary/2017-02-08/strelyaet-moskva-a-platit-kiyv-chto-nujno-dlya-polucheniya-kompensatsii-za-razrushennoe-jile/10065>

In the absence of state policy for implementation of current legislation<sup>33</sup> on compensation of damages, some victims had to defend their rights in court.

State authorities do not recognize the claims of victims for compensation of damages caused by the shelling. They try to postpone cases in different courts. However, there is Ukrainian case law where claims for compensation of damages for property destroyed because of hostilities were granted<sup>34</sup>.

At the time of writing, however, the author has no information about instances of compensation of damages for the shelling through the state.

“Nobody has the right to take away my property. Because the state did not pay attention to the victims of terrorist attacks, people have been



waiting for a helping hand from the state and seeing only its back. That's why I decided to defend my rights in court", says Vasyl.

He also mentioned that there was an expert assessment of damages by a licensed assessor in accordance with the SSU order. The estimated amount of damages is 116950 UAH. After two and a half years of court proceedings, the appeals court decided the following: to revoke the decision of the first instance court without issuing a new decision. Vasyl's claims were dismissed. The court was not satisfied with the questions posed by the SSU investigators in the motion for expert assessment and with the assessment of the damages.

"We live in a law-based state that has to protect us. Why is it not happening?" Vasyl asks.

After several applications, the city council lawyer told Svitlana that her only remedy was the court. She contacted a lawyer who said she had to file a lawsuit and go to the end. It was a game with the state that was unwilling to pay.

"In December 2016, I filed a lawsuit with Ordzhonikidze rayon court in Mariupol. The court ruled in my favor and ordered to recover financial compensation from the Cabinet of Ministers and the state treasury. Within a month, the Cabinet of Ministers appealed the decision. The court decision has not entered into force yet. Today [02.08.2017] I have the third hearing in the case in the court of appeal of Donetsk Oblast", Svitlana complains.

According to the interviewed victims, it is necessary to provide benefits and a status of victims of hostilities to mitigate the negative consequences that continue to affect them.

"About the help needed now? These are benefits related to the shelling. Officially, I have not received a disability status. I want to be able to apply, since the illness is related to the shelling. To be able to receive at least some help from the state. I have no benefits", Volodymyr says.

Rayisa did not ask for assistance because she feared psychological trauma. *“As a citizen of Ukraine who got hurt, I need at least to receive financial assistance of 4.000 UAH during the heating season [to compensate for the heating costs]. At least once a year on my card”*, says Rayisa.

Despite the fact that the armed conflict has been going on for four years, there is still no state strategy regarding civilians who sustained damages (material or physical) from hostilities. Volunteers, local and international organizations tried to provide prompt assistance to the victims. Afterwards, these people are left alone with their problems. They feel that the state has abandoned them.

# CONCLUSION

The shelling of Mariupol on 24 January 2015 is a tragic example of a violation of international humanitarian law prohibiting indiscriminate attacks against civilian residential areas.

Despite proximity to the war zone and sufficient time since the beginning of the conflict, the civilian defense system designed to warn residents about the threat of shelling and the air defense system failed.

Doctors in Skhidniy were not prepared to provide medical assistance to such a large number of victims. It shows that state authorities and self-government bodies were not sufficiently prepared to respond to attacks in the armed conflict.

After receiving emergency assistance and leaving the hospital, the victims had to deal with the consequences of injuries on their own, without state support. They had to pay with their own means for long-term treatment.

Consequences of armed attacks that continue targeting civilians necessitate legislative changes to introduce relevant benefits and social guarantees for the victims. People whose property was destroyed or damaged cannot exercise the right to compensation prescribed by the law. Destruction of vehicles, real estate, equipment and merchandise of entrepreneurs disrupted daily lives and left some of the victims struggling for survival.

It is necessary to adopt additional legal instruments to address the problems in implementation of current legislation on combating terrorism and compensating damages caused by the terrorist attacks. These instruments should aim to ensure and protect the rights of victims.

In general, Ukraine lacks a clear and foreseeable policy on the civilian population suffering from the armed conflict. As a result, people lose trust in state institutions, justice, or possibility of building a state based on the rule of law and democracy.

## LIST OF PEOPLE KILLED IN THE SHELLING OF MARIUPOL ON 24 JANUARY 2015<sup>35</sup>

35

The list of people killed or injured in the shelling of Ordzhonikidze district in Mariupol, National Police in Donetsk Oblast, 27.01.2015, <https://dn.npu.gov.ua/uk/publish/article/159511>

1. Dmytro Vasyliovych Mykolaychuk, born 03.06.1993, registration address: Khmelnytskyi Oblast, Vinkivtsi Rayon, Palachyntsi village (armed forces member);
2. Olha Dmytrivna Polishchuk, born 29.04.1979, Mariupol, Olimpiyska Street.
3. Tamara Kostyantynivna Konstyantynovna, born 26.05.1945, Mariupol, Olimpiyska Street;
4. Vitaliy Mykolayovych Syrotenko, born 12.05.1962, Mariupol, 130 Tahanrozkoi Dyviziy Street;
5. Liliya Mykolayivna Nimenko, born 20.09.1953, registration address: Mariupol, Kyivska Street, found near “Kyivskyi” market;
6. Olena Ihorivna Akatieva, born 16.02.1987;
7. Yuriy Stefanovych Yefymov, born 11.07.1950, registration address: Mariupol, Kyivska Street, found near the house at 48 Kyivska Street;
8. Larysa Oleksandrivna Popova, born 08.11.1948, found near the house at 64 Kyivska Street, Mariupol;
9. Valeriy Valentynovych Budnyk, born 16.11.1969, registration address: Mariupol, Kyivska Street, found at Kyivska Street;
10. Valeriya Serhiyvna Shurkhaieva, born 18.06.1987, Mariupol, Marshala Zhukova Street;
11. Oleksandr Mykolayovych Demchenko, born 25.08.1956, found near the house at 68 Kyivska Street;

12. Mykola Anatoliyovych Bobyniov, found at his place of residence in Mariupol at Zirkova Street;
13. Lyubov Petrivna Bobyniova, found at her place of residence in Mariupol at Zirkova Street;
14. Maryna Mykolayivna Kashyna, found at her place of residence in Mariupol at Zirkova Street;
15. Stanyslav Kashyn, approximately 4-5 years old, found at his place of residence in Mariupol at Zirkova Street;
16. Serhiy Leonidovych Borysov, 54 years old, place of registration and residence: Mariupol, Kuzbaska Street, found at his place of residence;
17. Olha Viktorivna Abdurashytova, born 27.10.1977, place of residence: Mariupol, Olimpiyska Street, found at Kyivska Street near "Kyivskyi" market;
18. Lyubov Naumivna Verbytska, born 27.12.1944, place of residence: Mariupol, Kyivska Street, found in a house staircase at Kyivska Street;
19. Lyubov Stepanivna Bushniova - retiree, place of residence: Mariupol, Kyivska Street, found at the place of residence;
20. Serhiy Volodymyrovych Lobov, born 23.09.1977;
21. Lina Heorhiyvna Chumak, born 28.03.1989, place of residence: Mariupol, Kyivska Street, found near a kiosk at Stanislavska Street;
22. Halyna Volodymyrivna Anikyeyenko, born 18.11.1965, place of residence: Mariupol, Olimpiyska Street, found near the house at 109 Polietaieva Street;
23. Olena Petrivna Lutsenko, born 1981, Kyivska Street;
24. Stanyslav Olehovych Yefremov, born 19.05.1976, Mariupol, Marshrutna Street;
25. Valentyna Vasylivna Yevhelevska, born 1967, Mariupol, Peizazhna Street;

26. Mariya Bondarenko, approximately 20 years old;
27. Andriy Andriyovych Makarov, born 07.12.1965, Mariupol, Kyivska Street;
28. Nadiya Ivanivna Lytvynenko, born 27.03.1947, Mariupol, Kyivska Street;
29. Vasyl Fedorovych Naydionov, born 1944;
30. Olena Oleksandrivna Pavlyuk, born 03.05.1979.

# CIVILIAN LIVES RIPPED APART BY WAR

ANDRIY MOSKALENKO<sup>1</sup>

## ASSESSING THE PROBLEM

The armed conflict in Eastern Ukraine has been going on since April 13, 2014. The civilian population on both sides of the contact line has suffered the most from the conflict. At the same time, neither the Ukrainian government, nor the organized armed groups of the so-called LPR and DPR have taken any steps necessary to evacuate the affected population from the war zone.

Moreover, both belligerent parties have placed military objects in residential buildings. They have put their fortifications and roadblocks in densely populated areas. Ukrainian military in Maryinka have been living in residential houses and occupying almost an entire street for three years without getting permission from the house owner. Artillery of the armed groups of the so-called DPR has been shelling and destroying these houses because the Ukrainian military is located there. In addition, the OSCE SMM has observed the positioning of artillery of the armed groups of the so-called DPR directly in residential areas of Donetsk<sup>2</sup>. It is clear therefore, that both sides of the conflict have located military objects in residential areas.

This practice is a violation of the IHL, namely the Geneva Conventions<sup>3</sup>. The International Criminal Court in its preliminary examination stated that the armed conflict in Eastern Ukraine is an international as well as a domestic conflict at the same time<sup>4</sup>.

1

The author's name has been changed

2

ОБСЕ: Наблюдатели зафиксировали протест жителей Донбасса против рытья окопов, Korespondent, 04.08.2017, <https://korespondent.net/ukraine/3874869-obse-obe-storony-razmeschait-oruzhye-v-zhylykh-zonakh>

3

Additional Protocol to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I), Art. 58

4

ICC Report on Preliminary Examination Activities 2017, p. 94.

The hostilities in Eastern Ukraine between Ukrainian government forces and armed forces of the Russian Federation received a preliminary qualification of an international conflict. The hostilities between Ukrainian government forces and the armed groups of the so-called DPR and LPR are identified as domestic armed conflict. However, these are preliminary qualifications. In addition, ICC prosecutors have yet to establish in which incidents exactly armed forces of the Russian Federation participated. Moreover, the ICC, on its turn, has not resolved the issue whether the armed conflict in Eastern Ukraine is an international or a domestic conflict. However, the IHL norms for international armed conflicts can be evoked in case of the armed conflict in Eastern Ukraine.

A vivid example of the negative consequences of locating military objects in residential areas is the attack on Kramatorsk on February 10, 2015. Central districts of the city were shelled with multiple-launch rocket systems. Civilians have died and their homes were destroyed. The city was attacked because of the military presence at the airport just outside the city.

This is not an exceptional case. It is quite possible that the military on both sides have used civilians as human shields by placing military objects in densely populated areas. This report aims to establish the causal connection between the positioning of military objects in densely populated areas and the attacks, victims and destruction in these districts.

An important element of military presence in residential areas is mining. According to the military, mines are means to prevent sabotage. The most common form of mines in the conflict in Eastern Ukraine leading to civilian casualties are landmines. Civilians suffer from mining as much as from shelling. This issue does not receive enough attention in the media. This report therefore provides testimony of local residents of three places along the contact line concerning mine explosions that involved civilians.

This report provides:

- an analysis of IHL and domestic provisions on the positioning of military objects and mining;
- information obtained from civilians and international organizations about the positioning of military objects in homes and civilian buildings, as well as the consequences of such actions;



- open-source information about protests of the local population against the positioning of military objects in residential areas and against the withdrawal of military units.

Given the sensitivity of information provided by local residents, we have not included their real names in this report. Instead, we use “local resident” and add the first letter of their name.

## OVERVIEW OF THE INTERNATIONAL STANDARDS

*Evacuation of civilian population.* According to the Geneva Conventions relating to the Protection of Victims<sup>5</sup>, the belligerent parties shall, to the maximum extent feasible endeavor to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objects. This provision applies to international armed conflict.

At the same time, the Geneva Conventions relating to the Protection of Victims<sup>6</sup>, states that civilians shall not be compelled to leave their own territory for reasons connected with the conflict. Accordingly, in the armed conflict in Eastern Ukraine, the parties do not have the right to force civilians to out of their homes.

Based on these norms, part of the population can refuse to be evacuated, which will put them in greater danger. Therefore, it is necessary to seek other solutions for the civilian population in the war zone.

*The use of mines.* The use of landmines is prohibited by the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons<sup>7</sup>. Moreover, in case of doubt as to whether an object is being used to make an effective contribution to military action, it has to be considered to not use it. If land mines have been placed, it is necessary to inform the local population.

*Positioning of military objects.* : According to the Geneva Conventions relating to the Protection of Victims<sup>8</sup>, the parties to the conflict shall, to the maximum extent feasible, avoid locat-

5

Article 58(1), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)

6

Article 58(1), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)

7

Article 3, Protocol on Prohibitions or Restrictions on the Use of Mines, Landmines and Other Devices as amended on 3 May 1996 (Protocol II to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects as amended on 3 May 1996), ratified by Ukraine on 21.09.1999

8

Article 58(1), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)

ing military objects within or near densely populated areas. This provision applies only in cases of international conflict.

However, international humanitarian law does not provide for a direct prohibition of positioning of military objects within or near densely populated areas. The term “avoid” here means that the parties shall choose not to place military objects within or near such areas if there is a possibility to place them outside of towns and villages without losing military advantage. The question is how to identify whether there are military advantages in the placement of military objects. Only a court can establish whether the commanders are liable for civilian casualties during incidences of shelling of military objectives.

*Liability for violations of international humanitarian law.* Ukraine has adopted the jurisdiction of the International Criminal Court through a submitted declaration<sup>9</sup>. The Rome Statute, accordingly, applies to the conflict in Eastern Ukraine. According to the Rome Statute<sup>10</sup>, making use of the presence of civilians as human shields for military objects constitutes a war crime.

Accordingly, a court can recognize military objects within or near densely populated areas as a war crime if there is proof that the conflict party used civilians as a shield.

Of course, we cannot predict the ICC’s conclusions in every situation. However, we can expect that the court will evaluate the possibility of placing these objects outside of densely populated areas with no loss of military advantage. If such a possibility existed, the court can conclude that positioning of military objects in densely populated areas amounts to the war crime of using civilians as a shield for military objects.

## NATIONAL LEGISLATION OF UKRAINE

*Evacuation of civilians.* According to the instruction “on the procedure for implementation of international humanitarian law standards in the Armed Forces of Ukraine”<sup>11</sup>, when circumstances allow, it is necessary to provide information

9

Declaration of the Verkhovna Rada of Ukraine on the recognition of the jurisdiction of the International Criminal Court by Ukraine over crimes against humanity and war crimes committed by senior officials of the Russian Federation and leaders of terrorist organizations “DNR” and “LNR” which led to extremely grave consequences and mass murder of Ukrainian citizens

10

Article 8(2)(a)(xxiii)

11

“On the procedure for implementation of international humanitarian law standards in the Armed Forces of Ukraine”, paragraph 4(2), Chapter 3, Instruction II

about defense activities in advance if they can affect civilians (for instance, for evacuation of people from specific buildings or districts).

The Instruction “On the procedure for implementation of international humanitarian law standards in the Armed Forces of Ukraine”<sup>12</sup>, prohibits the use of landmines during military action.

Also, according to the instruction “on the procedure for the implementation of international humanitarian law standards in the Armed Forces of Ukraine”<sup>13</sup>, in case of mine placement accompanied by a risk of civilian casualties it is necessary to inform the population except for cases when difficult circumstances prevent such notification.

*Positioning of military objects.* According to the Instruction “on the procedure for implementation of international humanitarian law standards in the Ukrainian Armed Forces”<sup>14</sup>, defense activities have to be organized predominantly outside of densely populated areas.

According to the instruction “on the procedure for implementation of international humanitarian law standards in the Ukrainian Armed Forces”<sup>15</sup>, the civilian population is under special protection that prohibits the use of residents as human shields against the enemy’s attacks (in particular, for the protection of military objects).

In reality, military objects are often placed in buildings. According to the Constitution of Ukraine<sup>16</sup>, everyone shall have the right to own, use, or dispose of his or her property and the results of his or her intellectual or creative activities.

According to the Civil Code of Ukraine<sup>17</sup>, the right to property is inviolable. No one shall be unlawfully deprived of this right or restricted in its exercise. The Constitution of Ukraine<sup>18</sup> provides for expropriation of private property objects under certain circumstances. However, the expropriation of private property may be applied only as an exception for reasons of social necessity and on condition of complete compensation to the original owner. The expropriation of such objects with subsequent complete compensation of their value is permitted only under conditions of martial law or a state of emergency. Therefore, positioning of military units in private homes without the owner’s permission

12

“On the procedure for implementation of international humanitarian law standards in the Armed Forces of Ukraine”, paragraph 9(2), Chapter 3, Instruction I

13

Ibid. paragraph 2, Chapter 4, Instruction III

14

Ibid. paragraph 1(2), Chapter 3, Instruction II

15

Ibid. paragraph 3(1), Chapter 15, Instruction II

16

Article 41(4), Constitution of Ukraine

17

Art. 321 (1), Civil Code of Ukraine

18

Article 41(5), Constitution of Ukraine

19	or compensation of its value constitutes a violation of Ukrainian law.
Art. 438, Criminal Code of Ukraine	<i>Liability for violations of international humanitarian law.</i>
20	The Criminal Code of Ukraine <sup>19</sup> provides sanctions for the use of methods of warfare prohibited by international standards, or any other violations of the laws and customs of war recognized by international conventions. Moreover, positioning military units in private homes without consent or compensation can be qualified as a crime under the Criminal Code of Ukraine <sup>20</sup> (inviolability of residence), since the Constitution of Ukraine <sup>21</sup> requires a compensation for the cost of the property.
Art. 162, Criminal Code of Ukraine	
21	
Article 41(5), Constitution of Ukraine	

## LOCAL RESIDENTS DESCRIBE THE CONSEQUENCES OF POSITIONING MILITARY OBJECTS IN DENSELY POPULATED AREAS

### **Village of Troyitske (Popasna Rayon, Luhansk Oblast)**

A local resident Z. from Troyitske reported the placement of AFU soldiers near his village,

“On the frontline outside our village, there were cannons dug into the ground, tanks, mortars, “Grad” multiple-launch rocket systems etc. The defense line was 200 meters from my house in the direction of Debaltseve”.

This is how resident Z. described the movement of military equipment in the village:

“I saw once how an armored infantry vehicle came out of a courtyard, passed my house, stopped, fired its cannon towards the enemy several times, turned around and went back into the courtyard where the soldiers lived. Af-

terwards, the village was shelled with mortars. It was on May 3, 2016”.

Resident Z goes on: *“From July 2014 and until January 2015, I witnessed many attacks from different weapons: mortars, self-propelled artillery, ‘grads’, ground artillery, howitzers, automatic grenade launchers, heavy machine guns, submachine guns”*.

The witness also talked about the direction of fire, *“Our village was shot at from Kalynove village, Almazna [Stakhanov Rayon] and Pervomaysk. From Popasna, the artillery was targeting Pervomaysk, Kalynove and Debaltseve. They were controlled by the “LPR” Cossacks. From our village, they were shooting at Pervomaysk, Kalynove village, and Stakhanov. The Ukrainian soldiers of the second, third or line of defense were shooting”*.

The abovementioned resident Z. shared his recollection of the damage done to infrastructure in Troyitske in an interview on 23 August 2017:

*“Twenty-one houses in my street were damaged. Three houses were completely destroyed, including my own. The house was damaged on 26 of January 2015 and again on the 27 of January when shells hit my backyard and, the summer kitchen, the sheds and the basement were also destroyed. I was at home in the evening. It was a cluster shell that came from the direction of Kalynove village. One of the clusters fell into the basement below the courtyard. The second cluster damaged my neighbor’s house and injured him. On 27 January 2015, a large-caliber projectile fell to the eastern side of the house. In July 2016, my house was completely destroyed”*.

The local resident Z. described the damages to infrastructure and public buildings of Troyitske:

*“In 2014, saboteurs ruined the bridge over the Luhan River at the exit from Troyitske in the direction of Popasna. The school in the village center was damaged along with the Church of*

Holy Trinity built in 1840 and a cowshed for 100 cows. The cowshed is located 250 m from Ukrainian frontline positions. Fifty cows died. The bridge was blown up by saboteurs to prevent Ukrainian military from entering the village. The school and the cowshed were destroyed by shelling with the use of large-caliber artillery and ‘Grad’ multiple-launch rocket systems”.

22

Террористы “русского мира” разгромили крупнейший православный храм Луганщины, Crime, 02.03.2015, <http://crime.in.ua/node/8649>



Damaged church (built in 1840) in Troyitske, 2015. Photographer unknown<sup>22</sup>

The abovementioned local resident Z. provided further information about civilians he knew who were killed in Troyitske:

- In January 2015, a local resident K. (born 1946) was killed by a bullet. It happened in his backyard, 200 m away from a military position. He was leaving a basement where he was hiding from the shelling to feed hay to his cow, and was hit by a bullet;
- A local resident V. (born 1979) died in January 2015. He went out to his backyard to get fuel for the diesel generator because there was no electricity. At that time, a mine exploded nearby and the shrapnel killed him;
- Local resident V. was found dead in his backyard. He lived alone. All neighbors were hiding from the shelling in their basements and did not realize he was not around. When he was found, they saw that he had been nearly eaten up by hungry dogs (or other animals).



23

В Троицком артиллерия террористов повторно разрушила школу, - Москаль, Censor.net, 03.03.2015, [https://censor.net.ua/photo\\_news/326972/v\\_troitskom\\_artilleriya\\_terroristov\\_povtorno\\_razrushila\\_shkolu\\_moskal\\_fotoreportaj](https://censor.net.ua/photo_news/326972/v_troitskom_artilleriya_terroristov_povtorno_razrushila_shkolu_moskal_fotoreportaj)

Hennadiy Moskal, Head of Luhansk Oblast Administration (2014-2015) visiting a damaged school in Troyitske, 2015<sup>23</sup>. Unknown photographer

The interviewee also talked about civilians he knew who were injured in Troyitske:

- A local resident A., born in 1953, came to his house from where he had moved out temporarily in April 2016. When he opened the gate, a mine exploded. His arm was slightly injured;
- Local resident V., born in 1969, came to her house from where she had moved out temporarily, opened the door and was blown up by a mine. Her leg was injured and she lost an eye. She underwent surgery in Lysychansk city hospital.

“I learned later that Ukrainian Army mine teams set up the mines to prevent the enemy’s sabotage groups from getting inside the empty houses. I learned about it at the commander’s office. I don’t remember the name of the man, he has gone back already. I asked him, ‘Why do they put mines in houses?’ He said, ‘They are afraid of the sabotage groups’”.

This account shows the connection between the military presence in Troyitske and civilian casualties. Understandably, the army cannot leave the village because separatist groups will immediately occupy it. However, if the military followed certain IHL norms on evacuation of civilians from the conflict zone,

avoiding positioning of military objects in residential areas, or the prohibition of mining, it could reduce civilian casualties significantly.

### **The village of Zaytseve (Bakhmut Rayon, Donetsk Oblast)**

Local resident D. described the positioning of military units in the village:

“There was a roadblock at the end of our street next to a little grove. “DPR” people were living in the house. Now they also live in our street a bit further. Ukrainian military also lived in our house. They used to keep ammunition there. They stored weapons there and did not let us inside our house. My husband was extremely unhappy”.

Local resident K. said that Ukrainian forces were stationed near the shop in Zaytseve and that they put up a roadblock there.

Zaytseve resident D. described a shelling incident in Zaytseve,

“DPR people were shooting at us from the top of a mine dump. Maybe, the Ukrainian army was also shooting but we took cover in the basement and didn’t see anything. But the “DPR” started shooting, and then the Ukrainian army continued”.

Zaytseve resident K. spoke about other incidents of shelling that occurred in the village.

“The DPR equipment was in a Dacha sector in Mykytivka. They went out every evening and fired at the village. When Zaytseve was under the control of the “DPR”, there were Ukrainian forces in Maiorsk. The “DPR” fired at the Ukrainian Units; sometimes the shells fell short of their target and hit us. Now that Zaytseve is controlled by the Ukrainian Army, “DPR” people are firing at the Ukrainian Forces in Zaytseve, and the Ukrainians return the fire”.





Destroyed house in Zaytseve, 2017. Photo credit: local resident V., who wished to remain anonymous



Destroyed house in Zaytseve, 2017. Photo credit: local resident V., who wished to remain anonymous

A Zaytseve resident, V., suggested a reason for the damages done to the village:

“When the Ukrainian army came to Zaytseve in 2015, our street was right on the frontline.

There were Ukrainian forces in our street, the next street over was a neutral zone, and the “DPR” forces were two streets over. In this situation the majority of houses in our street were destroyed. It is a small street but completely ruined”.

According to one inhabitant of Zaytseve D., there were only 4 out of 50 houses left in the street.

Our informant K. said, *“At first, the “DPR” people destroyed the building of the village council, then started shooting at the village. It was a targeted fire. Only four houses were left at Badaieva Street in Zaytseve. All the other houses were destroyed”.*

Zaytseve resident V. said that the affected streets had only two or three houses left.

Zaytseve resident D. told us his account about the victims of the armed conflict, *“A woman burned in her summer kitchen in Zaytseve. An acquaintance of mine was collecting fruit from a tree and didn’t manage to seek cover in time. They found her body the next day”.*

According to K., about 20 people died in Zaytseve.

Zaytseve resident V.: *“My former colleague’s mother, who is paralyzed, burned to death during a shelling, she lived right here in Zaytseve”.*

Local resident G. provided the following data about casualties in Zaytseve:

- One woman wanted to run to a basement when the shelling started, but while still in the hallway she was hit. She was dead by morning;
- One woman from Zaytseve died in her garden;
- A homeless man was working on a roof and was killed by a sniper’s bullet.

Artillery fire from separatist positions targeting the army in Zaytseve led to civilian deaths and casualties, as well as the destruction of homes. If the military would have respected inter-

national humanitarian law, they would have evacuated civilians from the conflict zone and avoid positioning military objects within residential areas, as well as refrain from mining. These actions would have significantly reduced civilian losses.

### **Maryinka (Donetsk Oblast)**

In the small town of Maryinka, a suburb of Donetsk to the south-west of the city, resident L. shared information about the positioning of military units in the town.

“After the fighting in Maryinka on 3 June 2015, Ukrainian soldiers advanced and took their positions. On 8 June 2015, the army occupied a private house on our street and the school building”.

Local resident N. described the positioning of armed forces in the town:

“In 2015, we walked home and saw military equipment next to the hospital. It was Ukrainian equipment. Ukrainian soldiers lived in the hospital and in our houses. They are not letting us into our houses. We went to Maryinka civil-military administration. But we were told that around their houses it was dangerous and everything was mined”.

*The Maryinka resident D. talked about incidents of shelling:*

“They fired at two roadblocks at Petrivskoho Street. It led to damages to the hospital, the school building and houses at Zavodska Street, where the roadblock was located”.

Our informant P. provided her explanation why the area was shelled. She thinks that shelling from the “DPR” positions was caused by the placement of Ukrainian military forces in the area.

Another Maryinka resident, D., said that there were damages at Voroshylova, Zavodska, Osypenka, and Zelenyi Hai Streets, as well as several enterprises, such as the “Laktis” dairy factory, and a series of other large enterprises in town.

24

Бої на Донбасі:  
журналіст показав  
вражаючі фото  
Мар'їнки, Apostrophe.  
ua, 07.11.2016,  
[https://apostrophe.  
ua/ua/news/society/  
accidents/2016-11-07/  
boi-na-donbasse-  
journalist-pokazal-  
vpechatlyayuschie-foto-  
marinki/76386](https://apostrophe.ua/ua/news/society/accidents/2016-11-07/boi-na-donbasse-journalist-pokazal-vpechatlyayuschie-foto-marinki/76386)



Destroyed house in Maryinka (Donetsk Oblast), 2015. Photo credit: local resident L., who wished to remain anonymous



Damaged school dormitory in Maryinka (Donetsk Oblast), 2016. Photo credit: Denys Kazanskiy<sup>24</sup>

The above-mentioned resident N. also said that the hospital, the bread factory and every building on Osypenka Street was ruined.

Witness L. talked about the casualties that occurred during fighting:

“Two people died on our street. In 2015, my neighbor died from a mortar attack, a neighbor was blown up on a landmine, and another

neighbor was severely injured because of a landmine. In total, approximately one hundred civilians died in Maryinka in 2014-2017”.

Informant P. also mentioned instances of deaths and injuries:

“A local resident, V., fell victim to a mine in the street on the way to her house. She had a phone, she called and her friends took her to the side of the road. Then, an ambulance took her to the hospital in Kurakhove. She survived. A local resident Z. stepped on a mine on the road next to her house and died”.

In Maryinka, the military occupied the local hospital, a school building and private homes. Importantly, positions of the Ukrainian military in town were located at a short distance from the “DPR” units. If the Ukrainian army abandons its positions in Maryinka, the area will be immediately taken over by “DPR” forces. For this reason, the Ukrainian military could not leave the residential area. The other party to the conflict, accordingly, is attacking this area. Moreover, there are mines all over the area. The soldiers do not let local residents into their houses citing the dangers of being in a war zone. However, some locals remained in their homes. Some of them were killed or sustained injuries. If the authorities had provided housing in a safer zone, these people could have left their homes and survived.

## INFORMATION FROM INTERNATIONAL ORGANIZATIONS ABOUT THE IMPACT OF POSITIONING MILITARY OBJECTS IN DENSELY POPULATED AREAS

The OSCE SMM in Ukraine reported the positioning of weapons in residential areas and casualties in the areas where weapons

25

ОБСЕ: Наблюдатели зафиксировали протест жителей Донбасса против рытья окопов, Korespondent.net, 04.08.2017, <https://goo.gl/Xyfcyf>

26

Олександр Гур: Конфлікт на Донбасі далекий від "замороженого", Obozrevatel.ua, 07.11.2017, <https://www.obozrevatel.com/ukr/politics/aleksander-gu-konflikt-na-donbasi-dalekij-vid-zamorozhenogo.htm>

27

Letter to the President of Ukraine Petro Poroshenko, 14 August 2015, HRW, <https://goo.gl/gHZ81B>

28

Житлові квартали в зоні АТО продовжують обстрілювати, Bellingcat, 14.11.2017, <https://www.slovoidilo.ua/2017/11/14/novyna/suspilstvo/bellingcat-ato-zaboronenoyi-zbroyi-obstrilyuyut-zhytlovi-budyanky>

were placed<sup>25</sup>. The article mentions a report on 43 weapon systems located “in violation of the established withdrawal lines”, including 23 items on the government-controlled territory and 19 in the areas outside of the government’s control. According to Alexander Hug, the Principal Deputy Chief Monitor of the OSCE SMM, a 122-mm mortar was located at just 350 meters from a residential area in the Trudovski neighborhood in Donetsk as of 29 June 2017. Three people died and twenty were injured there since 6 May of that year.

OSCE official Alexander Hug told *Obozrevatel* newspaper how civilians are targeted because of the positioning of weapons in residential areas<sup>26</sup>.

On August 15, 2015, Human Rights Watch sent a letter to the President of Ukraine concerning the threat to the civilian population caused by military objects in immediate proximity to civilian infrastructure in Maryinka and Avdiyivka, another Donetsk suburb<sup>27</sup>. The letter emphasized regular attacks on residential areas in the vicinity of military equipment. Human Rights Watch recommended relocating to areas that would minimize the risk to civilians and civilian objects; or take steps for the temporary relocation of civilians away from military objects.

Bellingcat, an investigative journalism website, published a study concluding that damage to residential areas was attracted by artillery positions located in these areas<sup>28</sup>. The key message was that damage and casualties happen even without the attacker’s intention to damage residential areas, i.e. indiscriminate effects of heavy weapons lead to virtually unavoidable collateral damage.

# MASSIVE LOSS OF LIFE CAUSED BY ATTACKS WITH LARGE- CALIBER WEAPONS ON LARGE CITIES WHERE MILITARY OBJECTS WERE LOCATED

## **Shelling of Kramatorsk on 10 February 2015**

The OSCE published information about a shelling incident that occurred in connection with the positioning of military objects in the city of Kramatorsk<sup>29</sup>. This incident led to many civilian casualties. According to the SMM, the shelling of Kramatorsk airport took place in the morning of February 10, 2015. Ukrainian authorities had the “ATO” base at the airport. However the shells hit not only the military object but also residential areas near-by. 17 people, both soldiers and civilians, were killed in the incident.

## **Shelling of Mariupol on January 24, 2015**

The OSCE’s website informs about a shelling incident of a residential area in Mariupol on 24 January 2015<sup>30</sup>. The rockets landed near Olimpiyska Street, approximately 400 meters from the Ukrainian roadblock outside of the city. The attack caused the loss of 30 civilian lives.

29

Spot report by the OSCE  
Special Monitoring  
Mission to Ukraine  
(SMM), 10.02.2015,  
[http://www.osce.org/ru/  
ukraine-smm/139846](http://www.osce.org/ru/ukraine-smm/139846)

30

Spot report by the OSCE  
Special Monitoring  
Mission to Ukraine  
(SMM), 10.02.2015,  
[http://www.osce.org/ru/  
ukraine-smm/139846](http://www.osce.org/ru/ukraine-smm/139846)



31

Головне управління розвідки МО України: бунт місцевого населення проти бойовиків ЛНР, Apostrophe.ua, 15.07.2016, <https://goo.gl/1VqnS9>

32

Прес-центр штабу АТО: збройні сили України тимчасово призупинили інженерне обладнання селища Сопине Донецької області, Espresso, 04.08.2017, [https://espreso.tv/news/2017/08/04/zsu\\_prypunyly\\_rytu\\_okopy\\_u\\_selyschi\\_na\\_donechchyni\\_pislya\\_protestiv\\_selyan](https://espreso.tv/news/2017/08/04/zsu_prypunyly_rytu_okopy_u_selyschi_na_donechchyni_pislya_protestiv_selyan)

33

Головне управління розвідки МО України: бойовики на Донеччині розстріляли мирний протест проти артилерії в житлових кварталах, Новинарня, 18.07.2016, <https://novynarnia.com/2016/07/18/boyoviki-na-donechchyni-rozstrilyali-mirniy-protest-proti-rozmishhenya-artileriyi-v-zhitlovih-kvartalah/>

34

Жители Торецка рассказали "Стране" кто организовал ночной митинг против ВСУ, Страна, 05.07.2016, <https://strana.ua/news/21339-zhiteli-torecka-rasskazali-strane-kto-organizoval-nochnoj-miting-protiv-vsu.html>

## PROTESTS OF LOCAL RESIDENTS AGAINST THE POSITIONING OF MILITARY OBJECTS IN RESIDENTIAL AREAS

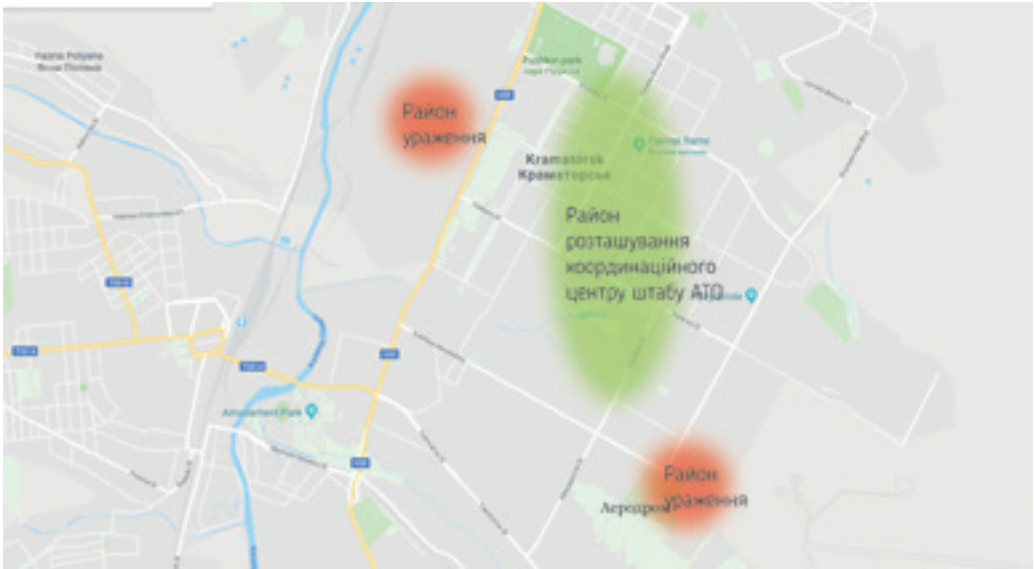
The Main Directorate of Investigations of the Ministry of Defense of Ukraine reported protests of the local population in the town of Khrustalnyi (known as Krasnyi Luch between 1920 and 2016) against the placement of "LPR" armed groups in the town<sup>31</sup>. On 13-14 July 2016, residents of Khrustalnyi held a demonstration against the placement of large-caliber artillery, "Grad" and "Uragan" MLRS of the artillery brigade (Krasnyi Luch) of 2nd Army Corps (Luhansk) of the Armed forces of the Russian Federation, as well as against the storage of highly destructive ammunition at "Krasnoluts machine building factory".

The ATO press office reported about the cancelation of construction of military outposts in Sopine village (Donetsk Oblast)<sup>32</sup>. Construction was aimed at enhancing protection of the village from the militants. However, the ATO command realized that local residents were strongly opposed to live directly next to the defense line and postponed its construction.

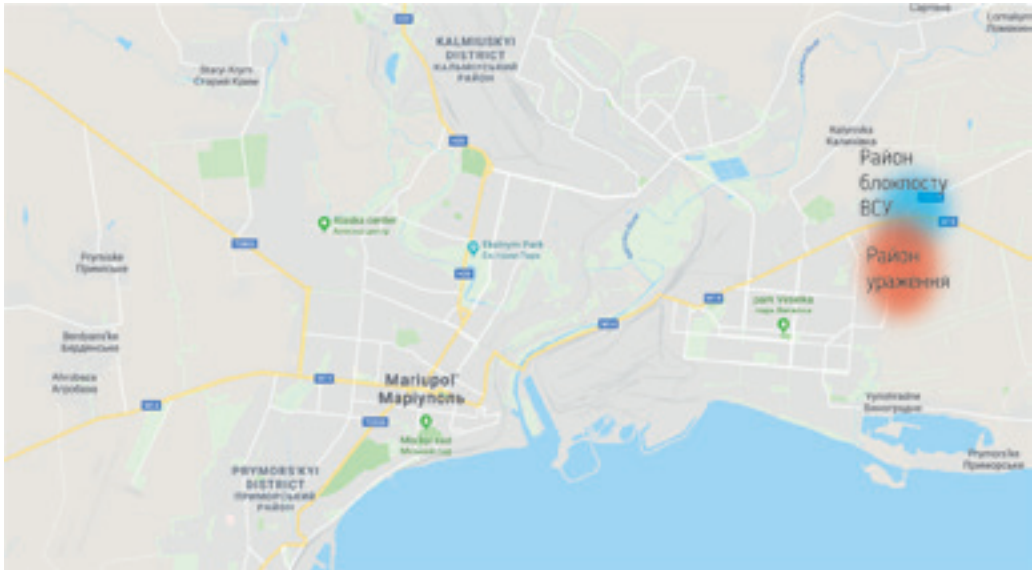
The Main Directorate of Investigations of the Ministry of Defense published information about protests against firing positions of the armed groups of the so-called "DPR" in the town of Kalmiuske (Donetsk Oblast)<sup>33</sup>. On 17 July 2016, local residents gathered to protest against the placement of artillery positions in the town's residential quarters. The newspaper Novinarnya, relying on intelligence resources, wrote that the demonstration was dispersed by soldiers from the first mobile brigade of the First Army Corps of the Armed Forces of the Russian Federation stationed in Kalmiuske. During the dispersal, three civilians suffered bullet wounds.

There were also protests against the positioning of Ukrainian artillery in the town center of Toretsk (Donetsk Oblast)<sup>34</sup>. The Ukrainian soldiers began installing heavy weapons in the city center. They





Shelling of Kramatorsk on 10 February 2015. Source: Andriy Moskalenko



Shelling in Mariupol on 24 January 2015. Source: Andriy Moskalenko

35

В центре Донецка жители города вышли на стихийный митинг против войны, Українська Правда, 15.06.2015, <https://goo.gl/ufB5rW>

brought in cannons and ammunition. Local residents gathered to demand that the weapons should be removed.

Residents of Donetsk protested against “DPR” armed groups firing from residential areas<sup>35</sup>. On June 15, 2015, residents of a neighborhood near the city’s airport gathered for a spontaneous protest against military operations in the area. Approximately 500 people joined the protests, mostly residents of Kyivskiy Rayon and Zhovtneviyi Rynok neighborhoods, which are close to the airport.

36

В Золотом-4 жители собрали митинг против украинских военных, Информатор медиа, (б.д.), <http://informator.media/archives/173132>

Residents of the village of Zolote-4 (Luhansk Oblast) gathered to demand the withdrawal of the Ukrainian soldiers from the village<sup>36</sup>. The protest occurred at the Ukrainian roadblock at the entrance to the village. Approximately 30 local residents took part in the protests, mostly women. They explained how they were terrified by the nightly shelling and the death of an elderly woman, which led them to demand that the Ukrainian military left Zolote-4.

37

Сводка СНБО: боевики ДНР разогнали акцию протеста мирных жителей, LB.ua, 09.12.2014, <https://goo.gl/cKp2nf>

The National Security and Defense Council of Ukraine reported that people in the city of Horlivka protested against the presence of “DPR”<sup>37</sup> armed groups in the city. On December 9, 2014, locals demonstrated in front of combatants urging them to leave the city.

38

ОБСЕ: Жители оккупированных Пикуз требуют вывести наемников РФ из жилых кварталов, Censor.net, 03.10.2017, [https://censor.net.ua/news/457804/jiteli\\_okkupirovannyh\\_pikuz\\_trebuyut\\_vyvesti\\_naemnikov\\_rf\\_iz\\_jilyh\\_kvartalov\\_obse](https://censor.net.ua/news/457804/jiteli_okkupirovannyh_pikuz_trebuyut_vyvesti_naemnikov_rf_iz_jilyh_kvartalov_obse)

Open sources also report local protests against the presence of armed groups in the village of Pikuzy<sup>38</sup>. On October 3, 2017, residents of Pikuzy (outside of the government’s control) gave a letter to the OSCE observers. They described multiple challenges faced by the local population and asked for immediate withdrawal of armed groups from residential areas.

39

Жителей Авдеевки зовут протестовать против установки блок-поста, 62ua, 28.05.2015, <https://www.62.ua/news/905749>

Protests took also place in the Donetsk suburb of Avdiyivka against a Ukrainian army checkpoint<sup>39</sup>. On 28 July 2015, approximately 50 residents of Avdiyivka turned out in protest against a new Ukrainian army roadblock.

Residents of Mariupol also expressed their protest against a new roadblock of the Ukrainian Army. People were afraid that roadblocks just outside the city’s boundaries would attract fire from separatist positions. Locals in the village of Vynohradne asked the military forces to put their positions further away from the school and residential houses. They even held an improvised demonstration. Representatives of the Oblast

administration went to discuss the issue and decided to move the roadblock. People say they are tired of the war and do not wish to see the army next to their homes. They demand an immediate ceasefire.

## PROTESTS OF LOCAL RESIDENTS AGAINST THE WITHDRAWAL OF UKRAINIAN MILITARY FORCES FROM DENSELY POPULATED AREAS

In some instances local civilians also turned out in protest against planned withdrawals of Ukrainian forces which they feared could expose them to attacks by separatist forces. In the town of Stanytsia Luhanska, residents protested against the withdrawal of the Ukrainian military on 11 October 2016. Approximately 100 people gathered at the central square in front of the administration to express their anger and fear over the withdrawal of forces as agreed in the Minsk peace talks. They were chanting, “Stanytsia is Ukraine”. An OSCE vehicle was painted with a protest slogan in the incident.

Another demonstration against the withdrawal of military forces occurred in Volnovakha (Donetsk Oblast)<sup>40</sup>. On 5 October 2016, over a hundred people gathered at the central square in Volnovakha to protest the withdrawal of the Ukrainian forces from their position east of Volnovakha in the village of Petrivske. Volnovakha residents were concerned that if the Ukrainian forces retreated and Volnovakha would be unprotected and become part of the “grey zone”. People voiced their main demand to leave the Ukrainian military units in their positions in a letter to the President of Ukraine.

In an eastern suburb of Mariupol, the village of Shyrokyne, located very close to the contact line, residents also expressed their protest against a planned withdrawal of Ukrainian forces<sup>41</sup>. On 3 May 2015, approximately 2000 residents of Mariupol went to the square of “defeated Lenin” to protest against the

40

Жители Волновахи провели мітинг проти отвода української армії из села Петровское, Censor.net, 05.10.2016, [https://censor.net.ua/photo\\_news/409160/jiteli\\_volnovahi\\_proveli\\_miting\\_protiv\\_otvoda\\_ukrainskoyi\\_armii\\_iz\\_sela\\_petrovskogo\\_foto](https://censor.net.ua/photo_news/409160/jiteli_volnovahi_proveli_miting_protiv_otvoda_ukrainskoyi_armii_iz_sela_petrovskogo_foto)

41

Мариупольці вийшли на мітинг проти демілітаризації Широкиного, Іpress, (nd), [http://ipress.ua/news/mariupoltsi\\_vyishly\\_na\\_mityng\\_protiv\\_demilitaryzatsii\\_shyrokyного\\_foto\\_121816.html](http://ipress.ua/news/mariupoltsi_vyishly_na_mityng_protiv_demilitaryzatsii_shyrokyного_foto_121816.html)

withdrawal of Ukrainian military from Shyrokyne. The idea to stop demilitarization brought together volunteers and public activists from Mariupol. Leaders of civil society organizations spoke at the protest. Volunteers urged the residents of Mariupol to come together and bring shovels to dig trenches and prepare meals for the soldiers.

The occurrence of such demonstrations suggests that a large portion of the people living near the contact line on the government-controlled territory opposes withdrawal of military forces from their towns and villages.

## ASSESSMENT OF THE MILITARY NECESSITY FOR THE POSITIONING OF MILITARY OBJECTS IN DENSELY POPULATED AREAS

The opinion of the local population regarding the positioning of military forces in densely populated areas is ambiguous. Some people support the withdrawal saying that the enemy may attack military objects and damage civilians and their homes. Others object to withdrawal because it could lead to the occupation of these towns and villages by the other party of the conflict. Both viewpoints are logical and justified.

The most important aspect here is for the military to take into account the shortcomings or advantages of positioning military objects from a strategic point of view.

It is necessary to balance the two factors of strategic advantage and the protection of civilian lives and infrastructure against each other.

However, it is clearly unacceptable to accommodate soldiers in private houses without compensating the actual value of the house.

The use of mines also increased the danger of being injured or killed for civilians. Understandably, soldiers are trying to protect themselves and their area of operation against sabotage. However, this does not entitle them to use landmines even directly on the contact line. It is particularly challenging that members of the “LPR” and “DPR” armed groups and Ukrainian volunteers planted mines without making comprehensive maps at the onset of the conflict. Unmarked mines are a serious threat, especially for people who in the future will have to live in the former warzone.

# IN BATMAN'S PRISONS

## KATERYNA KOTLYAROVA

This report is based on a long-term documentation by the Eastern Ukrainian Centre for Civic Initiatives (hereafter - the Center) within the framework of the Coalition “Justice for Peace in Donbas”. It is based on 11 individual interviews with witnesses and victims of the organized armed group (hereafter - OAG) “Batman Rapid Response Unit” (hereafter - “Batman” RRU). For confidentiality reasons, authors refer to them as “Interviewee 1”, “Interviewee 2” etc. Below are brief descriptions of each interviewee:

Interviewee 1: Civilian, farmer, helped the Ukrainian army, former hostage of the OAG “Batman RRU”, lived in Luhansk Oblast prior to detention.

Interviewee 2: Civilian, journalist, former hostage of the OAG “Batman RRU”, lived in Luhansk prior to detention.

Interviewee 3: Civilian, public activist, former hostage of the OAG “Batman RRU”, lived in Luhansk prior to detention.

Interviewee 4: Civilian, former hostage of the OAG “Batman RRU”, lived in Luhansk prior to detention, married to interviewee 5.

Interviewee 5: Civilian, former hostage of the OAG “Batman RRU”, lived in Luhansk prior to detention, married to interviewee 4.

Interviewee 6: AFU volunteer, former hostage of the OAG “Batman RRU”.

Interviewee 7: AFU volunteer, former hostage of the OAG “Batman RRU”.

Interviewee 8: AFU volunteer, former hostage of the OAG “Batman RRU”.

Interviewee 9: AFU volunteer, former hostage of the OAG “Batman RRU”.

Interviewee 10: Female member of the AFU, took part in combat.

Interviewee 11: Female medical professional, in May-July 2014 she stayed in Luhansk where she took part in undercover pro-Ukrainian activities in the occupied areas. She provided information to the Ukrainian military. She served as a doctor for OAG members, joined the AFU in July 2014 and took part in combat.

We should note that the “do-no-harm” principle guides all the Centre’s activities. Accordingly, interviews were aimed to minimize psychological stress for interviewees. Furthermore, we keep the identities of our witnesses and victims confidential unless requested otherwise.

## BACKGROUND

Armed groups of the “people’s republics” were formed during the takeover of administrative buildings in Luhansk and Donetsk Oblasts in April 2014. Everyone who wished received fire-arms and was offered to join the so-called “people’s militia”.

Interviewee 11 remembers:

“On May 7, 2014 in Luhansk, I saw roadblocks with people who did not look too intelligent, ‘flunkies’. Russian military officers were in charge of the roadblocks. I easily recognized their distinctly Russian pronunciation. And a military officer is very different from a miner or a tractor driver. Where did these ‘miners’ and ‘tractor drivers’ get ‘Mukha’, machine guns, and mortars? Which supermarket sold BRDMs and armored vehicles that were roaming around Luhansk at that time?”

People were coming from Russia to Ukraine in convoys; some of them were organized in units. That is how the first more or less organized armed groups in the “republics” appeared. Interviewee 11 noted,

“At a roadblock in Bakhmutka at the exit from Luhansk towards Teplychne ... around May 20, [2014], vehicles with mercenaries were riding on Oboronna and Radianska streets. They did not hide it. They said they were mercenaries who came to kill ‘Banderites’”.

There was lack of coordination in the OAGs. Their members had different views on the establishment of the “republics” and military action. They wanted to have full control over certain areas but lacked discipline. Combatants also used their affiliation for commercial purposes. According to Interviewee 11,

1  
Interview: central  
Ukraine, 22.08.2017



“Luhansk is a very interesting town. Only this city allowed so many different armed groups to coexist: Batman, Don Battalion, Novorossiya Army, Army of the South-East, and Zorya Battalion with Plotnitskiy in charge”<sup>2</sup>.

In the absence of legal institutions and sanctions, the “law of force” was used. It led to mass violations of human rights in the areas outside the government’s control.

One of these groups was the “Batman Rapid Response Unit”. It was a sabotage and reconnaissance unit led by Oleksandr Biednov (Nome de guerre “Batman” after whom the entire unit was named).

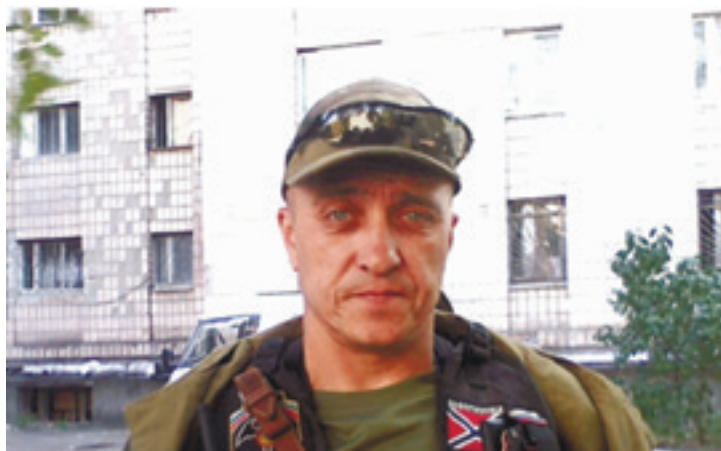


Fig. 1. Oleksandr Oleksandrovych Biednov, nickname “Batman”<sup>3</sup>

**Full name:** Oleksandr Oleksandrovych Biednov

**Nickname:** “Batman”

**Citizenship:** Ukrainian

**Membership in OAG:** Batman Rapid Response Unit

**Date of birth/death:** 29.08.1969–01.01.2015

**Role, position at the illegal detention facility:** unit commander

**Mode of responsibility:** responsible high-level commander and direct perpetrator

**Search status with the MIA of Ukraine:**

was on the wanted list when he was killed<sup>4</sup>

This armed group was formed as a separate combat unit in April 2014. It initially included 12 people. Later, as it recruited more fighters, it became a battalion. Different Russian groups joined

2

Interview: 22.08.2017

3

Герой русского народа, 03.01.2015, <http://magspace.ru/blog/269383.html>

4

Oleksandr Oleksandrovych Biednov, Ministry of Internal Affairs of Ukraine, Wanted List, (nd) <https://goo.gl/Ak6Npu>

5

“Batman RRU”, WikiWarriors, [http://ru.warriors.wikia.com/wiki/%D0%93%D0%91%D0%A0\\_%22%D0%91%D1%8D%D1%82%D0%B%D0%B5%D0%BD%22](http://ru.warriors.wikia.com/wiki/%D0%93%D0%91%D0%A0_%22%D0%91%D1%8D%D1%82%D0%B%D0%B5%D0%BD%22)

“Batman RRU”, including a neo-Nazi group Rusych Sabotage and Reconnaissance Group (hereafter - Rusych SRG), Ratybor SRG (formerly known as “Kornilov Squadron”), an Ossetian unit and others. The organized armed group took part in fighting against the AFU and patrolled Luhansk in the capacity of city police. In August 2014, Batman RRU was officially subjugated to the “Ministry of Defense of Luhansk People’s Republic” as a “fourth battalion”<sup>5</sup>.

6

Евгений Сергеев. Воспоминания бойца ГБР “Бэтмен”, 06.02.2015, [http://voenoboz.ru/index.php?option=com\\_content&view=article&id=796:batmen&catid=34:2011-02-14-00-01-20&Itemid=28](http://voenoboz.ru/index.php?option=com_content&view=article&id=796:batmen&catid=34:2011-02-14-00-01-20&Itemid=28)

In September 2014, Batman RRU split: one part remained in combat positions, the other stayed in Luhansk as the so-called “special unit”. Available materials suggest that members of the “combat core” accused the rear “special unit” of contraband, racketeering, and kidnapping for ransom<sup>6</sup>.

Batman RRU used several premises in Luhansk for their operations. The Centre’s experts established the following bases:

7

Внимание!!! Завтра состоится похороны Беднова Александра Александровича (Бэтмен), MaxPark, 05.01.2015, <http://maxpark.com/community/5512/content/3202571>

1. Volodymyr Dal Eastern-Ukrainian National University. Address: Luhansk, 20A Molodizhnyi Quarter). Functions: headquarters, residence, hospital, storage, vehicle repair shop, illegal detention facility.

2. “Avtobaza 7” (“Simka Base”, “Avtobaza”). Address: Luhansk, 88 Kulyka (Nasosna) Street. Functions: distribution and storage of humanitarian aid, hospital (“Military hospital - 1”) for OAG member and local residents. The motor platoon was also based there<sup>7</sup>.

3. Automobile enterprise next to “Chorna Sotnya” district (Luhansk, 19 Montazhna Street). Functions: repair and storage of captured vehicles. The pit at the facility’s carwash was used to hold hostages.

4. Private home (Luhansk, address not identified). Functions: Interrogation and torture of detainees.

5. Military base (Luhansk, address not identified). Functions: Location of the “Hooligan Unit”.

6. Kindergarten (Luhansk, Lazo Street). Functions: Location of the Beshenyi Unit. The garage was used to store stolen goods in large quantities.

7. Molodizhnyi Hotel (Luhansk, 14B Molodizhnyi Quarter).  
Functions: Location of Rusych SRG.

The study covers cases of illegal detention by the OAG “Batman RRU”. Its participation in hostilities is outside the scope of this report; therefore, we focus on the unit’s role in illegal detention.

In 2014, Batman RRU illegally detained hundreds of people in Luhansk, including civilians, members of different OAGs and Russian military officers, as well as AFU members and volunteers.

Formal reasons with which detention of civilians was justified included public order offences, crimes, and suspicion of cooperation with the Armed Forces of Ukraine.

An anonymous tip on any offence was sufficient for someone to be “thrown into a basement”. Interviewee 5 said, *“There were guys who installed a generator on their balcony. They were charging phones there. The neighbors complained that the generator was too noisy. The guys were taken to the basement”*<sup>8</sup>.

*Accusations of cooperation with the AFU led directly to the basement. Interviewee 2 recalls, “I was stopped for a document check. Someone accused me of being a spy”*<sup>9</sup>.

Interviewee 5 recalls:

“There was an old man, he was about 80. He was accused of shelling Luhansk from a mortar and receiving 500 Hryvnia from Ukraine... We were not charged. But there were rumours that we were detained for allegedly firing at Luhansk from a mortar in our garden. For this we were allegedly awarded with a certificate”.

Interviewee 3:

“... Three elderly men were thrown into the cell... They were severely beaten and covered in blood. As they said, two of them were trying to access their summer houses... They were stopped and accused of coordinating Ukrainian fire”<sup>10</sup>.

8

Interview: Volovets village, Zakarpatiya Oblast, 03.10.2015

9

Interview: Kyiv, 28.07.2015

10

Interview: Kyiv, 18.04.2016

People who had material possessions, such as property or cars, were also among the detainees. They were charged with something, and their property was confiscated or forcibly transferred to the members of the Batman RRU. Interviewee 4 said, “... A man driving a black Audi was stopped by the militia and ordered to transfer the rights to the car to them. He refused. They started beating him. A notary came over. They knocked out the car owner’s teeth. When they shot him in the leg, he agreed to sign a paper and give the car to some foundation”<sup>11</sup>.

We should note that Batman RRU practiced trafficking of prisoners of war: a group who captured military personnel could sell them to their command officers. Later, the prisoners were used in negotiations for exchange with the Ukrainian side (official as well as unofficial). They could also be exchanged for ransom from their relatives. Interviewee 8 shared one example, “It was the “Hooligan’s Unit”. They sold us to the Batman RRU because there were elections there and high stakes at that time [...]. They ran up to me and shot both of my legs. They sold all their prisoners to the Batman unit or to Cossacks”<sup>12</sup>. There was also a practice of selling the bodies of military officers to their relatives. According to interviewee 10, one of the military service members she had worked with was tortured to death in captivity, “We learned that he was tortured to death, that he was dead. It was only a matter of ransom for the body. They did not give the body back for free. You had to pay ransom for everything. Sometimes the battalion paid, sometimes the relatives”.

Sometimes, people were in detention for the most absurd of reasons. Interviewee 3 said:

*“The number of prisoners grew constantly because people were thrown to these basements on ridiculous grounds. There were cases when people were detained because they were too tanned - it was suspicious. [...] An absolutely ridiculous case when two people were detained, beaten, and had their arms broken for crossing the road in front of one of Batman’s cars”<sup>13</sup>.*

Analysts of the Centre found out that Batman RRU members paid local civilian informants for information and/or delivery of people who sympathized with the Ukrainian side. One of the coordinators of this process was the OAG member “Said” from the “special unit”.

11

Interview: Volovets village, Zakarpatiya Oblast, 03.10.2015

12

Interview: Kyiv, 16.07.2016

13

Interview: 18.04.2016

We should note that there were no investigations or reports on apprehension or search. There were no trials either. Often, the detainees' closest relatives were unaware of their situation as the prisoners had their phones taken from them. Interviewee 2 recalled, *"I explained who I was and asked to call relatives and friends. But they did not believe me, refused to call family members and friends"*<sup>14</sup>.

According to Interviewee 4, *"On the fortieth day of imprisonment I asked what the charges against me were. They said that there were no laws or Constitution there because of the martial law"*.

Those who protested against their detention or against the conditions were severely beaten.

However, analysts of the Centre consider that actual motives behind keeping people prisoner in illegal places of detention were usually different, such as:

- expropriation of property;
- ransom;
- systematic forced labor;
- recruitment to the Batman RRU;
- using testimony obtained through torture and ill-treatment for propaganda;
- settling personal feuds;
- mass intimidation and subjugation of the local population;
- rape and other sexual crimes.

15

Report on Preliminary Examination Activities 2017. The Office of the Prosecutor, ICC, p. 108, [https://www.icc-cpi.int/itemsDocuments/2017-PE-rep/2017-otp-rep-PE-UKRAINE\\_RUS.pdf](https://www.icc-cpi.int/itemsDocuments/2017-PE-rep/2017-otp-rep-PE-UKRAINE_RUS.pdf)

16

Criminal Code Articles  
 115 (murder), 121 (intended grievous bodily injury), 122 (intended bodily injury of medium gravity), 126 (beating and mistreatment), 127 (torture), 129 (threat to kill), 149 (trafficking in human beings and other illegal transfer deals in respect of a human being), 152 (rape), 153 (violent unnatural gratification of sexual desire), 260 (creation of unlawful paramilitary or armed formations)

17

Paragraph 94 of the report of the OPT pointed out the existence of an international armed conflict in Eastern Ukraine in parallel to the non-international armed conflict

18

Common Article 3 to the Geneva Conventions

## STANDARDS OF TREATMENT OF PEOPLE DEPRIVED OF THEIR FREEDOM IN ARMED CONFLICT

The recent report of the ICC Office of the Prosecutor states that torture or ill-treatment was reportedly used against several hundred victims during the armed conflict in Donbas. In the majority of incidents, torture or ill-treatment occurred apparently in the context of detention, frequently in “irregular” detention facilities and often during interrogation<sup>15</sup>. One of these “irregular” detention facilities established by the OAG Batman RRU is described below.

This OAG turned university dormitories, a library and other premises into places of detention where civilians and military officers became victims and witnesses of human rights violations.

Actions of the OAGs that include the establishment and activities of such organizations constitute criminal offences under the Criminal Code of Ukraine<sup>16</sup>. They also violated international humanitarian law applicable during armed conflict<sup>17</sup>.

According to basic human rights standards, people who take no active part in the hostilities, including members of armed forces who have laid down their arms and those placed ‘hors de combat’ by sickness, injury, detention, or any other cause, shall in all circumstances be treated humanely<sup>18</sup>.

All four Geneva Conventions prohibit at any time and in any place whatsoever murder, mutilation, cruel treatment and torture; taking of hostages; humiliating and degrading treatment; the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court.

Additional Protocol II to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts

also prohibits any form of corporal punishment; collective punishments; taking of hostages; acts of terrorism; rape, enforced prostitution and any form of indecent assault; slavery and trading of slaves in all their forms; pillage; or threats to commit any of the abovementioned acts<sup>19</sup>.

In addition, there are specific guarantees with regard to people deprived of their freedom for reasons related to the armed conflict:

- The wounded and the sick shall be treated humanely and shall receive the medical care and attention required by their condition.
- They shall, to the same extent as the local civilian population, be provided with food and drinking water.
- They shall be afforded safeguards as regards health and hygiene and protection against the rigors of the climate and the dangers of the armed conflict.
- They shall be allowed to receive individual or collective relief.
- They shall, if made to work, have the benefit of working conditions and safeguards similar to those enjoyed by the local civilian population.
- They shall be allowed to send and receive letters and cards.
- Places of internment and detention shall not be located close to the combat zone.
- Women shall be held in quarters separated from those of men and shall be under the immediate supervision of women<sup>20</sup>.

Batman RRU was one of the cruelest OAGs in the “LPR”. According to witnesses and victims, members of the group committed gross violations of the rules and customs of warfare under the national law<sup>21</sup> and the international humanitarian law<sup>22</sup>. Cases of serious human rights violations must be investigated by law enforcement bodies and the perpetrators shall be held responsible.

19

Article 4, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977

20

See Article 5 of Protocol II to the Geneva Conventions

21

Torture, battery, assault, rape, murder, robbery

22

Conviction or punishment without a court decision, failure to provide separate accommodation for men and women, failure to provide medical care to the wounded and the sick, forced labor.

23

Юрій Божко, Терористи у Луганську захопили гуртожиток Східно-Українського університету, Ukrainski natsionalni novyny, 17.06.2014, <http://www.unn.com.ua/uk/news/1355165-blizko-sotni-ozbroyenikh-teroristiv-u-lugansku-zakhopili-gurtozhitok-skhidno-ukrayinskogo-universitetu>

In 2017, investigators from the Prosecutor General’s Office questioned a number of witnesses and victims affected by the actions of Batman RRU, both civilians and members of the armed forces. The official investigation is still ongoing.

## MAIN LOCATION OF THE BATMAN RRU (EASTERN-UKRAINIAN NATIONAL UNIVERSITY)

24

Общежитие ВНУ им. Даля в Луганске заняли автоматчики, Соцсети, Sxid.info, 14.06.2014, <http://cxid.info/obschejitie-vnu-im-dalya-v-luganske-zanyali-avtomatchiki-mdash-nbsp-socseti-n114905>

One of the main locations of the Batman RRU was the Volodymyr Dal Eastern-Ukrainian National University. The takeover of the university started on June 14, 2014 with a nine-story building of dormitory no. 2, located near the university library<sup>23</sup>.

25

Lola Lola, Social media post, 14.06.2014, <https://twitter.com/SunnyLolaLola/>

Various messages about the takeover appeared in social networks<sup>24</sup>: *“The 1 of September parade has started next to the SNU library. What I can tell you is its participants are not freshmen”*<sup>25</sup>. Photos of the takeover were also available online<sup>26</sup>.

26

Оптимизация оптимизма, В Луганске захватили общежитие ВНУ им.Даля, 14.06.2014, <http://jyrnalist.ru/v-luganskezahvatili-obshhezhitievnu-im-dalya/us/477767724152930305>

It was a Saturday morning during the academic year. Fourth-year students were preparing for their thesis defenses and exams. The majority of students and their belongings were in the ormitories. Approximately one hundred armed people broke in

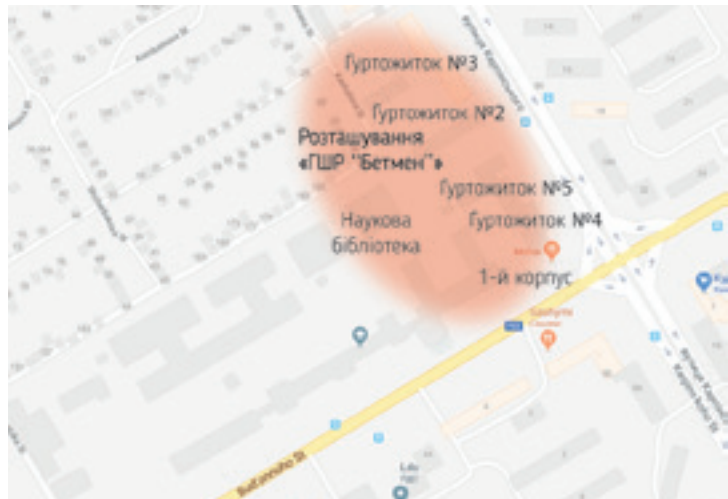


Fig 2. The area map of the EUNU. Amended by K. Kotlyarova



and ordered the students and staff to collect their things and leave the building<sup>27</sup>.

The OAG members occupied several university buildings, including dormitories 2-5 and the academic library. Teachers, students and staff who left the building only took their personal belongings. The university lost its entire material base: its academic buildings, labs, student dormitories, the library, the cafeteria and all the property left inside the university including furniture, computer equipment, scientific equipment, lab equipment, and teaching materials<sup>28</sup>.

It was not even possible to take documents or personal belongings from the dormitory before the new academic year. Interviewee 3 shared his account of the event, *“When performing forced labor, I saw the student grade books and even diplomas simply tossed to the trash by the militants”*<sup>29</sup>.

University administration communicated with students via social networks, for instance, through a VKontakte group “Student Union of the Volodymyr Dal Eastern Ukrainian University”. This information resource was used to discuss issues related to the university’s relocation, challenges in getting the documents or personal belongings, payments etc<sup>30</sup>.

Students from all dormitories were evacuated to a building designed to host around one hundred people in the territory of the university<sup>31</sup>. However, there were many more students left without accommodation<sup>32</sup>.

Immediately after expelling the students and staff of the University, the OAG members began bringing their personal belongings. Interviewee 3 shared information about forced labor in dormitory no. 5:

“The first and the second floors were inhabited, and only a few rooms were taken. Some rooms had metal doors. The militants cut these doors with a circular saw to loot these rooms. We were forced to move the best appliances and furniture to the rooms occupied by the militants. They moved everything they didn’t need to other rooms like garbage”<sup>33</sup>.

27

Марія Прозорова. В Луганске ополченцы выгнали студентов из общежития ВНУ имени В.Далю, Комсомольская правда, 14.06.2014, <https://goo.gl/okkAaw>

28

O.V. Porkuiyn. Report of the Rector of the Volodymyr Dal Eastern-Ukrainian National University, Sievierodonetsk, 2015, p. 9.

29

Interview: 18.04.2016

30

VKontakte group “Student union of the Volodymyr Dal Eastern Ukrainian University”, [https://vk.com/uni\\_snu\\_profkom](https://vk.com/uni_snu_profkom)

31

Східноукраїнський національний університет ім. В. Далю (ЧНУ) у м. Луганськ, ProstoBaby, <https://goo.gl/yyaFHT>

32

Террористы заняли общежитие в Луганске, а студентов выгнали, Подробности, 14.06.2014, <https://goo.gl/FZgk4m>

33

Interview: 18.04.2016

34

Луганские боевики освободили общежитие No5 ВНУ им. В. Даля. Последствия жизнедеятельности (фоторепортаж), Informator, 06.01.2015, <http://informator.media/archives/59328>

The Batman RRU occupied the university until the end of 2014. When the OAG members left the university, photos of the premises were published online.

35

В Луганске боевики уничтожили Научную библиотеку Восточнoукраинского национального университета, Аргумент, 05.01.2015, <https://goo.gl/Gncedh>

The photos show that the university property was destroyed. It was also stated that all valuables were stolen, all machines and the entire equipment from the gym were taken, and no metal doors or beds were left. Garbage piles were everywhere, and there were writings on the walls<sup>34</sup>.

36

Interview: Volovets village, Zakarpatiya Oblast, 03.10.2015

The library building, where the militants arranged a hospital in the basement, was also destroyed and robbed. Many of the books were destroyed<sup>35</sup>.

Interviewee 4 described the library's condition, "*The hospital was set up at the library. The library was destroyed. Books were torn, burned and stolen*"<sup>36</sup>. Even a blogger who actively supports the "LPR" militant organizations expressed concerns about the library:

37

Кот Персик, Воспоминания о прошлом, Live Journal, 15.06.2015, <http://kotpersik.livejournal.com/73359.html>

"They occupied the library and organized a medical station or a hospital... Around August, several shells hit the area of the "Mashinstytut" [the university's machine building faculty]... One of the shells fell very close to the library, and the windows on all four floors were shattered. The library windows are big; there are reading halls. And the library remained without windows the entire time Batman RRU was there... Was it not possible to think of something to cover the broken windows? It has been six months of wind and rain. Everything was flooded: the premises, the catalogues, the books - it's the library of "Mashinstytut", the students will have to study there<sup>37</sup>".

The Eastern-Ukrainian National University also served as the militant's main detention facility. The OAG members used basements of dormitories no. 2-5, as well as the library basement. Dormitories no. 5 and 4 are located next to each other, and interviewees sometimes pointed to dormitory no. 4. The area map of the university is provided above.

Interviewees drew the sketch showing the buildings where people were illegally detained in the basement. Six of the interviewees were former detainees of the dormitory basements.

The main illegal detention facilities were located in the basements of the nine-story buildings of dormitories no. 4 and 5.



Fig 3. The buildings where people were illegally detained in the basement. Created by Interviewees 4 and 5, Zakarpattya, 03.10.2015. Amended by: K. Kotlyarova

### In the basement of a nine-story dormitory

Members of the Batman RRU started taking prisoners immediately after taking over the university facilities. At first, people were detained in one basement of the nine-story dormitory no. 5<sup>38</sup>. There was a terrible stench in the basement where many people were detained without sanitation facilities. Interviewee 3 shared his recollection of the conditions in the basement of the nine-story building in mid-July 2014:

“They brought me to a room with over a dozen people... I was surprised that there were less mattresses on the floor than there were prisoners. I asked, ‘How do you sleep here?’ They told me they took turns. The room was about 40 square meters. The light was always on and there were no windows. We received water and bread. One of the prisoners helped me drink. There was no fresh air. I did not go to the toilet,

38

ПН TV: Террористи рассказали, как устраивали зверские пытки в подвалах, YouTube, 02.01.2015, <https://www.youtube.com/watch?v=9e0iSlspne8>

but there was a bucket for this purpose in the room. It was very hot and humid, and the metal pipes were covered with condensate<sup>39</sup>.

### Detention and torture in the bomb shelter of the nine-story building

39

Interview: 18.04.2016

40

Oleksiy Volodymyrovych Dakhnenko, Myrotvorets, 06.01.2015, <https://myrotvorets.center/criminal/daxnenko-aleksej-vladimirovich/>

In July 2014, the OAG member with the nome de guerre “Fobus” [presumably from the Greek word for “fear”] took the position of the “deputy commander of the commandant’s squad of the Batman RRU”.



Fig. 4. Oleksiy Volodymyrovych Dakhnenko, nickname “Fobus”

**Full name:** Oleksiy Volodymyrovych Dakhnenko

**Nickname:** “Fobus” (“Fobos”)

**Citizenship:** Ukrainian

**Membership in OAG:** Batman Rapid Response Unit

**Date of birth:** 19.07.1980

**Role, position at the illegal detention facility:** director of the facility

**Mode of responsibility:** responsible director of the illegal detention facility, direct perpetrator

**Search status with the MIA of Ukraine:** not on the list<sup>40</sup>

He established illegal detention facilities in another basement of the same nine-story building. The entrance to this basement was on the other side of the building whereas the second basement was closer to the five-story building with the OAG head-

quarters. Interviewee 3: *“Then, they took me to the basement of the same building, but from a different entrance, from the backyard. They took me down a hallway. There were doors on both sides. They took me through the first door on the right”<sup>41</sup>.*

That (other) basement was once used as a bomb shelter with many rooms. The rooms were used as cells for hostages. After this facility was established, Biednov appointed “Fobus” to guard and direct the “prison”.

The following people were in charge of the “prison” while the Batman RRU was located at the university in 2014:

- mid-June - early July – unknown;
- early July - mid-September - “Fobus”
- mid-September - “Dag” (several days)
- mid-September - October - “Luish”;
- October - 13 November - “Subota”.

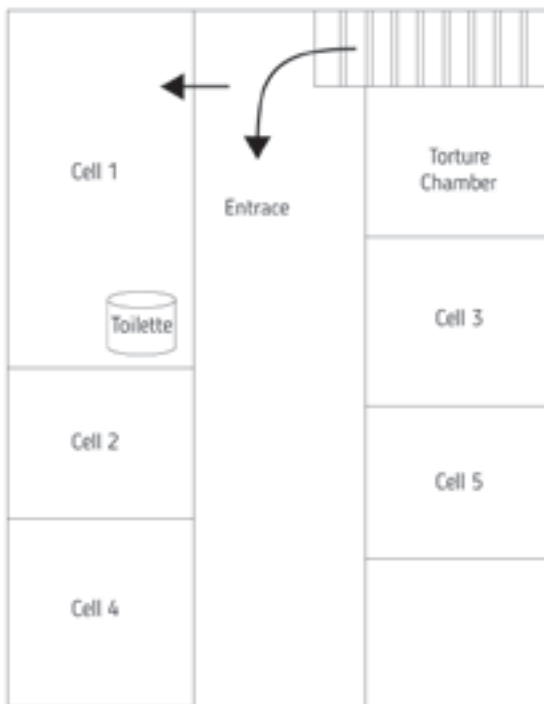


Fig. 5. Cell disposition at the bomb shelter of the Eastern-Ukrainian National University used by the Batman RRU as a prison. The scheme was designed by the author based on interview data

These cells were added as the other ones gradually filled up. Interviewee 3 said: *"In fact, in the beginning there was one cell only. Then, in early August, they organized the second cell, and later in August - the third cell. The fourth cell was organized in September. The torture chamber was operating non-stop. There were constant screams, meaning that someone was constantly tortured"*<sup>42</sup>.

Members of the OAG called this place "podvalchyk" ["little basement"]. It was humid down there. It was very hot in the summer and cold in autumn. There was no electricity until late September, and lanterns or candles were used for lighting. Prisoners used to sleep on mattresses on the concrete floor. They had to use a bucket as a toilet and take it out to dump it in the first cell (the only cell with a toilet bowl). Nobody was taken outside. There was no daily schedule. It was strictly prohibited to make noise. Once or twice a day, prisoners received porridge without oil or salt. They received drinking water. Interviewee 5 recalls: *"There was no possibility to wash, only the hands and the face. We also did not brush our teeth. Some girls used to wash their hair under the tap. I did not risk that because it was cold. About twenty days after my arrest, we got electricity in the basement. Then we got a 5-liter bucket and we found a possibility to heat the water and wash ourselves"*.

Before mid-September, under the command of "Fobus", there was no division of people in the basement: the hostages were able to enter another cell upon the guard's approval if they gave a reason. There was high turnover of staff and personal data of the prisoners were not recorded anywhere. Some people arrived while others were taken away. People were released upon subjective decisions of the OAG members and Oleksandr Biednov. When "Luish" took over, he started introducing some order. First, he recorded the hostages' personal data in his notebook with a green cover. He called it "the book of the living and the dead".

42

Interview: 18.04.2016

43

Interview: 28.07.2015

"Luish" ordered to place people in cells according to a certain principle. Interviewee 2 said, *"All prisoners were taken to different rooms and prohibited from leaving them. For example, the residents were in one room, the second room was used as a distribution cell, political prisoners were in the third room, and representatives of the OAGs were in the fourth room"*<sup>43</sup>.

AFU members were also held in the fourth cell. “Luish” assigned duration of detention for those who had committed minor offences. It was not clear where the sentences came from, but the prisoners were released accordingly.

While “Luish” was in charge in the basement, guards at the entrance had 4-hour shifts - “Subota” [Saturday], “Temnyi” [the dark one], “Zaza”, and “Ramzes”. “Temnyi” was a short dark-haired man, 30-35 years old, from Luhansk. “Zaza” was 19 years old at the time and had dark hair. When “Subota” was promoted, Pasha was hired to replace him in October 2014. Pasha had taken part in the fighting, he was tall and skinny.



Fig. 6. Ihor Volodymyrovych Tsykunov, nickname “Luish”<sup>44</sup>

**Full name:** Ihor Volodymyrovych Tsykunov

**Nickname:** “Luish”

**Citizenship:** Russian

**Membership in OAG:** Batman Rapid Response Unit

**Date of birth:** 27.01.1977

**Role, position at the illegal detention facility:** director of the illegal detention facility

**Mode of responsibility:** responsible director of the facility, direct perpetrator

**Search status with the MIA of Ukraine:** not on the list

The first cell had the best conditions. There was a toilet bowl, a water tap, and a small window 20-30 centimeters wide. It was a cell for those who had committed small offences according to the OAG. The majority of them were women.

44

Прокуратура ЛНР  
разыскивает  
известного  
магданца Игоря  
Цыкунова за пытки  
и издевательства  
над заключенными,  
Vesma, 19.06.2017,  
[http://vesma.today/  
article/post/89-  
zaplechnyh-del-master-  
luish-prokuratura-lnr-  
razyskivaet-izvestnogo-  
magadanca-igorya-  
cykunova-za-pytki-  
i-izdevatelstva-nad-  
zaklyuchennymi](http://vesma.today/article/post/89-zaplechnyh-del-master-luish-prokuratura-lnr-razyskivaet-izvestnogo-magadanca-igorya-cykunova-za-pytki-i-izdevatelstva-nad-zaklyuchennymi)

The second cell was smaller. On average, there were 10-12 prisoners, but sometimes up to 30 people were in that cell. There were no windows or ventilation.

Interviewee 3 described the cell.

“Conditions in the second cell were terrible. Almost the entire floor was covered with mattresses with dozens of people. The cell was approximately 6 by 5 meters. It was impossible to lie down and stretch your legs. There was no ventilation... Prisoners in the second cell were suffering from the lack of fresh air. Once I had a heart attack at night because of these conditions. I had to knock on the door and ask to be taken outside to breathe”<sup>45</sup>.

45  
Interview: 18.04.2016

46  
Interview: 03.10.2015

47  
Interview: 18.04.2016

The third cell was set up in August 2014. Interviewees provided different information about its size. Interviewee 5 said, *“The third cell, where I was taken first and held for eight days, was considered the cell of intelligentsia. There were educated prisoners in that cell. After eight days, all women were transferred to the first cell where there was a toilet bowl. Before that, the women used to go to the first cell to use the toilet. And “Luish” did not like this free movement between the cells”*<sup>46</sup>. After the transfer (mid-September 2014) to other cells, this place was called “the death cell” - it was a cell for “political prisoners” for those suspected of helping the Ukrainian army. At some point more than twenty prisoners were held there (in September 2014, there were 12 people). Interviewee 3 said, *“There was insufficient space, and people used to sleep not only on the improvised platforms, but also on mattresses on the concrete floor. Others slept on mattresses on top of doors. The doors were placed on metal corner bars”*<sup>47</sup>.

*The fourth cell had the worst conditions. The AFU members and representatives of OAGs in conflict with the Batman RRU were detained there. At first, this place was used as a torture chamber. Later, there were so many prisoners that they needed to turn it into a cell.*

*The fifth cell was used as a disciplinary cell. Conditions there were inhumane. Interviewee 4 recalls, “In the cell, prisoners were handcuffed to each other in pairs. There*



*were no mattresses on the concrete floor, only a synthetic cloth. And it was already pretty cold”.*

*Interviewee 3 said, “They took me to the cell next to the third cell, it was the disciplinary cell. There was a big window without glass. I saw several people handcuffed to big boxes”<sup>48</sup>.*

48

Interview: 18.04.2016

The torture chamber was on the left from the entrance. At first, it was the guardroom, but it became a torture room after the fourth cell was allocated to hold hostages. Interviewee 5 said, *“We were taken to the first cell in the basement, the so-called interrogation or torture room. It was a small room. One wall was completely covered in garbage. There was a table and a small cabinet in the middle. There were chairs facing each other and one chair next to the table. There were pipes on the shelves”.*

Interviewee 2 described the torture instruments in detail, *“There was a board on the wall. I think it formerly held fire extinguishing equipment. There were different instruments of torture: pieces of plastic pipes, a hammer and an axe”.*

There was a systematic practice of torturing detainees. A member of the OAG “Maniak” was in charge of the torture room. He was particularly fond of a rubber bumper hammer with a short handle. It was his favorite torture tool. One side of the hammer was black, the other – white. “Maniak” called this tool “the Yin-Yang”. He used it to hit and mutilate hostages.

Interviewee 5 recalls:

“A woman in the cell asked me if we had been tortured by “Maniak”. I asked what he looked like. She described him as a wide-faced bald man. I said it was probably him. The woman said that he would not torture us again because he only did it once. She asked whether he used a hammer. I confirmed. She said it was definitely “Maniak” and that we were lucky. “Maniak” put her hand on the table and put the knife between her fingers. He threatened to cut off her fingers”.

“Maniak” used a piece of a plastic pipe to hit the hostages; he also used a stun gun. He had a surgery kit and used it to extract the confessions he wanted to hear.

49

Serhiy Serhiyovych  
Konoplitskiy,  
Mirotvorets,  
06.01.2015, [https://  
myrotvorets.center/  
criminal/konoplickij-  
sergej-sergeevich](https://myrotvorets.center/criminal/konoplickij-sergej-sergeevich)



Fig. 7. Serhiy Serhiyovych Konoplitskiy, nickname “Maniak”<sup>49</sup>

**Full name:** Serhiy Serhiyovych Konoplitskiy

**Nickname:** “Maniak”

**Citizenship:** Ukrainian

**Membership in OAG:** Batman Rapid Response Unit

**Date of birth:** 06.08.1966

**Role, position at the illegal detention facility:** director of the facility

**Mode of responsibility:** responsible director of the illegal detention facility, direct perpetrator

**Search status with the MIA of Ukraine:** not on the list

Interviewee 3 remembered:

“Maniak” told me that he would torture me if I did not confess. He took out a surgery kit in a tarp, unwrapped it and started showing different surgical instruments - scissors, saws, cutting pliers... “Maniak” grabbed my right index finger and tried to break it. I started to resist... He said that if he couldn’t break my finger he would cut it off with a surgical saw... “Maniak” started cutting between the little finger and the ring finger of my left palm. I was screaming, trying to escape, but he carried on”.

Hostages were often tortured without apparent purpose and without the aim of finding out anything in particular. There was no interrogation as such. If there was an interrogation, there was no record. Hostages were tormented not only in the torture chamber, but also in the cells. OAG members used to hit the hostages with plastic pipes, fists, the butts of their guns, other tools, and they were also kicked. They used to keep people chained for long periods. Many victims had broken extremities and ribs, their teeth were knocked out, internal organs damaged. Men and women alike were subjected to beatings.

“Yanek” also used a stun gun on the hostages. In 2014 he was approximately 25 years old, strongly built, taller than the average, with blond hair.



Fig. 8. Roman Yuriyovych Omelchenko, nickname “Plastun”<sup>50</sup>

**Full name:** Roman Yuriyovych Omelchenko

**Nickname:** “Plastun”

**Citizenship:** Russian

**Membership in OAG:** Batman Rapid Response Unit

**Date of birth:** 15.08.1971

**Role, position at the illegal detention facility:** squadron commander

**Mode of responsibility:** direct perpetrator

**Search status with the MIA of Ukraine:** not on the list

Interviewee 3 talked about being beaten up by a combatant nicknamed “Plastun” [a type of Cossack scout], “*Plastun’ hit me on the left side of my head with his fist. It was a sharp pro-*

50

ГБР “Бэтмен” поз.  
Пластун. Оперативная  
сводка, YouTube,  
08.04.2015, [https://  
www.youtube.com/  
watch?v=GQCAfxJO\\_cs](https://www.youtube.com/watch?v=GQCAfxJO_cs)

*fessional blow... Five days later, 'Plastun' came to the cell and asked me why there was a photo of me on Maidan. No matter what my response would be, he would punch me in the face with his fist".*

*As mentioned above, the OAG members used plastic pipes to hit the prisoners. Interviewee 4 described this instrument of torture briefly, "Luish' ... grabbed one of the plastic pipes from the wall and started hitting me. It was approximately one meter long, maybe a bit longer, filled with something, heavy. There was a ring on one side, like a handle"<sup>51</sup>.*

51

Interview: 03.10.2015

The militants also used firearms against the prisoners. According to witnesses, "Fobus" often used this method of torture. He was called "the master of leg shooting". In addition, "Fobus" used a tool to electroshock the genitalia of hostages. He called this "a phone call to Putin".

52

Interview: Mezhylyiska village, Narodychi Rayon, Zhytomyr Oblast, 12.01.2018

Interviewee 1 described being tortured by "Fobus", *"I had 9 broken teeth. They broke them, didn't pull them out: you would cry for 3-5 days. One day it was a tooth, the next day a "phone call to Putin", the following day - another tooth. Then, 3-5 days later, a couple of more teeth"<sup>52</sup>.*

53

Interview: 28.07.2015

The hostages were forced to confess to have coordinated Ukrainian artillery strikes, being members of the "Right Sector", nationalists, "Banderivtsi" etc. Interviewee 5 said the following: *"They started the beating and he [a 21-year old man - ed.] said he would say anything. He told stories on Russian TV about allegedly drawing white crosses on the militia members' houses so that Ukrainians would target them. He said he made it up himself. He gave that interview to make the beatings stop. However, he was still beaten up after these stories for allegedly being an aid to the "Ukropy" [a demeaning term for Ukrainians]"*.

One of the torture methods was the threat of physical violence directly to the hostage their family. Interviewee 3 said, *"Batman' told me that if I said everything, they would let me go. Otherwise, they would torture me, slice me into pieces and skin me... 'Batman' said their experts would deal with me and get the information"*.

Interviewee 2: *"They started interrogating me, tried to figure out who I was. They told me it would be OK if I confessed and if not - they would shoot me"<sup>53</sup>.*

Witnesses say that torture often lead to executions. Interviewee 1 was involved in removing bodies from the university premises, and he is confident that the OAG killed or tortured to death more than 300 people, *“During the first 2-3 months, I had to load bodies very often (every other day, every two days). And I went to the treatment facilities 3-4 times; they dumped the bodies there... When the bodies were next to each other, they put explosives on them. An explosion, and everything drowned in the mud. They did not have burials. They only put them to the treatment facilities”*. The treatment facilities were in Zhovtneviy district of Luhansk (3-5 km away from the university). The bodies were removed at night<sup>54</sup>.

Interviewee 2 described a common situation for the OAG basement:

“On 2 August [2014 - ed.] they brought an elderly man into the basement. They chained him. He was about 70, skinny and with grey hair. His neighbors complained that he was a spy for the “Right Sector”. “Maniak” beat him up. Then, three more people came and continued the beating. Later, several more OAG members joined them, including “Batman”. He said that the elderly man would not leave the basement. He died at night. In the morning, they removed the body, wrapped in a carpet”.

54

Interview: 12.01.2018

55

Interview: 12.01.2018

Witnesses provided information about members of other OAGs in conflict with the Batman RRU were beaten to death. Interviewee 1 said that “Maniak” personally tortured at least eight hostages to death. According to Interviewee 1, over 30 military service members from the RF were tortured to death in the basements, which was one of the key reasons for eliminating Biednov<sup>55</sup>.

There were cases of inhuman treatment in the basement resulting in deaths. Interviewee 4 told a story about an 86-year old man from Luhansk who was thrown to the disciplinary cell with the purpose of expropriating his apartment:

“They hit the elderly man with a butt of a gun on his nose and beat him up. They arrested him in his underwear, brought him in and kept him like that... he had a broken nose and marks from the chains... He did not die during the beating. Most

likely, he died from the beating, from the cold and his age. He was lying down or sitting on the floor the entire time. We were also cold, but we were walking, moving. At first, he stopped eating. He refused the prison food. We left the plate next to him. He did not eat. On the next day, around three o'clock, we could not wake him up for lunch... He was lying down until the evening. It was in early September, and the day was still long. When it got dark, people from other cells came, took him and the cloth he was lying on, wrapped him in it and took him out"<sup>56</sup>.

### **The headquarters and the basement in dormitory no. 2**

Dormitory no. 2 served as the OAG headquarters. The office of "Batman" himself was there. The five-story building also accommodated the command personnel and the Ossetians. The kitchen and cafeteria were on the first floor, and the basement was directly under these facilities. The entrance to the basement was on the opposite side from the central entrance to the building, next to the checkpoint. The control room was on the way down to the basement, a small concrete hallway was in the front. On the left, there was a big distribution room for the heating system with many pipes where two civilians were detained. Interviewee 1 was detained there since mid-June 2014, and another prisoner was brought in one month later.

This separate basement (distribution room) was large, 3.5 - 4 meters high with a sandy floor. During his first days in the basement, Interviewee 1 received almost no food or water and had to survive. *"I found a fine file - a small triangular file. I made a hole in the heating pipe and was drinking that water... I broke two bricks in the top [basement windows were blocked - ed.] and this way had some light during the day. My eyes got used to half-darkness. I was very lucky: when I felt I was dying [from starvation], it started raining. And this huge puddle flowed into the basement with worms and bugs in it. I was eating them"*.

There was no toilet in the room, and the two hostages dug a large pit (1.5 by 2 meters). The prisoners used small bags instead of the toilet and buried them in the pit. They urinated in a five-liter bottle. There was a sewage pipe with a cork in the room. The hostages took out the cork and dumped urine into sewage. Due to these

measures, there was almost no unpleasant smell in the room.

“Batman”, “Maniak”, and “Fobus” did not visit this place. However, combatants with the nicknames “Khokhol” [a demeaning term for Ukrainians], “Subota”, and “Omega” came to visit. They used to torture hostages together with others.

Petro Vasyliovych Koptiev, nickname “Omega” around 50 years old, he was short and had a beard. He was the “chief of staff” of the RRU”. According to Interviewee 1, *“Omega’ was a bastard. He also used to beat us. He often came wearing several grenades. I wanted to hug him and pull the trigger of one of these grenades. He was a beast”*. Interviewees reported that “Omega” was disrespected even among the OAG members.

Prisoners were tortured in the basement or sometimes dragged outside. Some executioners wore balaclavas. However, “Khokhol”, “Maniak”, “Fobus”, and “Omega” would never hide their faces.

There was a woman at the Batman RRU - a reconnaissance operative “Akula” [the Shark]. She was directly involved in torturing Ukrainian soldiers as well as civilian hostages. She lived in dormitory no. 2, had blonde hair and was around 22-25 years old.

### **Guardhouse in dormitory no. 3**

The guardhouse, known as “Guba” was on the first floor of dormitory no. 3. Members of different OAGs and Russian soldiers were detained at the guardhouse. According to Interviewee 1, two deserters from the Ukrainian Army were also held there. As a rule, people were imprisoned at the guardhouse for drinking or looting.

Interviewee 1 provided a detailed a description of the premises and conditions:

“You enter into a long corridor. There is a toilet on the left (I think, two toilets). There is a corridor and four rooms on the right (each 4 by 4 meters) regular rooms with bars on the windows. I saw them hold up to 12 people there [in different rooms - ed.]. They visited each other. They had a kettle and a stove. They went out to the toilet in the building.

57

Interview: 12.01.2018

There were mattresses, no beds in the cells... They were smoking. Their wives came to visit and spent the night when “Batman” was away<sup>57</sup>.

58

Interview: Kharkiv,  
14.10.2016

People in the guardhouse received normal meals unlike the detainees in the basement.

### **Field hospital in the library basement**

Members of the Batman RRU established a field hospital in the basement of the university library. They had a surgery room there. Most patients were members of militias. However, the Centre’s analysts discovered that there were also volunteers and Ukrainian soldiers who were captured in combat and injured. According to our information, there were six prisoners in the hospital in October 2014. All three interviewees who were treated at the hospital provided a similar description of the hospital and the conditions there.

The surgery room was well equipped and several patients could be operated there at the same time.

After the surgery, the soldiers were put in a special ward in the basement of the library building. We could not establish the exact size of the ward, but it was a square room with four beds. There was no natural light or fresh air. According to Interviewee 8, *“it was a semi-basement. There was one window, but it was blocked with sand bags, and there was a small crack at the top where light was coming through. At sunrise, we knew whether it was day or night. There was artificial lighting”*.

Wards for prisoners of war were next to the wards for the injured militia fighters. Interviewee 9 described how the wards were arranged, *“There were wards for separatists all around. We were in the middle. They passed us on the way to their hospital”*<sup>58</sup>. Prisoners in the hospital were kept in relatively decent conditions. The room had been disinfected, the bedding was clean, meals were provided regularly, the patients were taken out to the bathroom and for a smoke (cigarettes, too, were provided). They were, however, not allowed to walk outside or wash themselves.

Prisoners in the hospital were kept in relatively decent conditions. The room had been disinfected, the bedding was clean, meals were



provided regularly, the patients were taken out to the bathroom and for a smoke (cigarettes, too, were provided). They were, however, not allowed to walk outside or wash themselves.

Members of the OAG treated the prisoners in the library basement in different ways. According to Interviewee 7, *“we were not assaulted physically, only humiliated. As far as I know, it was a personal order of Sasha Biednov: if someone came into the room and did something bad, they would be executed. I don’t know why but they were taking very good care of us”*.

The management and medical staff of the hospital performed their duties towards injured patients and provided treatment even under the circumstances of a general lack of medication. Some medics even bought medications at their own expense or stole it and gave it to the prisoners; they also came in at night to talk. Others, on the contrary, wanted to “finish off”, prisoners by shooting them. The so-called chief physician of the RRU, nicknamed, “Tyhra Lvovna” [Tigress Lvovna] personally defended the prisoners. Interviewee 8 provided the following information about her, *“They wanted to shoot us... ‘Tyhra’ defended us and said, ‘I will shoot the person who shoots them’. I owe my life to her”*<sup>59</sup>.

*According to witnesses, “Tyhra Lvovna” was a citizen of Ukraine in charge of the field hospital at the Eastern-Ukrainian National University. Interviewee 9 said about her: “The chief physician. She has been through Afghanistan”*<sup>60</sup>.

59

Interview: 16.07.2016

60

Interview: 14.10.2016

## PRIVATE HOME FOR INTERROGATIONS

Another illegal detention facility that could be identified based on interviews was in a new private house. Outside, there was a garage with a roll-up gate. There was a pool table in the house. We were not able to identify the address. However, according to the victims, it was in Luhansk, approximately 10-15 minutes by car from the Eastern-Ukrainian University. The OAG members used this place for interrogation of interviewees in early September 2014.

Interrogations took place in the garage. The victims were forced to confess in writing that they were “nationalists or “Banderivt-

si". To obtain such confessions, militia members used threatened hostages with of mutilation or death. The victims were severely beaten and subjected to mock executions with a gun.

"The other guard came in. He threatened me with a gun. He said he would blow my brains out, and my wife would have to watch. He put the gun to my temple and then fired above my head. He threatened to shoot my leg, put the gun against my knee and shot into the floor... During the shots, another man, who looked like a boxer, came into the garage. He was short, very agitated, about 30 years old. He punched me mostly on my head, but there were also blows to the neck, the back, and the sides. He promised to unwrap and bring a new soldering iron without the remains of burnt skin of former victims on it. He said he would test that iron on my wife so I would confess to being in charge of the UNC [Ukrainian National Congress]"<sup>61</sup>.



61

Interview: 03.10.2015

62

Wikimapia, [http://photos.wikimapia.org/p/00/02/26/19/47\\_full.jpeg](http://photos.wikimapia.org/p/00/02/26/19/47_full.jpeg)

Fig. 9. Automobile enterprise in "Chorna Sotnya" neighborhood used by the "Batman" RRU for detention of hostages in 2014. The photograph was taken on 14 October 2010, and the image may be significantly different from the condition of the building at the time of detention of hostages<sup>62</sup>

## A PIT NEAR “CHORNA SOTNYA”

This automobile enterprise was located in the neighborhood popularly known as “Chorna Sotnya”. The OAG members used the enterprise to repair equipment and hid their “trophy” cars. From 11 to 13 November 2014, members of the Batman RRU were holding hostages in a carwash facility there. Five of our interviewees had been held hostage there.

Analysts of the Centre did not find evidence of earlier detention in this facility, but one can make the assumption that people had been held there earlier based on witness’ testimonies.

Sometime after the “Batman” RRU started detaining people in Luhansk, rumors about “Batman’s prisons” started spreading. The OAG then decided to get rid of witnesses of their crimes and eliminate its prisons.

On the night of November 11, 2014, “Batman” members forced 13 hostages to go down to the carwash pit. Interviewee 4 said, *“We came to the carwash, reached the middle, a niche on the left. There was a lid covering the entry to the pit. There was an iron ladder reaching down. We were put into that pit below a carwash. It was about 4 meters deep, 2.5 meters wide and approximately 6 meters long”*.

The pit had concrete walls and a dirt floor. There were plastic bottles inside. The hostages were allowed to bring their mattresses from the basements. The mattresses became wet quickly. Some prisoners were dressed lightly and had summer shoes unsuitable for the season.

Interviewee 3: *“It was cold on the basement; you could see one’s breath. We arranged makeshift beds on the damp dirt floor. I asked and got a container for the call of nature. The exit from the basement was covered with a large rectangular iron sheet with a weight put on top”*.

The hostages were told they would not leave this place alive. Interviewee 5 recalls, *“When they just put us down there I asked if*

63 *we would stay there long. The guard said we would rot there. And then he said we would be gone soon*<sup>63</sup>.

Interview: 03.10.2015

64 When “Subota” came, he told the guards to wait for his phone order to kill the hostages.

Interview: 03.10.2015

65 *Vitaliy Hennadiyovych Nester, nicknamed “Subota”, was born on in 1987, and a Ukrainian citizen. Interviewee 4 said the following about him, “‘Subota’ was a local from Luhansk... He said he was married and had a daughter*<sup>64</sup>.

Interview: Kyiv,  
24.05.2016

One of the guards was nicknamed “Vodiani” [Aquarius].

There were civilians (including one woman), an AFU volunteer and members of different militia groups among the hostages. Interviewee 6 recalls, *“The separatists... said, ‘Do you know how to pray? Pray out loud, and we will repeat after you’. These separatists who had been fighting against us were shocked, ‘Why us?’ They said, ‘You guys they execute and you will be heroes at home, but us they shoot and no one will remember us’*<sup>65</sup>.

Interviewee 3 also recalled details about this incident:

“When I was in the basement of the Batman RRU, I knew they had arrested a militant nicknamed Zmiy [the Dragon] who had trafficked arms, was involved in racketeering, extortion, rape, as well as stealing and selling fuel from military equipment. The charges were proven, and he was severely beaten. They even promised to execute him, and then they promised to send him to a minefield. I think he was in cell no. 4. When they transferred us to the ‘Chorna Sotnya’ basement, he was also with us. However, we did not see him when we woke up. Turned out that the guards had let him go. He was one of them!”.

“They gave us cold porridge in a five-liter bucket lowered into the pit. On the evening of 13 November 2014, the hostages received a pot of boiled potatoes, roasted zucchini, sauce and bread. Interview 3 says, “I realized later that they were trying to mimic a situation from foreign films where people sentenced to death get a nice dinner”.

On the night of 14 November 2014, Russian army units supported by different militias conducted an operation to disarm the “Batman” RRU and liberated the hostages in the pit.

Interviewee 3:

“The metal lid opened, and we saw the barrel of a machine gun. We heard a man giving us the order to quickly leave one by one using the metal ladder. We did not understand what was going on. Assuming the worst, we did not follow the order. The woman who was with us started crying loudly. The armed man above ordered us to leave the second time. There was no point in arguing with an armed man, and we started going up one by one”.

Interviewee 6: *“The 13 of November, I remembered that because it was Friday, the thirteenth, and there were 13 of us. We heard shooting upstairs. It turned out, there was some Russian group. Everyone was wearing balaclavas, and I saw “Crimea. Berkut” on their chevrons...They put our guards on the floor, tied them up and arrested them”.*

*After the victims were pulled out of the pit, they were told not to be afraid. According to these unknown armed people, they came specifically to save the hostages from a mass execution. Interviewee 5 said, “When they took us out of the pit, they called two or three people to the storage room to show us 8 grenades. They said we were supposed to be killed with those grenades at 5 in the morning”<sup>66</sup>.*

66

Interview: 03.10.2015

## PROVISION OF MEDICAL ASSISTANCE

The hostages received medical assistance. From time to time, Serhiy “Skoryi” [the Ambulance], a paramedic, came. He tried to watch the hostages’ hygiene, provided first aid and tried to alleviate the suffering of those who had been tortured. Every Saturday, a female doctor nicknamed “Strielka” [the arrow], a short, brown-haired woman, and her assistant, a young girl with braided hair, came down to the bomb shelter in the nine-story building.

The examination of the injured or ill prisoners took place in the torture chamber. When the doctor came in, the guard announced it loudly, and the hostages could come in one by one. The nurse changed bandages for the people with firearm wounds and serious injuries. There was a shortage of medications, particularly painkillers. Interviewee 5 described asking for help, *"I had angina, my throat and head was hurting. "Strielka" measures my blood pressure - 180/70, and said that she would bring me the meds, but they do not usually treat such patients. She said she could ask to exempt me from the forced labor"*<sup>67</sup>.

Hostages sent to work in the field hospital stole analgene, Citramon, ointments for bruises, bandages, and a thermometer. They were hiding medication in their cells and using it if absolutely needed.

Sometimes, doctors were invited to provide medical assistance to hostages during torture.

In June 2014, a female doctor nicknamed "Tyhra Lvovna" was there when Interviewee 1 was mistreated, *"She injected me with something they were experimenting on. It would make you wet yourself: when you woke up, you were wet. It was very painful; I was so thirsty that I was munching dirt. My entire body was hurting... They injected me three times following an order from 'Fobus'"*.

People who committed minor offences were released only when all injuries and fractures healed after the beating and the torture. The prison management made sure they would not be able to record injuries and complain about the torture in the basement.

No one was overseeing the provision of medical assistance. The decision about the possibility of receiving medical assistance was up to the management. "Luish" said one had to earn medical assistance. In difficult cases of injuries or illnesses, the hostages could be transferred to the city hospitals.

Interviewee 5 recalls, *"That elderly man had a fracture or a gunshot to his arm. The wound went septic in those unsanitary conditions... He got fever. "Luish" called for a doctor. The doctor diagnosed a gangrene. The hostage was released. They said he was admitted to a hospital"*.

The people in charge of the basement listened to the advice of doctor “Skoryi” who insisted that several hostages be released due to severe health condition. Interviewee 3 shared his memories, *“Skoryi” examined a man who had been severely beaten. He found internal bleeding. After that, the prisoner was transferred to the city hospital where he underwent surgery - his torn spleen was removed... The “final blows” in this man’s beating (with strong blows to the stomach) were done by “Luish”, and it nearly killed him!*<sup>68</sup>.

68

Interview: 18.04.2016

The field hospital in the university library took care of patients with less severe injuries. In case of severe injuries or complications, they were transferred to Luhansk Oblast Hospital.

69

Interview: Bila Tserkva, Kyiv Oblast, 12.07.2016

The Batman RRU did not control that hospital, but militia members could place guards there. Interviewees who served in the Ukrainian army have been sent there in October 2014 for surgery and follow-up treatment in relation to their severe health condition. There was constant psychological pressure and threats. Prisoners were taken to the rooms of injured children saying they had killed their parents. However, there was no physical violence. Interviewee 7 said, *“They did not torment me while I was a prisoner. There was a gunman in the hospital with us, his nickname was “Stalker”. We were under constant supervision”*<sup>69</sup>.

“Stalker” was a member of the Batman RRU. He got the nickname for his love for computer games. He was also a member of the “Night Wolves” biker club. He was short, 31-31 years old (as of 2014). He was a Ukrainian born in Luhansk Oblast. Before the military conflict in Eastern Ukraine, he was working in the Russian city of Tyumen.

## GENDER-BASED VIOLENCE

Analysts of the Centre recorded multiple cases of gender-based violence (hereafter - GBV) against hostages. The following motives for GBV could be established:

- coercion to cooperation;
- humiliation of the hostages;
- fulfilling sexual needs;
- sadistic tendencies.

Different forms of GBV were recorded during interviews, including the following: forced unclothing, mutilation of genitalia, severe beating of the abdomen and genital area, joint detention of women and men, rape and threats of sexual violence.

Interviewee 3 described the humiliation he has been subjected to in the university basements. During his torture, "Maniak" ordered the hostage to take off all his clothes. After cruel torture, he was thrown into the first cell, where both men women were held. He was naked and in chains. He was prohibited from lying down, and one of his cellmates, who gave him a chair, was severely beaten. The victim spent three days naked, handcuffed, with broken ribs, bruises, burns from a stun gun, cuts between his fingers, and without any food<sup>70</sup>.

70

Interview: 18.04.2016

There were recorded cases of systematic rape of women and underage girls by the militia members, as well as a case when a man was raped using an object<sup>71</sup>.

71

For more on this see the report War without Rules - Gender-Based Violence in the Context of the Armed Conflict in eastern Ukraine, Kyiv 2017, Coalition 'Justice for Peace in Donbas' [https://jfp.org.ua/system/reports/files/110/en/gon\\_eng\\_web.pdf](https://jfp.org.ua/system/reports/files/110/en/gon_eng_web.pdf)

Interviewee 1 remembered how new recruits were brought in in late September 2014<sup>72</sup>. The majority of the militia fighters were young men, most likely from rural areas. The recruits were ordered to stand in formation, and Oleksandr Biednov said that he and his colleagues were planning to attack Kharkiv one month later. To motivate people, he said that the members of the OAG would be allowed to take everything they wanted, including any car or any woman.

72

Interview:  
12.01.2018

We should note that the torture, murders, sexual and gender-based violence committed by the Batman RRU in illegal detention facilities were mostly systematic. Leaders of the OAG either encouraged or allowed their subordinates to engage in these actions.

## DETENTION OF MINORS

A teenage girl, about 17 years old, was held in the third cell of the university basement. Before that she was working at the Batman RRU kitchen. When her friend came and asked for food for her child, she gave her two cans of condensed milk. Another kitchen employee noticed that and snitched on the girl to the OAG leaders. After that, the girl was arrested and held in the basement. She was forced to work at the field hospital where she mopped the floor and took the bedpans of bedridden patients.



Interviewee 1 mentioned three boys (15-16 years old) held as hostages. They were detained for allegedly shouting, “Glory to Ukraine”. Interviewee 1 was loading garbage during forced work with two of them. One of the boys was missing one of his little fingers, the other both of his ears<sup>73</sup>.

Witnesses also remembered 14-year old boys (their number has not been confirmed) who were arrested for drinking beer in public. As a punishment, they were taken to the town of Krasnyi Luch (Khrustalnyi since 2016) in Luhansk Oblast and forced to dig trenches.

## COERCION AND RECRUITMENT TO THE BATMAN RRU

The OAG used different methods for recruitment. There were people who joined the Batman RRU voluntarily, as well as under pressure. The militants conducted an active propaganda campaign among the hostages trying to recruit new people.

73

Interview: 12.01.2018

Interviewee 3: *“A combatant nicknamed ‘Tranzyt’ asked me why I was imprisoned and whether I wanted to join”*. Interviewee 1 said that the OAG leadership engaged stable, strong people to show that there were decent soldiers among them, *“‘Fobus’ told me I would make a fine soldier... There were two options: to die or to join the ‘militia’. I chose death every time”*<sup>74</sup>.

74

Interview: 12.01.2018

There were different incentives offered to the prisoners to encourage them to join: from an early release to better food. One of the OAG members, Roman “Ramzes” (young, tall, and skinny) invited the basement hostages to join “Batman” and said they would receive canned meat. Some people had no alternatives except joining the Batman RRU. Interviewee 5 recalls:

“A couple and their driver were detained in order to expropriate their business... On the next day, they came to take people for forced work and the husband asked to go. He showed his welding skills at work. It turned out the militants really needed his skills. That is why they did not hurt him to avoid injuries. They detained them

for about a month... They only released them on the condition he would join the militia. The husband was a retired military colonel. They were forced to sign an agreement to cooperate with the bandits and join the militia. The couple was released, and the driver remained a hostage as a collateral”.

New members of the Batman RRU were assigned auxiliary and support and service tasks, as well as medical work. For instance, Serhiy “Skoryi”, the paramedic, had been a hostage who was released on condition of joining the OAG. Some of the new recruits received firearms and gear.

## FORCED LABOR

The Batman RRU exploited forced labor for its military needs, personal whims of the members, as well as other militias upon agreement. As noted above, the first and second cells of the university basement were filled with people detained for minor violations (from the “LPR” point of view). These two cells were the “working” cells. Hostages were systematically taken for works. Interviewee 4 says, *“It was like “Batman” had a stock of slaves. There were many units. And different units asked “Batman” for workers, and he allocated people for the job”*. According to interviewees, people were simply grabbed off the streets if free force was needed.

Interviewee 5 witnessed a dialogue between two members of the OAGs. It was about the need to have ten female workers for the next day. There was an argument because in the basement at the time, there were only three women. However, the next day there were already 10 detained women in the basement, and they were taken to do the job<sup>75</sup>.

Witnesses identified the key types of work requested from the hostages: digging trenches and building bunkers, offloading “humanitarian assistance”, working in the field hospital, performing repair works in the city, cleaning premises, kitchen work etc.

Interviewee 4 said about forced labor:

75

Interview: 03.10.2015

“We usually unloaded humanitarian assistance to their headquarters. Not those huge trucks, but smaller cars. You could see writings on the boxes. For instance, “Children of Yelabuga [a small city in Russia] for the poor children of Donbas”, or “Moscow Children’s home no. ...” They stored children’s clothes and toys on the fifth floor like garbage. [Members of the OAG] took the adult clothing if they liked or needed it”<sup>76</sup>.

The majority of hostages were used in the construction of fortifications. Many of them were taken to Krasnyi Luch for a week or two where they spent nights in the trenches they had dug out. Interviewee 3 shared, “All those detained for minor offences were used for hard physical labor - digging trenches, filling bags with sand, fixing the equipment and constructing barricades”<sup>77</sup>. The hostages were threatened with execution for attempts to escape. However, some hostages managed to run away.

Witnesses also said that even a person with a broken hand (wearing a cast) was forced to perform hard work, such as loading garbage.

Women were usually taken for cleaning to the field hospital and for kitchen work. Interviewee 5 remembers:

“Sometimes I asked to work. It was difficult to sit in the basement and listen to the sounds of torture all day long. Moreover, if you stay in the basement, everyone is gone for work, and you have to wash the blood from the walls and the floor after torture... We used to wash cars, clean the territory. We cleaned the rooms. We cleaned toilet bowls on all five floors. We prepared the shower room. A group of Russian military officers came. The women were forced to wash their uniform by hand. We washed the uniform, their underwear and socks by hand in cold water. The women were washing clothes in the shower room. The soldiers shamelessly took off their clothes and washed themselves”<sup>78</sup>.

Members of other OAGs and other organizations could arrange getting free workforce for their needs from the Batman RRU. For instance, the hostages worked for the “Night Wolves”, a Biker Club<sup>79</sup>, mopping the floor in a gym where an exhibition of

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Interview: 03.10.2015

77

Interview: 18.04.2016

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Interview: 03.10.2015

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“Ночные волки” в Луганске будут проводить байк-шоу ежедневно на протяжении еще двух недель, lug.info, 03.01.2015, <http://lug-info.com/news/one/nochnye-volki-v-luganske-budut-provodit-baik-shou-ezhednevno-na-protyazhenii-eschedvukh-nedel-813>

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Тягушова Юлия, В гостях у “Ночных волков” (фото), Луганск. Коментаріі, 24.10.2016, <http://lugansk.site/v-gostyakh-u-nochnykh-volkov-foto/>

81

Vitaliy Mykhailovych Kishkinov, Mirotvorets, 27.06.2016, <https://myrotvorets.center/criminal/kishkinov-vitalij-mixajlovich/>

82

Interview: 03.10.2015

motorcycles and vintage cars took place. The bikers’ base was in the medical facility of Yakubovsky pipe factory in Luhansk.



Fig. 10. The gym at the medical facility of Yakubovsky Pipe Plant in Luhansk seized by “Night Wolves” biker club where hostages were working. Photo credit: Yuliya Tyahushova<sup>80</sup>

Vitaliy Kishkinov, nome de guerre “Prosecutor”, was in charge of the bikers<sup>81</sup>. The man who provided instructions to hostages at the club said he was a deputy director from Kharkiv.

Interviewee 5 shared her memories:

“The deputy head said he was interested in my story, and he would call their investigator to help to release us. They brought us there and fed us right away. I mopped the floor. They gave us dinner, washed our clothes and prepared a sauna for us. We washed ourselves. A girl from the kitchen gave me a hat and a coat. Until October, I was wearing a T-shirt and a leather jacket the girls found for me in the basement. It was the first time I took a shower since my arrest [more than a month before - ed.]”<sup>82</sup>.

The hostages were not searched during the forced labor or upon their return to the basement. Therefore, the work trips provided an opportunity to bring something back to the cell. The Batman RRU guards allowed bringing mattresses to the basement. The hostages also stole medication, paper, and pens and hid them. Interviewee 4 mentioned, “I was able to steal an onion and a

box of canned food. The prisoners were working in the kitchen and managed to take some food there. When fresh bread for the militants was delivered, it was possible to beg for a loaf of bread if any was left”<sup>83</sup>.

Another type of job the hostages were forced to do were thefts and robberies. Sometimes, people for this “job” were selected from among the convicts. Interviewee 5 said, “There were some people taken for specific types of work. But they took those who liked it. They took them around 11pm to rob stores and pharmacies. The guys brought some things to the basement as well. They brought me a toothbrush. There were three of them. They had previous convictions”<sup>84</sup>.

However, anyone could be forced to take goods from the stores. One of the Batman RRU divisions, the Hooligan’s Unit, also used free workforce. The unit was based in one of the military bases in Luhansk. The hostages were forced to load concrete, bathroom appliances, accumulators, and tools from “Epicenter” [a DIY store], and offload everything at the base of the “Hooligan”. The hostages also used to clean up the territory. “Dyadya Kolya” [Uncle Nikolay], a member of the OAG, took them to the job.

His subordinates were “Vyshnia” [the cherry], who once wanted to shoot hostages while drunk, and Petro, nicknamed “Bandera”.

Petro “Bandera” was a tall dark-haired man, 30 years old, from Kalush (Ivano-Frankivsk Oblast). He had a crooked nose. He used to guard the hostages during work.

A different unit led by “Beshenyi” [the furious one] also used hostages for robberies and looting. The unit was based in a kindergarten building at Lazo Street and was formed out of Kuban Cossacks.

“Beshenyi” was a man of approximately 40 years, neat, average height. His face was slightly red. He wore a uniform and “kubanka” hat (Astrakhan hat with a cross on top).

“Khokhol”, a member of the OAG, was directly in charge of robberies and hostages. He knew Ukrainian but spoke Russian. He used to wear a chokha coat. He was approximately 180 cm tall, skinny, at the time aged 30-35, with dark hair and no special marks. He said he was from Kyiv.

83

Interview: 03.10.2015

84

Interview: 03.10.2015

Together with the Batman RRU members, the hostages went around Luhansk and took down payment terminals, that contain cash (witness testimonies include information about trips to the central and southern parts of the town). If the shopkeepers who owned the terminals tried to resist, they were threatened with firearms. The terminals were then loaded onto a truck and taken to the specified base where everything was stored in a garage. In addition, militia members used hostages to loot shopping centers, including supermarkets “Absolut”, “Leleka”, and “ABC”. When the OAG members entered a market of the “SPAR” network, the store representative came out and said it was prohibited to steal from them. He then called someone on the phone and handed the phone to one of the militia members. After the conversation, the combatant said he had forgotten that they were prohibited from “invading” “SPAR”.

In October 2014, Besheniy's unit went on raids together with the Rusych SRG using hostages. One of the operations was taking large amounts of metal framing from a Luhansk storage facility of “In Time” delivery service.

Milchakov's deputy “Kloun” [the clown] organized the robberies and coordinated hostages on behalf of the Rusych SRG. According to the witnesses, “Kloun” was a 30-35 year old man, strongly built, energetic, approximately 170 cm tall.

Robbers from the Rusych SRG used hostages several times, mostly for robbing storage facilities. Once, the OAG members took eight hostages from the university basement to rob two hangars. They broke the locks with bolt cutters and ordered the hostages to quickly take the tires and load them on trucks. The hostages loaded one truck and half of another truck. In addition, the OAG members told the hostages to carry the tires and not to roll them because they were for sale. It took place on an October morning in 2014 from four until six.

The Rusych SRG did not allow the hostages to eat or drink during forced labor. They said they did not want the workers to sweat. It was also prohibited to smoke or rest. The hostages were constantly rushed. If someone was tired and slowed down, they threatened to shoot the person in the leg.

# THE “LPR” INVESTIGATION OF THE CRIMES COMMITTED BY THE BATMAN RRU

Since the establishment of the “Luhansk People’s Republic” its leaders have been in conflict with each other. Issues that divided them ranged from political views on governance in the occupied areas to the division of labor between them and about the looting by certain groups.

After his release from the pit at “Chorna Sotnya”, Interviewee 1 showed the Russian Special Forces, who had liberated the hostages, the place at the treatment facilities where he had unloaded the bodies of the Russian soldiers tortured to death at the university, *“Batman’ was gone not because he had a fight with Plotnitskiy [The LPR “head of state” between August 2014 and November 2017] or someone else. It was because of the Russian soldiers”*<sup>85</sup>. Two members of the Batman RRU (one of them nicknamed “Soro-ka” [the magpie]) revealed how and when they killed the Russian soldiers. Large-scale detention of Russian soldiers and members of other OAGs created pressure on Biednov and his circle in the so-called “LPR”. Later, it led to the murder of Biednov and his associates.

85

Interview: 12.01.2018

Directly after being liberated, the hostages from “Chorna Sotnya” were taken to Zhovtneviyi Rayon police station on 14 November 2014. One prisoner, a Ukrainian soldier, was handcuffed. There was no force used against others. The hostages were told they were not suspects but witnesses, and that they could not be released for the sake of their own safety. The hostages were photographed and questioned. Their fingerprints were taken, and they underwent medical examination. Interrogations were recorded on video along with a written report. Interviewee 1 thinks that Plotnitskiy was using the situation to get rid of Biednov. *“It was all talk. The reports were 2-3 pages long. They could have written a bit more than that for six months in detention! The girl who asked me questions behaved like she was some LPR general.”*

On the same day, 14 November 2014, Oleksandr Biednov and a “deputy Minister of the LPR” came to the place where the victims were. An argument broke out: Biednov did not admit to the murders of the Russian service men and left. After another day, members of the Batman RRU came to the unit trying to take back the hostages, but they did not succeed.

Hostages were accommodated in acceptable conditions, provided with food and the possibility to shower. They were questioned about the activities of the RRU “Batman”. Interviewee 5 recalls:

“We were asked which methods of torture were used, how they were beating us, and why we had been detained. When we told them about a certificate with flags [suggesting a pro-Ukrainian position], the interrogators clearly changed their attitude. It seemed as if they did not consider our detention such a bad thing anymore. They said we were in a witness protection program and we were being guarded”.

Representatives of the “LPR” informed the hostages they would be released, and custodial measures would be used to protect them from “Batman” and his circle, as well as to prevent disruption of the operation to eliminate Oleksandr Biednov. The hostages were released in groups - in late December and early January 2015. Those who had belonged to the Ukrainian army were released much later.

As noted above, the “LPR” started an investigation into the actions of individual members of the Batman RRU. On 30 December 2014, “the LPR Prosecutor General’s Office” launched criminal proceedings concerning false imprisonment of two or more persons, torture with the use of weapons, murder etc. The following members of the armed group were under investigation: “Maniak” (Serhiy Serhiyovych Konoplytskyi), “Omega” (Petro Vasyliovych Koptiev), “Dag” (Ali), “Chechen”, “Batman” (Oleksandr Oleksandrovych Biednov), “Luish” (Ihor Volodymyrovych Tsykunov), “Fobus” (Oleksiy Volodymyrovych Dakhnenko), “Yanek”, “Khokhol” (Serhiy Serhiyovych Zharinov), “Subota” (Vitaliy Hennadiyovych Nester), “Zioma”, “Tabletka” [the Pill] and others<sup>86</sup>.

Despite the loud statements about prosecution of perpetrators in the “LPR”, it had little to do with justice. On 1 January 2015,

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Долетался:  
“генпрокуратура  
ЛНР” подтвердила  
ликвидацию  
“Бэтмена”, Obozrevatel,  
02.01.2015, [https://  
www.obozrevatel.  
com/crime/86470-  
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genprokuratura-lnr-  
podtverdila-cto-  
likvidirovala-bandita-  
betmena.htm](https://www.obozrevatel.com/crime/86470-doletalsya-genprokuratura-lnr-podtverdila-chtolikvidirovala-banditabetmena.htm)



Oleksandr Biednov and several people from his inner circle were murdered by the “LPR” representatives. Ali “Dag” died on 22 January 2015 during an attack on the village of Chornukhyne (Luhansk Oblast)<sup>87</sup>, and before that, he had been moving freely in the areas outside of the government’s control. In August 2016, the “military court of the LPR” sentenced “Maniak”, “Fo-bus”, “Khokhol”, “Omega”, and “Subota” to 12-13 years of imprisonment with confiscation of property<sup>88</sup>. Other persons who were involved in torture, murders, and illegal detention of persons did not face responsibility.

## CONCLUSIONS

This study showed that the Batman RRU committed massive human rights violations during its operations in Luhansk in 2014. These include illegal detention, forced labor, expropriation of property, assault and torture, rape, murder and others.

Conclusions in this report were drawn from a limited amount of information. However, authors were able to collect a sample of data that sheds much light on the activities of the Batman RRU. This information will allow investigating the factors and circumstances leading to the massive human rights violations in the areas outside of Ukrainian control, as well as describe the conditions of detention, interrogation, torture, humiliation, and murder of prisoners.

In 2015, attempts to centralize power and create a hierarchy took place in the “LPR”. If an armed group refused to follow instructions from these centralizing structures, it was eliminated or restructured, and its leaders were forced out of their positions or were killed. This also led to the first show trials in the Batman case.

The authors learned through interviews that the majority of the former prisoners of illegal detention facilities have no official status or confirmation documents for their imprisonment during the armed conflict. This means that they cannot receive free medical or psychological assistance from the Ministry of Health as victims of the armed conflict.

The Centre continues to study the issue of illegal detention in the armed aggression in Eastern Ukraine.

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Проект “Груз-200 из Украины в Россию”, Tsentri mirotvorchestva, <http://peacekeeping-centre.in.ua/Museum/East/Ubit/Gruz-200.htm>

88

Вступил в силу обвинительный приговор для бывших военно-служащих ГБР Бэтмен, YouTube, 26.08.2016, <https://www.youtube.com/tch?v=00Pu1RkGLY>

# ACCESS TO MEDICAL ASSISTANCE FOR VICTIMS OF THE ARMED CONFLICT IN UKRAINE

EVHENIYA BARDYAK

## INTRODUCTION

Access to adequate medical care has been a crucial problem in the armed conflict in Ukraine since its outbreak in spring 2014. It is particularly important for a certain category of people, namely prisoners of illegal detention facilities, including former detainees, internally displaced people (IDPs), and people living in the occupied areas or near the contact line in the so-called “grey zone”. These categories of people have faced serious challenges in obtaining prompt and adequate medical treatment.

The issue encompasses not only access to medical services, but also the lack of procedure for the registration of victims, services for these groups, or social subsidies for medications and treatment for civilians. Ukrainian legislation has failed to keep up with the needs, and the people are trying to find solutions on

their own. For instance, fully equipped specialized institutions of well-known hospitals and research institutes have remained in the occupied zone. Some qualified specialists continue working there. Therefore, many Ukrainians from the neighboring territory controlled by Kyiv cross the contact line for treatment in the so-called DPR in the absence of alternatives.

The international community, volunteers, activists, military doctors and others have joined efforts to provide adequate medical assistance to IDPs, former detainees, and people living near the contact line or crossing through the checkpoints. These actors are all trying to save lives, but there is no unified systemic approach on the state level. There is a need to improve access to prompt and adequate medical care for the majority of victims of the war in Donbas. The Ukrainian state and international organizations have to direct their attention towards this end.

The following sources were used to highlight this issue in a short overview: international and domestic legislation, official reports of international organizations and monitoring missions, reports of civil society organizations, renowned publications in official resources and the media, expert analytical overviews, as well as interviews with people familiar with the problematic access to medical assistance.

The report covers the situation in the areas under the Ukrainian government's control, the territory outside of the government's control, as well as along the contact line and in the so-called "grey zone". It provides official statistics, a short analysis of the relevant legislation, certain international instruments, as well as examples of real-life situations and testimonies of eyewitnesses. Interviews were conducted mainly with medical professionals working near the contact line.

An overview of the state of medical assistance and access thereto shows that legal instruments and procedures have not been updated despite mass civilian casualties and injuries. There was no significant reorganization of the work of hospitals and pharmacies in the grey zone. Moreover, not all crossings of the contact line are equipped with first aid points. Often, people arriving from the occupied territories in search of medical assistance face bureaucratic obstacles. Others, on the contrary, are forced to go to the occupied areas for specialized medical care. Residents chose this option because it was closer and less expensive than going to hospitals in large cities of the Ukrainian controlled

territories in Eastern Ukraine, such as Zaporizhzhya, Dnipro or Kharkiv. Volunteer and international organizations play a major role in providing medication and treatment for the victims.

This overview was developed to draw the attention of the general population to an issue that requires a prompt response from the state. The possibility to receive a proper medical diagnosis and treatment has a large impact on the overall quality of life.

## GOVERNMENT-CONTROLLED AREAS: MEDICAL ASSISTANCE TO CIVILIANS RELEASED FROM DETENTION

The war in Ukraine has been going on since spring 2014. During the four years that can be covered here, according to SSU data, more than three thousand people, half of them civilians, have been detained by militant groups. More than a hundred people remain in detention.

According to the data of the Coalition “Justice for Peace in Donbas”, 50% of detainees were subjected to some form of torture, inhuman or degrading treatment. As a rule, they were held in conditions unsuitable for long periods of detention - in humid basements or semi-basement premises without proper lighting or ventilation, not to mention sanitation. According to a military force member, “toilet paper was provided periodically, one roll for 25 people with a recommendation to use it sparingly”, along with one toothbrush for ten people. Food was extremely limited, monotonous, and the quality of drinking water was questionable.

These conditions in combination with permanent stress for many prisoners led to a decrease in immune functions and, as a result, the development or exacerbation of illnesses with long-lasting consequences among the majority of interviewees<sup>1</sup>. All these people required medical assistance during detention and upon release. For instance, Ihor Kozlovskiy, released in

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Евгенія Бардяк. Без права на лікаря: медична допомога у незаконних в'язницях окупованих територій та після звільнення з полону, jfp.org.ua, 13.06.2016. <https://jfp.org.ua/coalition/novyny-koalicii/articles/bez-prava-na-likaria-medychna-dopomoha-u-nezakonnykh-viaznytsiakh-okupovanykh-terytorii-ta-pislia-zvillnennia-z-polonu>

late 2017, said that his detention had a negative impact on his health, and he still was in need of regular medical assistance<sup>2</sup>.

On the side of pro-Russian separatists, people providing medical assistance were usually not medical professionals and such assistance was rather rudimentary. Only in exceptional situations, interviewees identified these people as a doctor or a nurse. In most cases, medical services were provided either by detained doctors who received certain medications or by someone assigned to this job by separatist combatants. Often, surgeries took place in poor sanitary conditions. A civilian recalled, “People who were put in the cell with shrapnel wounds used to put dirt into their wounds so it would go septic and the shrapnel would come out with the pus. They used toilet paper to remove the pus”.

In some cases, the medics performed their duty in a professional and unbiased manner. However, they had little influence over the militants.

“I sustained a stab wound of the external part of the left thigh and many bruises. One day after the injury, I was taken to a hospital where they treated the infected wound. They let me lie on the bed for 15 minutes. I kept passing out from blood loss and from the nervous tension. When I woke up, I asked the doctors not to let me go back. But they were afraid of objecting to the militants, so they took me back to the basement” says a pro-Ukrainian activist from Druzhkivka.

Detainees who did not ask for help despite needing it said they did not see the point. They considered themselves “doomed” or did not want to be beaten again. A civilian said, “*You could ask, but everyone was punished for asking - we were punched and kicked*”.

After release from captivity, people often still have difficulties obtaining proper medical care, especially civilians. While soldiers and volunteers with a combatant status can get free examination and treatment in state-run clinics and in some private clinics, volunteers, pro-Ukrainian activists and other former detainees have faced obstacles in access to medical help. Rehabilitation centers or other services for victims are not functioning.

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В основном избивали: Освобожденный из плена Игорь Козловский рассказал о пытках со стороны боевиков, 112. ua, 09.01.2018. <https://112.ua/ato/v-osnovnom-izbivali-osvobozhdennyi-zalozhnik-kozlovskiy-rasskazal-o-pytkah-v-plenu-boevikov-428178.html>

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Президент підписав Закон, що посилює захист прав військових, які отримали поранення під час служби в зоні проведення АТО, president.gov.ua, 08.06.2017. <http://www.president.gov.ua/news/prezident-pidpisav-zakon-sho-posilyuye-zahist-prav-vijskovih-41754>

People are often left to their own devices. To be examined or treated, they usually went to local clinics independently. Some of the released people received support from the local authorities, political parties, private clinics or volunteers. There was no systemic assistance envisioned. The majority of expensive services had to be paid for from patient's private means. People who had no means to cover their medical bills, postponed examination and treatment for "better times", which in some cases had a very negative impact because it complicated the person's medical condition or because it made the collection of evidence much harder.

In June 2017, the President of Ukraine signed a Law "On the amendments to Article 260 of the Internal Service Regulations of the Armed Forces of Ukraine" (adopted by Verkhovna Rada on May 18, 2017)<sup>3</sup>. The law enhances the protection of Ukrainian soldiers who sustained injuries (contusions, wounds, mutilations) during military service, in particular, in the ATO area or in detention. The instrument aims to improve the procedure of issuing medical certificates and other documents required in order to be granted benefits for members of the army.

The need for such a law arose due to multiple instances when soldiers injured in combat had no access to benefits and reimbursement provided by law due to shortcomings in the Internal Regulations of the AFU.

A debate about medical assistance and benefits for civilians has started only recently. In late 2017, the Verkhovna Rada approved draft law no. 5697, which provides the status of a war-disabled person to civilians with a disability that resulted from an injury in the ATO area. The law entered into force on February 24, 2018.

Civilians can also obtain this status based on the Cabinet of Ministers Resolution no. 685 (8 September 2015) if they acted as volunteers in the ATO area. It is possible to receive this status based on confirmation from the AFU or the SSU, or a court decision establishing the fact of volunteering. People who sustained injuries in detention need to have the court establish a disability resulting from torture in detention in the ATO zone.

According to the OHCHR Report on the human rights situation in Ukraine, during the conflict, in the period between April 14, 2014 and August 15, 2017, at least 2,505 civilians were killed.

An additional 298 civilians, including 80 children, were killed in the MH17 plane crash on July 17, 2014<sup>4</sup>.

According to the UN Office on the Coordination of Humanitarian Affairs, the total number of wounded people among the civilian population since the beginning of the conflict in mid-April 2014, and May 14, 2017) reaches 7.000-9.000 people<sup>5</sup>. In 2017 alone, 552 civilians were killed or wounded in the Donbas conflict<sup>6</sup>. These numbers suggest that hostilities remain a daily threat to the civilian population. Most deaths or injuries are a consequence of shelling, mines and explosive remnants of the fighting.

While soldiers, volunteer fighters, volunteers, and journalists are entitled to material compensation for restoring their health after detention or injury, civilian victims have neither an official status nor financial support. Often, they do not even record the signs of torture or injuries officially.

## GOVERNMENT-CONTROLLED AREAS: MEDICAL ASSISTANCE FOR INTERNALLY DISPLACED PEOPLE

According to the Ministry of Social Policy of Ukraine, there were nearly 1.5 million internally displaced people or 1.2 million families from Donbas and Crimea registered officially as displaced people<sup>7</sup>.

Article 49 of the Ukrainian Constitution states that everyone has the right to healthcare, medical assistance and medical insurance. Medical assistance is provided free of charge in state-run and municipal healthcare facilities. According to Article 9(1) of the Law of Ukraine “On ensuring the rights and freedoms of internally displaced people”, IDPs are entitled to medical assistance. A former resident of the territory outside of the Ukrainian government’s control has the right to receive medical assistance at the new place of residence after receiving an IDP certificate.

4

Report on the human rights situation in Ukraine, 16 May - 15 August 2017, ohchr.org. [http://www.ohchr.org/Documents/Countries/UA/UAReport19th\\_UKR.pdf](http://www.ohchr.org/Documents/Countries/UA/UAReport19th_UKR.pdf)

5

На Донбасі від початку конфлікту загинули 2 тис. цивільних, поранено близько 7-9 тис. людей, - ООН, ua.112.ua, 31.05.2017. <https://ua.112.ua/ato/na-donbasi-z-pochatku-konfliktu-zahynuly-2-tys-tsyvilnykh-poraneni-blyzko-7-9-tys-liudei-oon-393223.html>

6

Report on the human rights situation in Ukraine, 16 August - 15 November 2017, ohchr.org. [http://www.ohchr.org/Documents/Countries/UA/UAReport20th\\_UKR.pdf](http://www.ohchr.org/Documents/Countries/UA/UAReport20th_UKR.pdf)

7

Обліковано 1 489 659 переселенців, - Мінсоцполітики, 05.03.2018, <http://www.msp.gov.ua/news/14908.html>

Local executive bodies and municipalities ensure in accordance with their competencies the provision of medical assistance for IDPs in municipal healthcare institutions. If a medical worker refuses providing medical assistance to a displaced person (for instance, in the absence of a place of registration), this could be counted as illegal discrimination.

According to Article 38 of the Law of Ukraine “On the principles of healthcare in Ukraine”, every patient aged 14 years or older seeking medical assistance has the right to free choice of a doctor, if the latter is available to offer his/her services. If the patient’s condition allows, every patient has the right to consult the clinic of his or her choice if the establishment is able to provide the necessary treatment.

Even without an IDP registration, according to the law of Ukraine “On the freedom of movement and free choice of residence in Ukraine”, registration of the place of residence or location of a person, or its absence, cannot serve as grounds for the limitation of the rights and freedoms foreseen by the Constitution of Ukraine. With regard to urgent medical care, according to Ukrainian legislation, it has to be provided to all citizens regardless of their place of registration and residence free of charge.

After arrival to a new place of residence, the internally displaced person has to address the nearest healthcare institution and receive an assignment to a district or family physician to receive medical assistance. First, this person has to receive an IDP certificate and then register at the clinic at the temporary place of residence. Afterwards, the IDP can expect to be examined by a doctor in a state or municipal clinic.

In case of severe chronic diseases requiring permanent medical treatment, the displaced person should contact the regional department of health to receive detailed information about the current state assistance programs in that region. State medical institutions should provide free medical assistance to displaced people. In addition, a number of private hospitals provide discounts for examinations and treatment to IDPs.

However, despite all the above legislative norms, difficulty with access to medical assistance remains one of the most urgent problems for IDPs. This conclusion is based on the study entitled “Access to healthcare for internally displaced people”



conducted by the NGO “KrymSOS”. People depend on the registration at their new place of residence and face all kinds of problems if they cannot get such a registration. Without a registration they cannot get to a state clinic, receive social benefits, or profit from local programs, including those providing medication free of charge. They are also forced to cut down their treatment costs due to their often precarious financial situation. Interviewees who have shared the experience of internal displacement stated that their health has worsened in some cases significantly after relocation due to poverty and constant stress.

Many IDPs who used to receive free medical care are refused free assistance based on an alleged lack of funding in the local budget. However, some IDPs had positive feedback about the “Accessible Medication” program<sup>9</sup>, enacted by the Cabinet of Ministers Resolution no. 152 “On ensuring availability of medication” on 17 March 2017. Under this program, patients with cardiovascular diseases, bronchial asthma or type II diabetes are entitled to free medical care. In some cases, doctors fail to inform the person about the available existing benefits; in other cases, patients are asked to contribute “voluntary donations”. As of July 2017, there were nearly 1500 applications for medical assistance from IDPs<sup>10</sup>.

It is necessary to raise awareness among IDPs about the available benefits and special programs, taken into account the needs of IDPs in the local healthcare budgeting process, create reserves of medication for socially vulnerable people, and, importantly, simplify the procedure for restoring medical documentation.

9

Як це працює? Ministry of Health of Ukraine (nd), <http://moz.gov.ua/dostupni-liki>

10

Пацієнти із зони АТО та АР Крим, Ukrainian Center for Socially Dangerous Diseases of the Ministry of Health of Ukraine, [https://phc.org.ua/pages/diseases/hiv\\_aids/statistics/ato-and-crimea-patients](https://phc.org.ua/pages/diseases/hiv_aids/statistics/ato-and-crimea-patients) Among them 1014 from Donetsk Oblast, 361 application from IDPs from Luhansk Oblast, and 97 applications from IDPs from Crimea

## GOVERNMENT-CONTROLLED AREAS: MEDICAL ASSISTANCE TO THE PEOPLE CROSSING THE CONTACT LINE FROM THE OCCUPIED AREAS

As stated recently by a representative of Luhansk Oblast Administration, creating a modern medical service and support for regional healthcare facilities is one of the Oblast's key priorities. Particular attention will be paid to providing medical assistance to the residents of Luhansk region residing in the occupied areas. Healthcare facilities in Luhansk Oblast already provide medical, social, psychological, and informational assistance to the citizens on the other side of the contact line. They also provide as well support in the process of disability status assessment and in finding employment.

11

36 of them in Lysychansk municipal hospital, 16 - in Sievierodonetsk, 20 patients - in Rubizhne

For instance in 2016 nearly 5000 people from the non-government controlled areas were admitted to hospitals and almost 1000 people received surgery. They had personally contacted Ukrainian healthcare facilities. 72 patients with drug addiction who arrived from the non-government controlled areas received substitution therapy<sup>11</sup>.

12

Медицина для всіх: 4850 осіб з невідконтрольної території Луганщини отримали медичну допомогу, loga.gov.ua, 27.02.2017, [https://phc.org.ua/pages/diseases/hiv\\_aids/statistics/ato-and-crimea-patients](https://phc.org.ua/pages/diseases/hiv_aids/statistics/ato-and-crimea-patients)

In 2016, medical assistance in psychiatric institutions was provided to more than 200 people. There were six offices for social and psychological support established in Lysychansk, Sievierodonetsk, Rubizhne, Bilovodsk, Kreminna and Novoaydar Rayon. In 2015-2016, 285 residents from non-government-controlled areas sought this type of assistance<sup>12</sup>.

Yaroslav Vasyliovych Semkovych is a military physician, Associate Professor at the Pediatric Department of Ivano-Frankivsk National Medical University (hereafter - IFNMU), who served in Donetsk Oblast. He recalled in an interview how he assisted an injured woman who lived in the temporarily occupied territory. She was crossing the checkpoint to the rebel-held territory.

On the side of the road she stepped onto a mine. When she got to the hospital in Volnovakha (Donetsk Oblast), civilian doctors said they had no means to treat such injuries. They asked the military doctors to do the surgery, and a vascular surgeon from Mariupol, the nearest big city, was summoned.

After a three-hour operation, when her extremities and blood circulation were stabilized, the surgeon left. As the woman was being transported to the intensive care unit, a stitch slipped from the femoral artery and she started bleeding. She was taken to the surgery room. While waiting for the vascular surgeon to return, doctor Semkovych was performing life-saving measures: noradrenaline injection, massive infusion therapy, and direct blood transfusion from a donor. He asked a civilian head of the emergency room to be the donor. Doctor Semkovych knew the donor had previous experience and had gone through the necessary tests.

“Before the return of the vascular surgeon, our surgeon kept his fingers on the wound to prevent bleeding. They performed a second surgery. When she found out that a military doctor was her anaesthesiologist, she looked away when she saw me. She looked angry and had no desire to speak or thank me. She knew I had done everything to save her life but it meant nothing for her”, says Yaroslav Semkovych.

The emergency room doctor who donated blood lived in the non-government controlled areas and had to go to work crossing the checkpoint every day. He did not express any political opinion and was simply doing his job. The patient was friendly with him. He was treating her during the rehabilitation period.

Semkovych also remembered his service in Kurakhovo where local doctors worked in shifts and came to work through the checkpoints from the “DPR”-controlled areas. Kurakhove and Donetsk are located approximately 25 km apart. They chose not to work in Donetsk because of the “restructuring” of the medical sector.

Mykhailo Vasyliovych Hlahovych is Associate Professor at the IFNMU and head of the department of surgery of Ivano-Frankivsk Oblast Pediatric Hospital. He served as a mili-

tary Doctor in Donetsk Oblast where he and his colleagues also treated civilians when there were few patients. Local residents came to get assistance in different matters, including surgeries, neurosurgeries, cardiology, general care and urology. Before the war, all complex services were provided in Donetsk. The doctors in small suburbs did not have sufficient experience. Therefore, when the highly qualified military doctors were in the area, residents from surrounding villages came to see them after the news had spread that they could provide proper treatment. It is possible that among them there were patients from the occupied areas, but people were not asked about that.

## AREAS OUTSIDE OF THE GOVERNMENT'S CONTROL: MEDICAL ASSISTANCE TO RESIDENTS OF THE OCCUPIED TERRITORY

In November 2014, the Ukrainian government ceased funding state services and social payments, such as hospital budgets, pensions and welfare in the territory controlled by the separatist militias. Civilians have the right to cross into the government-controlled areas to receive social benefits. In January 2015, the government also introduced rules that require civilians to have a special permit to move across the contact line. Human Rights Watch found that separatist forces, who exercise de-facto control over areas of Donetsk and Luhansk Oblasts, have failed to fill the gap left by the withdrawal of state funding. People in rebel-controlled areas who need state-funded treatment now have to travel to government-controlled territory, but are often unable to, mostly because they do not have the financial means<sup>13</sup>.

13

Ukraine: Civilians  
Struggle to Get  
Medical Care, hrw.org,  
13.03.2015. [https://  
www.hrw.org/uk/  
ws/2015/03/13/267241](https://www.hrw.org/uk/ws/2015/03/13/267241)

People receiving treatment for tuberculosis (TB), HIV and opioid substitution therapy (OST) are among the most vulnerable in the rebel-held areas in Donetsk and Luhansk Oblasts. The travel restrictions and the ongoing hostilities have severely af-

affected their treatment and put some of them at great risk. Treatment of HIV, TB, and viral hepatitis in Eastern Ukraine is under great strain, with hospitals lacking both medicine and diagnostic equipment.

According to data provided to Human Rights Watch by the International HIV/AIDS Alliance in Ukraine, over 16000 people are living with HIV/AIDS in the rebel-held areas of Eastern Ukraine, including some 7000 who receive antiretroviral therapy. At least 2300 people there have active forms of TB, including about 500 people with dangerous multi-drug-resistant forms of TB.

Mykhailo Hlahovych remembered a mother in the city of Pokrovsk who brought her 24-year old daughter suffering from strong pain in her abdomen.

“I asked the mother whether the girl had AIDS because the pain was in the groin area where lymph nodes are located. The mother said she did not. I had operated a patient before and saw a specific fold of skin in the groin area. This fold has a blood vessel for injections. Well, during examination, this girl’s vein lesions started bleeding. There was a strong flow from the femoral artery, and several people came into contact with her blood. We took her to the bandaging room and stopped the bleeding. It turned out she had AIDS after all. Our doctors had to go through treatment afterwards. In my civilian life, I have never met so many people with HIV or drug addictions. There were many of them there”, says Hlahovych.

The Donetsk Oblast Center for Preventing and Combating AIDS is now registered in Sloviansk, in the government-controlled territory. It continues its operations in Donetsk under separatist control. At certain points, the permit system led to significant delays in supply of diagnostic systems and ART medication to the regions, including Donetsk and its suburbs.

At one point, the Center’s Deputy Director stated that her colleagues had to wait for three weeks to receive permits to cross

the contact line to Sloviansk in order to bring the necessary medication and diagnostic systems. According to her, although they received permits in early March 2015, over 6000 patients with HIV are at risk of losing medical assistance in the rebel-controlled areas. A humanitarian convoy finally managed to deliver medication. Disruptions in treatment can have severe or even lethal consequences for the patients.

In early February 2015, the head physician of the Donetsk Oblast Tuberculosis Center said that they had sufficient first line medications to provide continuous treatment for one month. However, there was a serious lack of drugs for TB resistant to first line drugs, as well as medications for TB-related conditions. At that time, the Center had 500 patients, including 40 children.

Since the beginning of the conflict, the number of people with untreated forms of TB has increased. People in the occupied areas either cannot afford to go and see a doctor or they live in the war zone. In some cases, they had spent several weeks or months in unsanitary conditions in underground shelters, which can exacerbate the risks for others.

According to data provided to Human Rights Watch by the International HIV/AIDS Alliance in Ukraine, as of early March, at least 600 patients in rebel-held areas of the Donetsk and Luhansk regions had to discontinue their opioid substitution treatment due to shortages of medication.

14

В ОБСЕ повідомили про поранення цивільних по обидва боки лінії розмежування, UNIAN, 13.06.2017. <https://www.unian.ua/war/1972176-v-obse-povidomili-pro-poranennya-tsvivilnih-po-obidva-boki-liniji-rozmejuvannya.html>

In summer 2017, the OSCE SMM reported civilian casualties on both sides of the contact line in Donbas. The Mission followed up on reports of civilian casualties. At the Donetsk Trauma Hospital in “DPR”-controlled Donetsk city, a man on a hospital bed told the SMM that he had been injured while walking in a Donetsk street. He said he had heard three explosions close by after which he was bleeding and in pain. He said that he had had surgery in a hospital in Petrovskiy Rayon before being taken to a Donetsk Hospital. Medical staff said he had sustained shrapnel wounds and had undergone two surgeries at the Hospital<sup>14</sup>.

# AREAS OUTSIDE OF THE GOVERNMENT'S CONTROL: MEDICAL ASSISTANCE TO PATIENTS COMING TO THE OCCUPIED AREAS

According to Pavlo Zhebrivskiy, the head of Donetsk Oblast Military-Civil Administration, people do often cross into the rebel-controlled areas for specialized medical assistance. Residents of the government-controlled parts of Donetsk Oblast are forced to go to the rebel-controlled areas, in particular to the former Donetsk Oblast Oncology Center and other specialized hospitals. These facilities still have experts and modern equipment while the nearest specialized hospitals in Dnipro, Kharkiv, and Zaporizhzhya are too far away. Volodymyr Kolesnyk, Deputy Director of the Administration's health care unit, said that it was not possible to assess the scale of "medical tourism", but local authorities were working to restore medical infrastructure in the liberated areas and recruit more medical staff<sup>5</sup>.

Nazariy Slyusarenko, Professor of Dental Surgery at IFNMU, worked in Vuhledar as a military doctor. He said that locals were happy to see military doctors because there were professional surgeons among them, and there were long lines to consult them every day.

"Vuhledar is about a 30 minutes bus ride away from Donetsk. We were wondering why they had such good equipment but no doctors. They said that some doctors moved away from the hostilities, others moved to the occupied areas to work and live in Donetsk. Locals said it was not a problem for them because they could always go to the oblast hospital in Donetsk, in the occupied area", says Slyusarenko.

15

Потреби їздити за медичною допомогою на окуповану територію більше не буде – Жебрівський, [radiosvoboda.org](https://radiosvoboda.org/21.07.2017), 21.07.2017. <https://www.radiosvoboda.org/a/news/28631198.html>

16

Число пересекающих линию разграничения увеличилось вдвое, Agentstvo Krymskie Novosti, 30.09.2016, <http://qha.com.ua/ru/obschestvo/chislo-peresekayuschih-liniyu-razgranicheniya-velichilos-vdvoe/166158/>

17

Crossing the Line of Contact In Eastern Ukraine, July 2016, UNHCR, [http://unhcr.org.ua/attachments/article/244/Checkpoint\\_survey\\_report\\_July\\_2016\\_UKR%20final.pdf](http://unhcr.org.ua/attachments/article/244/Checkpoint_survey_report_July_2016_UKR%20final.pdf)

18

На пункті пропуску "Станиця Луганська" у черзі помер чоловік, dn.depo.ua, 25.05.2016, <https://dn.depo.ua/ukr/dn/na-punkti-propusku-stanitsya-luganska-u-cherzi-pomer-lovik-25052016181700>

19

У черзі на контрольному пункті "Зайцеве" помер чоловік, dn.depo.ua, 07.07.2016, <https://dn.depo.ua/ukr/donetsk/v-cherzi-na-kontrolnomu-punkti-zaytsevo-pomer-lovik-07072016112400>

Officials say that soon there will be no longer any need to go to the rebel-controlled areas in Donbas to get medical assistance. Construction of the oncology center is scheduled to be completed soon, and a Donetsk Oblast Hospital will be opened at Mariupol city hospital no. 2.

## CONTACT LINE AND THE "GREY ZONE": MEDICAL ASSISTANCE AT THE CHECK POINTS

According to the UNHCR, approximately 26000 people cross the contact line every day. Yuriy Lysyuk, head of border oversight at the State Border Guard Service, said at the press conference in Kyiv in late 2016 that 6000-7000 people crossed the "Zaytseve" checkpoint, 5500-6000 crossed daily in "Maryinka", 6000 - in "Novotroyitske", 5000 - in "Stanytsia Luhanska", and 5000 - in "Hnutove"<sup>16</sup>.

Official statistics, which Ukraine's State Border Guard Service provided to Human Rights Watch, show that between 3,000 and 7,000 people crossed at each checkpoint every day in both directions in December 2016 and January 2017. There were recorded violations of the freedom of movement across the contact lines. Key issues include multiple-hour waits, long checks, lack of personnel, lack of weather shelters at the checkpoints, limited access to water, poor sanitary conditions and lack of medical assistance.

From 1 to 30 June 2016, trained medical staff was not encountered by protection monitors of the UNHCR at many checkpoints despite regulations requiring the presence of medical staff. As a result, ambulances needed to be called even for minor emergencies. Medical equipment, including wheelchairs, was unavailable<sup>17</sup>.

On 25 May 2016, one man died from a heart attack in the waiting line at a checkpoint south of Stanytsia Luhanska<sup>18</sup>. On July 7, a man born in 1954 died from medical complications in the waiting line to the Zaytseve checkpoint<sup>19</sup>.



According to a survey conducted by the UNHCR, almost one quarter of those crossing the contact line were vulnerable people, some had disabilities, there were many elderly people with health risks, and people on the way to treat their medical problems.

At the Pyshevyk checkpoint people with disabilities made up 29 % of the total interviewees, at the Novotroytske checkpoint - nearly 16 %, at Zaytseve - almost 11 %.

Out of the total number of people with disabilities or medical conditions interviewed, 73.6 % expressed concern about the long waiting lines, 71.1% percent about the conditions for the people waiting in line, 21% about abuse of power and 10.5 % about the lack of transportation. Regarding concerns related to waiting conditions, people specified the lack of weather shelters at the checkpoints, the lack of medical facilities, a limited access to water and poor sanitary condition of the toilets as particular concerns.

Food and medicine are the goods most frequently purchased by those who named shopping as their reason for crossing the contact line. The highest number of people crossing for shopping was registered at Stanytsia Luhanska. At this crossing point, people were purchasing mostly food (83%) both for reselling and for personal consumption, although 50% also said they were going to buy medication.

There is no permanent medical presence at the Pyshevyk, Novotroytske and Maryinka checkpoints, where the State Emergency Service can only provide first aid.

In September 2017, there were nearly 1.1 million crossings of the five checkpoints in Eastern Ukraine (Hnutove, Novotroytske, Maryinka, Maiorsk, and Stanytsia Luhanska) which is 30 % more than during the same period of the previous year<sup>20</sup>. Long lines and waiting times at the checkpoints continue to be the main problem. Civilians have restricted access to basic requirements, such as toilets, weather shelters, heating and medical assistance.

However, there has been progress in the provision of the so-called first-aid modules. The situation at the EECs is very difficult: sometimes people have to wait for their turn in extreme

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Ukraine: UNHCR Operational Update, October 2017, <http://unhcr.org.ua/attachments/article/244/2017%2010%20UNHCR%20UKRAINE%20Checkpoints%20Briefing%20Note%20FINAL%20UA.pdf>

weather conditions. International organizations take part in establishing such modules, including the ICRC, Doctors Without Borders and others.

In 2017, the availability of first aid at the EECsPs was the following: In Hnutove a paramedic of the State Emergency Service is permanently present at the checkpoint. He can react quickly to emergencies; In Maiorske, in case of emergency, the volunteer medical service “ASAP” and Premiere Urgence Internationale can respond. In Maryinka, there are First Volunteer Mobile Hospital doctors as well as an ambulance. In Novotroyitske, doctors from the First Volunteer Mobile Hospital are there on a daily basis until 4pm. An ambulance can be called from Novotroyitske and usually arrives quickly. In Stanytsia Luhanska, since July 2017, an ambulance has been placed permanently at the checkpoint from 8am to 6pm. Also two paramedics started working at the ICRC module. “International Medical Help Ukraine” has a tent with two beds. This facility is equipped with a resuscitator. The medical tent has the essential medicine to assist people with their basic needs<sup>21</sup>.

21

Crossing the Line of Contact: Monitoring Report, UNHCR, [http://unhcr.org.ua/attachments/article/244/2017%2007%20Crossing%20the%20line%20of%20contact\\_UA.pdf](http://unhcr.org.ua/attachments/article/244/2017%2007%20Crossing%20the%20line%20of%20contact_UA.pdf)

22

Ukraine: Dangers, Unnecessary Delays at Crossing Points, [hrw.org](https://www.hrw.org/uk/ws/2017/03/13/301043), 13.03.2017. <https://www.hrw.org/uk/ws/2017/03/13/301043>

According to a Human Rights Watch statement from March 2017<sup>22</sup> civilians are exposed to risks to their health and safety as they face endless waiting lines when they need to go back and forth across the contact line between government-controlled areas of Eastern Ukraine and the separatist-held territory in Luhansk or Donetsk Oblasts.

Lack of adequate sanitary and other infrastructure at crossing points, and the danger of landmines can make an already grueling crossing deathly for civilians. The hostilities that flare up from time to time around the checkpoints, means civilians waiting at crossing points, including overnight, are sometimes exposed to shooting and shelling.

Yaroslav Semkovych mentioned in an interview:

“There is a checkpoint near Volnovakha on the way to Donetsk. Many people used to cross there every day. It was surrounded by a minefield, and the majority of our patients were civilians with explosion injuries - amputation of limbs, abdomen injuries. There were over 20 such patients during my service, all of them adults”.

People in areas controlled by separatists said they regularly needed to cross to collect their pensions and other social payments, to visit family members, to seek medical care, and to take care of such essential administrative issues as registering with the pension fund or registering the birth of a child.

## ALONG THE CONTACT LINE AND IN THE “GREY ZONE”: HOME- BASED CARE AND ASSISTANCE TO PATIENTS RESTRICTED IN MOVEMENT

Stanytsia-Luhanska central hospital, Shchastya city hospital and Popasna central hospital all assist patients at the in-patient unit as well as at home. The majority of displaced people with a medical condition received home-based care<sup>23</sup>.

At the same time, hospitals near the contact line provided their services and accommodated not only IDPs, but also military personnel, as stated by the interviewed military doctors.

Mykhailo Hlahovych says:

“There was a municipal railway hospital in Pokrovsk where we stayed in tents. It was very uncomfortable. Then, we had a tense conversation with the hospital management (so I heard), and they gave us the first floor of the hospital. We arranged offices and wards in the hallway. Up to 40 injured soldiers could stay in a 20 square meter hallway. They were in bunk beds with three levels. But it was better than in the tents”.

“There was a municipal railway hospital in Pokrovsk where we stayed in tents. It was very uncomfortable. Then, we had a tense conversation with the hospital management (so I heard),

23

Лікарні на лінії розмежування надають медичну допомогу переселенцям, loga.gov.ua, 22.03.2017 [http://loga.gov.ua/oda/press/news/likarni\\_na\\_liniyi\\_rozmezhuвання\\_nadayut\\_medichnu\\_dopomogu\\_pereselenyam](http://loga.gov.ua/oda/press/news/likarni_na_liniyi_rozmezhuвання_nadayut_medichnu_dopomogu_pereselenyam)

and they gave us the first floor of the hospital. We arranged offices and wards in the hallway. Up to 40 injured soldiers could stay in a 20 square meter hallway. They were in bunk beds with three levels. But it was better than in the tents”.

One important problem in the frontline areas is the lack of specialized medical care. There are serious challenges in the provision qualified medical assistance to people in the war zone. One problem is that it is hard to find pediatricians who can provide the special medical care required by children.

Semkovych said in an interview:

“When civilian doctors in Kurakhove learned that I was a paediatrician, they asked me to help them with examining children. They had no paediatrician there. Before the war, there was a children’s unit at the hospital, but it was relocated due to the war. There were children remaining in the town who needed care. I had to stabilize a 7-month old girl with severe diabetes. After that, I transferred her to Zaporizhzhya Oblast”.

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Dnipropetrovsk Oblast  
Clinical Hospital,  
Dnipropetrovsk City  
Clinical Hospital no. 6,  
Dnipropetrovsk Oblast  
Ophthalmology Center,  
Dnipropetrovsk City  
Children’s Hospital no.  
5, Zaporizhzhya Oblast  
Children’s Clinical  
Hospital

A project entitled “Help is coming” is implemented in healthcare institutions in Dnipro and Zaporizhzhya<sup>24</sup>. In summer 2017, Dnipropetrovsk Oblast Children’s Hospital accepted two children from Maryinka, on the contact line. These children are part of a bigger group of young patients from Donetsk Oblast in need of qualified medical care. By the end of 2017, the project provided 124 civilians (including 99 children) from Donetsk Oblast with qualified free medical assistance by physicians, surgeons, cardiologists, neurologists, proctologists, urologists and other specialists. Several patients had surgeries of the abdomen and urinary tract, one heart surgery, as well as additional medical examination, including radiotherapy. Some patients were recommended for second admission and surgery. All patients have been discharged in satisfactory condition<sup>25</sup>.

25

У рамках проекту  
“Допомога йде” двох  
дітей з Мар’їнки  
доставлено до  
Дніпропетровської  
лікарні, cimic.com.ua,  
29.08.2017, [https://goo.  
gl/pc7174](https://goo.gl/pc7174)

“A military surgeon, a gynaecologist in civilian life, from our brigade conducted check-ups for women in Kurakhove. He had very positive reactions, and older and younger women from

surrounding villages came to see him”, says Semkovych.

“When we didn’t have many injured patients, we also treated civilians. In Pokrovsk, local residents came to get assistance in different matters, including surgeries, neurosurgeries, cardiology, general care and urology. Before the war, all complex services were provided in Donetsk. Local doctors did not have sufficient specialized experience. People thought it was better to contact us. We accepted civilians every day after 4pm. People came with different issues - varicose veins, headaches. We saw many patients, 20-30 people per day. We did not have time to see them all. In urgent cases, we accepted patients before 4pm. We have very good specialists on our team. When the neuropathologist (a staff member from Lviv military hospital) was leaving the ATO area, many locals came to see him off - in jeeps, on foot”, says Mykhailo Hlahovych.

There are also mobile clinics providing medical assistance in towns near the contact line. Independent medical organizations “Doctors Without Borders” (Médecins Sans Frontières – MSF) organized an additional mobile clinic in the south of Donetsk Oblast in the third quarter of 2017.

MSF is an international, independent, humanitarian organization that delivers emergency aid to people affected by armed conflict, epidemics, natural disasters and exclusion from healthcare. MSF offers assistance to people based on need, irrespective of race, religion, gender or political affiliation.

MSF launched its fourth mobile clinic in July 2017. The organization is now running four mobile clinics in Eastern Ukraine, operating out of bases in Mariupol and Kurakhove. They regularly visit 22 separate locations with an additional three locations offering psychological support.

A mobile clinic consists of a doctor, a nurse and a psychologist. It can be transported and it provides primary healthcare and psychological support to those most in need. The new mobile clinic visits five locations near the frontline in the Ukrainian

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Лікарні на лінії розмежування надають медичну допомогу переселенцям, loga.gov.ua, 22.03.2017 [http://loga.gov.ua/oda/press/news/likarni\\_na\\_liniyi\\_rozmezhuвання\\_nadayut\\_medichnu\\_dopomogu\\_pereselencyam](http://loga.gov.ua/oda/press/news/likarni_na_liniyi_rozmezhuвання_nadayut_medichnu_dopomogu_pereselencyam)

government-controlled territories of Burshtynske, Stepanivka, Starohnativka, Berdyanske and Pavlopol.

MSF staff visit locations in which there is either no access to medical care, as medical workers have left due to the dangers of the ongoing conflict, or where access to healthcare has been disrupted due to a lack of public transport or roads have been cut off. The majority of patients supported by MSF's mobile clinics are women above 50, suffering from chronic illnesses such as cardiovascular diseases, hypertension and diabetes.

Nazariy Slyusarenko also noted that most of the civilian patients were women, many of them elderly women, and only once, he saw a man. They suffered from a broad array of conditions but he only rarely saw injuries.

Mobile clinics also provide assistance to a large number of IDPs. MSF psychologists conduct individual and group counselling sessions, alongside mental health awareness, in which psychologists explain the connection between mental and physical health and give instructions how to use coping techniques for those living in the conflict area.

MSF has been working in the buffer zone of Mariupol and Kurakhove, and Volnovakha since March 2015. Clinics operate in abandoned schools, private houses or in existing medical institutions<sup>26</sup>.

Civilian and military doctors in areas near the frontline have to work in tandem.

Yaroslav Semkovych recalls that civilians sometimes sabotaged assistance to the military service members. The majority of medical staff in Kurakhove hospitals have worked in healthcare institutions in Donetsk but changed their work place because of the war. Some of them had pro-Russian views. These medical workers lived in the rebel-controlled areas, and it was difficult to come to an agreement with them. However, on 3 June 2015<sup>27</sup>, during the shelling of Pisky and Krasnohorivka, they saw how difficult the conditions of our patients were and how hard we worked, and they started to support us.

“The local anesthesiologist Volodymyr (also transferred from a Donetsk hospital) came to the ward where three of us, military doctors,

26

У зоні АТО розпочала роботу четверта мобільна клініка для надання медичної допомоги в населених пунктах поблизу лінії розмежування, – “Лікарі без кордонів”, [ua.censor.net.ua, 21.09.2017, https://ua.censor.net.ua/news/456263/uzoni\\_ato\\_rozpochala\\_robotu\\_chetverta\\_mobilna\\_klinika\\_dlya\\_nadannya\\_medychnoyi\\_dopomogy\\_v\\_naselenykh](https://ua.censor.net.ua/news/456263/uzoni_ato_rozpochala_robotu_chetverta_mobilna_klinika_dlya_nadannya_medychnoyi_dopomogy_v_naselenykh_punkтах_poblizu_linii_rozmezhuvannya_)

27

На Донецькому напрямку запеклі бої. Карта АТО за 3 червня, Korrespondent, 03.06.2015, [ua.korrespondent.net/ukraine/events/3522798-na-donetskomu-napriamku-zapekli-boi-karta-ato-za-3-cherwnia](https://ua.korrespondent.net/ukraine/events/3522798-na-donetskomu-napriamku-zapekli-boi-karta-ato-za-3-cherwnia)

lived and thanked us for our work. Before that, he was neutral and did not speak in favor or against Ukraine, but then he switched to a pro-Ukrainian position. When we had many patients, he stood next to us at the resuscitation table and helped during surgery”, says Semkovych.

At first, in Volnovakha, a civilian anesthesiologist refused to perform surgeries with Semkovych. She said it was not her job. Sometimes, they locked the surgery room and did not let the medical brigade in. They also did not prepare ventilators, which cost crucial time when trying to save injured soldiers.

There were also injured civilians. In these cases, military doctors performed surgeries because civilian physicians did not have sufficient experience or necessary tools. However, civilian doctors took care of stabilization and follow-up.

Mykhailo Hlahovych says:

“There were civilians with shrapnel wounds in Kurakhove. We treated them along with the soldiers. We were informed that a civilian with an injury was admitted. Local doctors did not perform these surgeries due to their lack of experience. They asked us to do these surgeries, and helped us. In Kurakhove, all surgeries were assigned to local doctors. We did our job but we were not officially there. There was no official agreement with the hospital. So the military patients were also assigned to local doctors”.

Recently, there have been efforts to increase the professional level of the medical staff along the contact line. Medical professionals in Donbas have gone through mass casualty incidence training and assistance in cases of injury.

Nazariy Slyusarenko remembers how he and his colleague met a group called “Patriot Defence” in 2015 on the way back from Mariupol to their base in Vuhledar. This humanitarian initiative of the Ukrainian World Congress founded in 2014 aimed to provide training for Ukrainian soldiers in combat and to supply each soldier with an individual first aid kit<sup>28</sup>. They had three rounds of tactical medicine training for medical staff.

28

Тренінги, Тактична  
Медицина, Patriot  
Defence, [http://  
patriotdefence.org](http://patriotdefence.org)

“The experience I received during service was very important to me. We all learned from one another. American, Canadian, and German doctors came to provide training in first aid under shelling. The training in the framework of international cooperation took two weeks. We knew some things already, and learned new things as well. They had a good theoretical background, but they also learned from us in practice. Their war tactics is very different. The number of human losses is significantly lower. They use more technology. And we have many casualties”, says Hlahovych.

When an order allowing early demobilization was issued, Hlahovych decided to extend his stay by six months from August 2015 to April 2016. He wanted to train the arriving local and young military doctors to perform the specific surgeries necessary during war.

In 2018, MSF is planning to conduct training in for emergency room staff in Mariupol, Kurakhove, and Volnovakha where the war has significantly affected the healthcare system. MSF experts from England, Italy, Mexico and Peru are planning a four-day training in Mariupol in urgent medical care for severe injuries.

Later, the MSF team is planning to visit healthcare facilities in three districts to develop an individual action plan in mass casualty incidences. The plan includes restructuring responsibilities of the medical staff to ensure maximum effectiveness in receiving large numbers of patients over a short period<sup>29</sup>.

“The longest surgery day lasted 36 hours. There was shelling and we received 29 injured soldiers. We had to call a team other locations and also asked civilian doctors for assistance; they agreed. We knew that when there is an escalation with shelling and we receive military patients, we will see civilians only in a day or two”, says Yaroslav Semkovych.

Civilians waited to see a doctor for several reasons: first, they could not leave the basements and bomb shelters under shelling and had to wait for the situation to calm down. Secondly,

29

Лікарі на Донбасі пройдуть підготовку з надання екстреної медичної допомоги, lot.lg.ua, 16.11.2017, <http://lot.lg.ua/news/likari-na-donbasi-projduť-pidgotovku-z-nadannya-ekstrenoi-medichnoi-dopomogi>



they did not want to see a doctor because there were soldiers in the hospital who were treated. Locals often had pro-Russian views and did not want to go to a “base of banderovtsi” without need.

The issue of medical assistance persists since shelling continues to harm civilians. In December 2017, there were four civilian victims, including two women and two men. According to Pavlo Zhebrivskyi, the head of Donetsk Oblast Military-Civil Administration, they were treated in Bakhmut and Svitlodar hospitals. One person sustained serious injuries and needed surgery<sup>30</sup>.

The training for military doctors did not include the Geneva Conventions or international humanitarian law. In 2015, the first wave of 360 specialized medical professionals was mobilized. There were two more waves afterwards. After their demobilization, the medical staff was not offered any further training.

“The practical experience has been invaluable for me. I continue to learn when I have a chance - at seminars, workshops”, Semkovych summarizes.

All the interviewed military doctors stated that they had not yet put to use their experience.

30

Обстріляли з “Градів”:  
в Новолуганському  
поранено 4 людей  
– Жебрівський,  
pravda.com.ua,  
18.12.2017, [https://  
www.pravda.com.  
ua/017/12/18/7165960/](https://www.pravda.com.ua/017/12/18/7165960/)

## CONCLUSIONS

1. Civilian prisoners of illegal detention facilities have neither an official status nor financial support. Often, not even the signs of torture or injuries suffered during imprisonment were recorded officially.
2. Internally displaced people do not have sufficient information about the available benefits and special programs. The needs of this group are not taken into account in the local healthcare budgeting; and the procedure for restoring medical documentation remains complicated.
3. A shortage of funding for healthcare facilities and the relocation of medical specialists force people from the occupied territories to government-controlled areas for medical care and wait in long lines at the checkpoints.
4. Patients with TB, HIV/AIDS, hepatitis, as well as with drug addictions in the occupied areas often do not receive proper medical care for lack of necessary medication previously provided by public organizations or charities and covered by state programs.
5. Since the large healthcare facilities of the region that have the necessary equipment and experts are located in the occupied areas, many residents of the areas controlled by the Ukrainian government, cross the contact line and travel to Donetsk to receive medical care.
6. Medical care is now available at all checkpoints along the contact line, but long queues and inhumane waiting conditions lead to stress and can deteriorate the health of already vulnerable people.
7. There is a shortage of qualified medical staff in the area near the frontline. People ask military doctors for help while the latter do not always have time and the resources to treat civilians.
8. Local medical staff often lacks the qualifications to treat civilians for war-related injuries.
9. There is no established procedure for the placement of military doctors in local healthcare facilities.

# RECOMMENDATIONS

There are many factors leading to civilian casualties in Donbas. Each of the factors described above is linked to a responsible official or institution. In order to avoid such cases in the future, it is necessary to increase liability and preventive capacity of all relevant institutions.

For instance, the Ministry of Defense should ensure that its officers understand the need to comply with international humanitarian law. Also, the Ministry has to clarify the norms of the instructions “On compliance with international humanitarian law in the Armed Forces of Ukraine” to its officers.

The aim of this recommendation to the Ministry of Defense is to ensure that a party to the conflict follows the standards of international humanitarian law. If a party tries to coordinate its actions with the local population at least to some extent, it increases the level of support for this party to the conflict among the local residents. Since we are almost in a situation of a “frozen” conflict in Eastern Ukraine, support of the local population can play a crucial role in stopping the war.

The Ministry should also ensure that additional competencies assigned to the armed forces by the law “on reintegration”<sup>1</sup> are not used for forced displacement of civilians from the areas that the armed forces intend to use for military operations.

1

The Law of Ukraine “On state policy to ensure state sovereignty of Ukraine over the temporarily occupied areas in Donetsk and Luhansk Oblasts”

Many quotes in this report came from people whose homes were damaged by shelling. People living in the grey zone or its vicinity still risk their lives and health every day. The Cabinet of Ministers of Ukraine should provide a voluntary mechanism for evacuation of civilians. Authors of this report consider that there is an urgent need to evacuate people living closer than 5 km from the contact line on both sides.

The Cabinet of Ministers has to provide the evacuated residents with temporary accommodation in a safe area. This accommodation has to match the quality of the abandoned housing. The victims should have the right to choose in which city or village their temporary residence should be. The same procedure should apply to the people whose houses are used for accommodation of soldiers or placement of military objectives, but the housing provided has to be permanent. When there is no possibility to provide adequate housing to the victims, the Cabinet of Ministers has to ensure fair compensation.

A significant number of the interviewed civilians affected by the conflict either did not receive any compensation, or received an amount much too small to compensate their loss. The Verkhovna Rada of Ukraine shall ensure that laws on compensation and rehabilitation for former prisoners of illegal detention facilities are applied equally to civilians and soldiers.

The Verkhovna Rada should finalize and adopt the draft of the Law on Ukraine “On detained people”. The Ukrainian Association of former detainees developed this draft bill. The law regulates Ukrainian policies on detainees, their search and release, as well as their rehabilitation and social protection.

In addition, the Verkhovna Rada shall ensure that local authorities are not abusing the law “on the reintegration of the Donbas to avoid the duty to compensate war-related damages. Restrictions on access to the war zone under the law “on reintegration” should not be applied to civilians crossing the contact line for personal reasons. The Verkhovna Rada also has to guarantee that the power of the Ukrainian military to confiscate transportation and communication means under this law does not negatively impact the lives of civilians near the contact line.

Local authorities near the contact line should improve and sustain the civil defense and urgent response systems in case of armed attacks on densely populated areas. So far, only local

authorities in Bakhmut have provided a prompt response to damages inflicted by shelling.

Local authorities should maintain close connections with the armed forces and the National Guard in order to ensure immediate notification of civilians about potential fighting. Local TV and radio should be used to notify the population without access to the internet. These messages also need to be disseminated through social networks and messaging services in order to reach all age groups.

The compensation budget of the local authorities near the contact line should be divided in two parts with one part available immediately after the damage was done. This budget should be available to those who sustained damages with minimum bureaucratic hurdles. For instance, it should be used to replace damaged windows and roofing so that people can stay in their homes. The second part of the compensation budget should be available after the evaluation of damages to different types of property.

International organizations should continue providing humanitarian aid to the victims of war. Assistance should be directed towards those who sustained injuries or lost their homes. International organizations should also direct their attention to mass and systemic violations of the rights of civilians in the temporarily occupied areas in Ukraine and take measures to minimize such violations in the future.

In addition to humanitarian assistance, international organizations should provide specialized training courses for civilians on preparing claims for social benefits and compensation of damages.

In many cases described in the report, the victims did not receive compensation because they did not know where to ask and what type of assistance was available. Local civil society organizations should compile and publish information about the types of social assistance and compensation, as well as the availability of free legal aid. Local activists should inform the victims about the areas of responsibility for each type of assistance for different state authorities.

Local medical services should clearly inform the population about the areas of responsibility for different medical services.

They should also inform the population that the grey zone remains outside of the area of operations of medical services on both sides. Accordingly, all people in this area are at risk of not receiving medical assistance in case of emergencies.

These recommendations are based on the analysis of human rights violations described in the report. Taking into account the nature of conflict in Donbas, the responsible parties should direct particular attention to addressing the consequences and preventing such violations in the future. Implementation of these recommendations will be an important step on the way to restoring peace in Donbas.

# THE AUTHORS

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HUMAN RIGHTS  
CIVIL RESEARCH  
CENTER

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# COALITION 'JUSTICE FOR PEACE IN DONBAS'

<https://jfp.org.ua>

The 'Coalition Justice for Peace in Donbas' was founded in December 2014 as loose platform for collaboration by 17 human rights NGOs mainly from the Donbas region.

Their mission is to help create a sustainable and just peace in Donbas by ensuring that constitutional rights and freedoms are upheld. In the focus are people who have been affected by the conflict. The Coalition works to consolidate the efforts of civil society organizations working for the common goal of a lasting peace.

The main fields of activities are:

- the documentation of human rights violations in Eastern Ukraine
- the provision of free legal aid and other forms of assistance to people who have suffered from human rights violations in Eastern Ukraine
- raising awareness in Ukraine and beyond for the consequences of human rights violations during the armed conflict in Ukraine
- fighting impunity and restoration of justice through collaboration with domestic and international law enforcement
- broad-based information and education campaigns about human rights violations in Eastern Ukraine.
- advocating a dialogue for lasting peace in Eastern Ukraine.

# THE PROJECT “EMPOWERING CIVIL SOCIETY FOR A TRANSFORMATION OF COMMEMORATIVE CULTURE - NONVIOLENT WAYS OF DEALING WITH THE DONBAS’S VIOLENT PAST”

This book is one of the results of the project “empowering civil society for a transformation of commemorative culture”. The project is part of the Civil Peace Service Program (CPS) funded by the German Ministry for Economic Cooperation and Development, a program set up to support civil society organizations in peace building in regions affected by armed conflicts.

The project is implemented by the German NGO Kurve Wustrow in collaboration with the Eastern Ukrainian Centre for Civic Initiatives (EUCCI) and its partner organizations from the Coalition ‘Justice for Peace in Donbas’.

Kurve Wustrow is one out of nine German Organizations that participate in the CPS program. It was founded in 1980 as a training centre for non-violent action in the small town of Wustrow in northern Germany. The first CPS projects started in the late 1990s in former Yugoslavia as well as in Israel-Palestine. Since 2017 Kurve Wustrow has taken up work on several CPS projects to be implemented in Ukraine, the first of which is carried out in tandem with EUCCI.

The Eastern Ukrainian Centre for Civic Initiatives (EUCCI) was founded in early 2003 in Luhansk. In 2014 the centre started to document human rights violations that occurred during the armed conflict in the region and has made the restoration of peace for Donbas one of its focuses. In late 2014 EUCCI became one of the founding organizations of the Coalition ‘Justice for Peace in Donbas’.

The aim of the project “empowering civil society for a transformation of commemorative culture” is to stimulate a public debate about the consequences of war and human rights violations using publications and exhibitions based on data from interviews with victims and witnesses.



MAKING LIFE GO ON:  
HOW THE WAR IN DONBAS AFFECTS CIVILIANS

Analytical publication

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This report aims to shed light on the problems with which civilians in Eastern Ukraine struggled as a consequence of the armed conflict in the region. The main problems stem from the frequent shelling of towns and villages, from widespread lawlessness that led to the illegal imprisonment of thousands of people. Problems also occur because the belligerent parties position their weapons in densely populated areas and because medical assistance is difficult to access along the contact line. This edited volume contains an analysis of Ukrainian and international legislation and an analysis of the effects of armed conflict on civilian life in Donbas. The authors have also formulated recommendations for governmental and non-governmental organizations within and beyond Ukraine.



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